VILLAGE OF ONTONAGON
HYBRID ZONING ORDINANCE

As Amended January 2021

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VILLAGE OF ONTONAGON HYBRID ZONING

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ARTICLE 1: INTRODUCTORY PROVISIONS

An ordinance to establish zoning districts for the Village of Ontonagon, Michigan; to establish regulations for those districts that are consistent with the *Ontonagon Village Master Plan*; to encourage and regulate the proper use of land; to provide for the administration, enforcement, and penalties for violation; to continue a Zoning Board of Appeals, and to provide duties for the Board of Appeals and Planning Commission pursuant to the *Michigan Planning Enabling Act, Public Act 33 of 2008, as amended,* which incorporate the powers and duties of a zoning commission pursuant to the *Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended;* to repeal all inconsistent ordinances; and saving from the 1995 VILLAGE OF ONTONAGON, MICHIGAN, ZONING ORDINANCE, as repealed, the penalties and liabilities therein imposed.

After careful study of this *Ordinance*, the Village of Ontonagon Planning Commission recommends its adoption to the Village Council of the Village of Ontonagon, and does ordain the following:

SECTION 1.1 BACKGROUND

1.1.1 TITLE

This *Ordinance* shall be known as the *Village of Ontonagon Zoning Ordinance*, and may be referred to within this document as *"Ordinance",* or *"Zoning Ordinance"*.

1.1.2 LEGAL BASIS

This *Ordinance* is adopted pursuant to the authority and requirements of the *Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended,* which may hereafter be referred to as simply the *Michigan Zoning Enabling Act;* and other applicable acts related to specific uses.

1.1.3 HISTORY AND REPEAL OF PRIOR ORDINANCES

The previous *Village of Ontonagon Zoning Ordinance* was adopted and became effective in 1995, and was subsequently amended. That ordinance is repealed by and replaced with this *Ordinance*.

1.1.4 EFFECTIVE DATE

This *Ordinance* shall become effective seven (7) days from the date of publication of notice of adoption.

SECTION 1.2 ORDINANCE INTERPRETATION AND APPLICATION

1.2.1 AUTHORITY

The Zoning Administrator and the Planning Commission are responsible for interpreting the text of this *Ordinance* in accordance with the standards set forth in this Article, and applicable *Ordinance* standards and requirements, and applicable state and federal law.

1.2.2 JURISDICTION

This *Ordinance* shall apply to all buildings, structures, lands, water, and uses over which the Village of Ontonagon has jurisdiction under the constitution and laws of the State of Michigan and of the United States.

1.2.3 RELATIONSHIP TO OTHER REGULATIONS

By the adoption of this *Ordinance,* the Village does not intend to legitimize activities prohibited by local ordinance, state, or federal law. Within the jurisdictional boundaries of the Village of Ontonagon, no land shall be used, and no structure erected or maintained, in violation of any state or federal law or other regulation. References to other laws or regulations in the *Ordinance* are for the convenience of the reader, however, the lack of cross-reference does not exempt a land, building, structure, or use from other applicable regulations.

In the interpretation, application, and enforcement of this *Ordinance*, whenever the *Ordinance* imposes a greater restriction than is required by another existing ordinance, law, rule, regulation, or permit, the provisions of the *Ordinance* shall control.

This *Ordinance* is not intended to interfere with or annul any ordinance, rule, regulation, or permit previously adopted and not in conflict with any of the provisions of this *Ordinance.* This *Ordinance* is not intended to interfere with or annul any easements, covenants, deeds, or other agreements between parties, provided however, that where the *Ordinance* imposes a greater restriction, then the provisions of the *Ordinance* shall control in addition to all nonconflicting requirements.

In the event that the combined effect of the requirements of this *Ordinance* and any other law, rule, regulation or ordinance so severely limit the use of property subject to this *Ordinance* that no economically viable use of the property remains and a claim of taking under the Fifth Amendment to the U.S. Constitution could be made, then prior to seeking any redress in a court of law, the property owner shall file a petition with the Village Council for a Hardship Planned Unit Development under Section 10.7 of this *Ordinance*.

Meetings of the Village Council, Planning Commission, and Zoning Board of Appeals under this *Ordinance* are subject to the *Open Meetings Act, P.A. 267 of 1976, as amended*. Documents prepared for or retained for the administration of this *Ordinance* are subject to the *Freedom of Information Act, P.A. 442 of 1976, as amended.*

1.2.4 STATUTORY REFERENCES

All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose. All references to state law in this *Ordinance* refer to the Michigan Compiled Laws (MCL), as amended.

1.2.5 APPLICABILITY

Every building or structure erected; any use of land, building, structure or premises; any structural alteration or relocation of an existing building or structure; and any enlargement of, or addition to, an existing use of land, building, structure, or premises occurring after the effective date of this *Ordinance* shall be subject to the provisions of this *Ordinance*.

1.2.6 VESTED RIGHTS

Except as otherwise noted in this *Ordinance*, nothing in this *Ordinance* shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change, or modification as may be necessary for the preservation or protection of public health, safety, and welfare.

1.2.7 SEVERABILITY

If any court of competent jurisdiction shall declare any part of this *Ordinance* to be invalid, that ruling shall not affect any other provisions of this *Ordinance* not specifically included in the ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this *Ordinance* to a particular parcel, lot, use, building, or structure, that ruling shall not affect the application of provision to any other parcel, lot, use, building, or structure not specifically included in the ruling.

If any portion of this *Ordinance* is found to be invalid or unconstitutional by a court of competent jurisdiction, the Village of Ontonagon intends that portion be disregarded, reduced, and/or revised so as to be consistent with the purposes of this *Ordinance* to the fullest extent allowed by law.

1.2.8 REGULATIONS RUN WITH THE LAND

All zoning approvals granted under this *Ordinance* run with the land. The right to continue a land use or activity, or construct a building or structure which is either permitted by this *Ordinance* or established as a nonconformity, shall be vested with the property rather than the owner. No rights shall be terminated for reasons of transfer of ownership unless such a permit is no longer valid as determined by the Zoning Administrator. The right to continue a land use or activity shall transfer automatically upon the conveyance of the property unless terminated pursuant to other terms of this *Ordinance*.

1.2.9 MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this *Ordinance*, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

1.2.10 MEANING AND INTENT

All provisions, terms, phrases, and expressions contained in this *Ordinance* shall be construed according to this *Ordinance's* stated purpose and intent, and applicable state law.

1.2.11 TEXT CONTROLS

The following rules of construction apply to the text, tables, and illustrations of this *Ordinance*:

1. In case of any difference of meaning or implication between the text of this *Ordinance* and any heading, drawing, table, figure, caption, or illustration, the text shall control.
2. The particular shall control the general. The use of a general or similar term shall not be taken to be the same as the use of any other specific term.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The word “dwelling” includes “residence”.
7. The word “lot” includes the word “plot”, “tract”, or “parcel”.

8. The phrase "used for" or “occupied” includes "arranged for," "designed for," "intended for," "maintained for," or occupied for."
9. The word "person" includes an individual, a corporation, a limited liability corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
10. 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:
    - 10.A. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    - 10.B. ”Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
    - 10.C. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
11. Words and phrases not otherwise defined in this *Ordinance* shall have the meaning customarily assigned to them.
12. The words “this *Ordinance*” means the text of this *Ordinance* as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended. The use of the words “Village”, “Village Council”, and “Planning Commission” all refer to the appropriate entities of the Village of Ontonagon, Michigan.

1.2.12 INTERPRETATION OF BOUNDARIES

Where a question arises with respect to the boundary of any district, the following shall govern:

1. Boundaries indicated as approximately following the center lines of streets or alleys shall be construed to follow the center lines.
2. Where boundaries follow the shore line of a stream, lake, or other body of water, the boundaries shall follow such shoreline, and in the event of change in the shoreline, the boundaries shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
3. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel (such as a section or quarter-section line) shall be construed as following the lot line.
4. A boundary indicated as following the municipal boundary line shall be construed as following the boundary line.
5. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way if the tracks have been removed.
6. Boundaries indicated as parallel to, or extensions of features indicated in subsections 1-5 above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
7. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Appeals shall interpret the district boundaries.
8. Should the above rules not fully explain a question of boundaries, the Zoning Board of Appeals shall have the

authority to make an interpretation on appeal.

1.2.13 OFFICIAL ZONING MAP PROVISIONS

1. The boundaries of the respective zoning districts are defined and established as depicted on the official map entitled "Village of Ontonagon Zoning Map," which is an integral part of this *Ordinance*, and which, with the accompanying explanatory notes, shall be published as part of and incorporated by reference to the *Village of Ontonagon Zoning Ordinance*.
2. The Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bearing the seal of the Village under the following words: “This is to certify that this is the Official Zoning Map of the Zoning Ordinance of the Village of Ontonagon, Michigan”, together with the date of adoption of this *Ordinance*.
3. One (1) copy of the Official Zoning Map shall be maintained and kept up-to-date in the office of the Zoning Administrator of the Village of Ontonagon, along with a chronological file of the official actions taken.
4. If, in accordance with the provisions of this *Ordinance*, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Village Council. No amendment to this *Ordinance* which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the map. Amendments shall not be considered final, and building permits shall not be issued, until the appropriate amendments have been made on the Official Zoning Map. Each amendment shall be accompanied by a reference number on the map, which shall refer to the official action of the Village Council.
5. Any unauthorized change on or defacing of the Official Zoning Map by any person or persons shall be considered a violation of this *Ordinance*.
6. Regardless of the existence of copies of the Official Zoning Map which may be made or published, the Official Zoning Map retained in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Village.
7. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Village Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, bearing the seal of the Village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the Village of Ontonagon, Michigan" together with the date of adoption of this resolution. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts that remain shall be preserved together with all available records pertaining to its adoption or amendment.

ARTICLE 2: ZONING INTENT AND PURPOSES

SECTION 2.1 PURPOSE

The Village of Ontonagon declares, by reference to the *Michigan Zoning Enabling Act* declarations (*Act 110 of 2006, as amended*), that the purposes of this *Ordinance* are to:

- Promote the public health, safety, and general welfare;
- Meet the needs of the state's residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
- Ensure that uses of land are situated in appropriate locations and relationships;
- Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- Facilitate the adequate and efficient provision of transportation systems, sewage disposal, energy, solid waste disposal, drainage, public water supply, education, recreation and other public service and facility requirements.

This *Ordinance* is also intended to:

- Make it possible for the Village to retain its distinctive natural features and visual character derived from its location and climate, including topography, landscape, hydrographic features, and shoreline.
- Advance the interests of both conservation and development while responding to existing conditions, regional context, natural features, infrastructure considerations, and existing buildings;
- Preserve traditional neighborhoods, historic resources, and public access to the natural environment;
- Conserve energy and better serve diverse population needs through land use patterns and transportation connectedness that encourage walking, bicycling, and transit use;
- Increase the utilization of "green infrastructure" such as trees and other vegetation to improve community aesthetics, buffer uses, improve stormwater management, and assist in mitigating adverse winter climate conditions;
- Maintain the preeminence of the Village Downtown core for the area's economic, civic, and cultural activities;
- To make possible more mixed-use development opportunities in the Village so that civic, institutional, and commercial activity is embedded appropriately within neighborhoods and not separated into single-use complexes;
- To re-orient the Village's commercial corridors with mixed-use, walkable activity clusters easily accessible from the surrounding neighborhoods.
- Increase density where it is most advantageous close to shopping and employment centers so that the ordinary activities of daily living can occur within walking distance of most dwellings, allowing independence for those who do not drive;
- Encourage infill and redevelopment of existing structures and properties where public infrastructure and services are already available;
- Distribute affordable housing and diverse housing types throughout the Village to match job opportunities and accommodate diverse ages and incomes;
- Accommodate vehicles while respecting pedestrians and spatial forms of public space;

- Support a transportation framework that provides alternatives to automobile use;
- Locate civic buildings and gathering places to reinforce community identity and strengthen public participation;
- Allow inhabitants to experience the geography and climate most efficiently with energy efficient design.
- Protect critical water resources from adverse impacts through judicious land use regulation in proximity to water resources, and through appropriate buffering and performance standards.

SECTION 2.2 CONSISTENCY WITH THE VILLAGE OF ONTONAGON MASTER PLAN

The Districts and other provisions of this *Ordinance* are also based upon the Future Land Use Map and policies of the *Ontonagon Village Master Plan of 2007*, and upon the *Michigan Planning Enabling Act (Act 33 of 2008)*. By reference to these documents, the intent of this *Ordinance* is to regulate the use of land and structures to:

- Accomplish development that is coordinated, adjusted, harmonious, efficient, and economical
- Promote efficiency in the expenditure of funds for public improvements and services while preventing the overburdening of public facilities
- Adequately provide for a system of transportation to lessen congestion on streets
- Provide adequate light and air, and protect air and water quality
- Provide for the healthful and convenient distribution of population
- Reduce hazards to life and property due to fire, flooding, erosion, pollution, or excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards
- Prevent nuisances and preserve quality of life
- Encourage the use of lands and resources in accordance with their character and adaptability
- Conserve natural resources and energy and protect the quality of the natural environment
- Provide for good civic design and arrangement
- Guide and accomplish development that considers the character of the Village and its suitability for particular purposes, judged in terms of such factors as trends in land and population development.
- Support the desired character of the community, such as the human scale and small town feel of Downtown Ontonagon
- Preserve existing neighborhoods and housing stock
- Enhance and protect property values
- Support better access to and utilization of the waterfront
- Expand opportunities for retail development that will contribute to a vibrant Downtown
- Utilize the rail yard and back of buildings along the river in Downtown
- Zone land on the corridor to reinforce Downtown's role as the commercial center for the region
- Focus corridor development near the existing commercial node so as not to create a continuous commercial strip pattern
- Implement access management standards along the highway corridor
- Implement the Aesthetic Enhancement Plan for the highway corridor
- Utilize design solutions to improve traffic flow through interconnected parking areas

ARTICLE 3: ORDINANCE AND DISTRICT OVERVIEW

This section describes the *Ordinance's* approach, and provides a guide for navigating and finding information in the *Ordinance*.

SECTION 3.1 TRADITIONAL APPROACH

The Village of Ontonagon is comprised of a combination of residential neighborhoods, business centers, mixed-use areas, and natural space components. These areas generally are organized around common physical and functional characteristics such as relationships of buildings to streets, street layout, building types, prominent uses, circulation patterns, and development patterns. The traditional zoning approach provides basic standards to ensure the continued compatibility of development in these areas.

SECTION 3.2 FORM-BASED APPROACH

This *Ordinance* also includes a form-based approach that emphasizes the creation of a basic format for future development which explains how buildings, structures, and circulation patterns relate to public space, natural features, and to each other, while allowing more flexibility in use over time. The intent is to contribute to the unique and desirable character of the district.

SECTION 3.3 HOW TO USE THIS ORDINANCE

Anyone seeking to erect, alter, or relocate any building or structure, or commence any new use of land, building, or structure, should first consult the Zoning Administrator to review the Official Zoning Map and determine which district(s) applies to their property. A basic understanding of district dimensional regulations can be found in the summary table in *Article 3: Ordinance and District Overview*. A basic understanding of permitted uses can be found in the summary table in *Article 4: Use Overview and Matrix*. Before finalizing a development plan, an applicant should consult *Article 2: Zoning Intent and Purposes*, and the Site Plan Review section of *Article 14* to determine consistency with community and *Ordinance* goals.

All proposals must satisfy the provisions of *Article 5: General Provisions*, which addresses regulations applying to all structures; lots; parking and loading; landscaping, screening, and fencing; signs; essential services, communications, utility, and public infrastructure; access; and miscellaneous provisions. *Article 6* contains the regulations applying to each traditional zoning district, and *Article 7* contains the regulations applying to the form-based zoning district(s). Supplemental conditional and special use provisions are contained in *Article 9*. In the case of a Planned Unit Development (PUD), *Article 10* applies.

If a nonconforming lot, building, structure, or use is involved, *Article 13* should be consulted. *Article 14: Zoning Administration* explains the appropriate review and approval process. For reference, measurement standards and definitions are located in *Article 15*.

SECTION 3.4 ZONING DISTRICT OVERVIEW

The Michigan Zoning Enabling Act establishes the authority of a local government to establish one or more districts within its zoning jurisdiction which regulate the use of land and structures for the various purposes contained within the Act. This includes the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and establishment of districts in areas subject to damage from flooding or beach erosion. The local unit of government may adopt regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. The zoning districts of the *Village of Ontonagon Zoning Ordinance* were designed to achieve the vision, goals, and objectives of the *Ontonagon Village Master Plan of 2007*.

3.4.1 ESTABLISHMENT OF ZONING DISTRICTS

The purpose of this Section is to provide an understanding of the zoning districts within the Village of Ontonagon, in relation to the Future Zoning Plan from the *Ontonagon Village Master Plan of 2007*, and in relation to the zoning districts of the former Village of Ontonagon Zoning Ordinance (see Table 1-1). This summary is intended only as a guide to understanding the transition between the current and former zoning ordinance, and the connection with the Village master plan. More detailed information for each district is contained in Article 6: Schedule of Regulations for Traditional Zoning Districts, and Article 7: Schedule of Regulations for Form-Based Zoning Districts.

Table 3-1, Comparison of Future Zoning to Future Zoning Plan from Master Plan and Current Zoning Districts

Zoning Plan from Master Plan	Future Zoning Category	Current Zoning Category
R-1, R-2, R-3, B-2	R-1 Residential	R-1, R-2, M-H
R-3	R-2 Residential	R-2, R-3
R-1, R-3, B-2, I-1, I-2	W-MU Waterfront Mixed-Use	R-1, R-2, R-3, I-1, I-2
I-2, R-1	I General Industrial	I-2, R-1

B-1, B-2	DT3 Downtown 3	B-1
B-2, R-1, R-2, R-3	DT2 Downtown 2	B-1, R-1, R-2, R-3
R-1, B-2, R-2, R-3, I-2	GC Gateway Corridor	R-2, R-2, R-3, I-2

3.4.2 LIST OF ZONING DISTRICTS

Form-Based Zoning Districts

- DT3 – Downtown 3
- DT2 – Downtown 2
- GC – Gateway Corridor

Traditional Zoning Districts

- R1 – R-1 Residential
- R2 – R-2 Residential
- W-MU – Waterfront Mixed-Use
- I – General Industrial

3.4.3 NEWLY ANNEXED TERRITORY

Whenever any lands are annexed to the Village, one of the following conditions will apply; 1) Land that is zoned previous to annexation shall be lawfully zoned as being in whichever district of this *Ordinance* most closely conforms with the zoning that existed prior to annexation, such district to be recommended by the Planning Commission and lawfully adopted by the Village Council within ninety (90) days of annexation. 2) Land not previously zoned shall be automatically zoned R-1 district until a zoning designation and appropriate map for said lands are recommended by the Planning Commission and lawfully adopted by the Village Council within ninety (90) days of annexation.

3.4.4 COMPREHENSIVE SCHEDULE OF DISTRICT REGULATIONS

Table 3-2 summarizes the general dimensional regulations for all zoning districts for easy reference. More detailed information is in Article 6: Schedule of Regulations—Traditional Zoning Districts, and Article 7: Schedule of Regulations—Form-Based Zoning Districts.

Table 3-2, Summary Schedule of District Regulations, page 1

Traditional Zoning Districts											
Zoning District	Use	Min. Lot Size Square Ft.	Min. Lot Width	Min Front Setback	Max Front Setback	Min Side Yard	Min Rear Yard	Min Floor Area Per Unit	Max Lot Coverage	Max Impervious Surface	Max Height
R-1 Residential	Single-lot development	23,500	100'	20'	-	8'	25'	1,100	25 %	40 %	2.5 stories/ 35'
	Open Space Preservation or Cluster Development	10,000*	75'	20'	30'	8'	20'	900	35 %	50 %	2.5 stories/ 35'
R-2 Residential	SF Residential, Duplex	5,000/8,000	50'/ 75'	20'	35'	5'	20'	900'/ 800'	35 %	50 %	2.5 stories/ 35'
	Multi-Residential (3+)	10,000	75'	20'	35'	8'	25'	700'	40 %	55 %	2 stories/ 35'
	Non-Residential or Mixed-Use	5,000	50'	20'	35'	8'	20'	N.A.	50 %	65 %	2 stories/ 35'
	SF Residential, Duplex	3,750/5,000	50'/ 75'	10' fr. Street R O W/ 50' fr	20' fr. Street ROW/no	8'	15'	800'/ 900'	60 %	70 %	2.5 stories/ 35'

W-MU Waterfront Mixed Use	**Multi-Residential (3+)**	5,000	50'	50 ft. OHWM	max from OHWM	8'**	15'	500'	70%	80%	2 stories/ 35'
	Non-Residential or Mixed-Use	4,000	40'	Zero fr. Street ROW, 50' from OHWM		8'**	10'	_	75%	85%	2 stories/ 35'

*Assuming an appropriate water and wastewater treatment system can be engineered and Standards of Sections 5.4.6 and 9.3.6.2.B are met. **Does not apply to attached buildings. ***Zero rear yard required with alley access. OHWM = Ordinary High Water Mark

Table 3-2, Summary Schedule of District Regulations, page 2

VILLAGE OF ONTONAGON HYBRID ZONING

Traditional Zoning Districts											
Zoning District	Use	Min. Lot Size Square Ft.	Min. Lot Width	Min Front Setback	Max Front Setback	Side Yard	Rear Yard	Min Floor Area Per Unit	Max Lot Coverage	Max Impervious Surface	Max Height
I-2 Industrial		43,560 (1 acre)	150'	20'	65'	20'	30'	_	70%	80%	60'

Form-Based Zoning Districts										
Zoning District	Use	Min. Lot Size Square Ft.	Min. Lot Width	Required Building Zone	Side Yard	Rear Yard	Min Floor Area Per Unit	Max Lot Coverage	Max Impervious Surface	Max Height
DT-3 Downtown 3		3,000	30'	Zero to 10'	5'**	10'***	_	85%	95%	3 stories/ 42'
DT-2 Downtown 2		4,000	40'	Zero to 30'	5'**	10'***	_	80%	90%	2.5 stories/ 35'
GC Gateway Corridor	SF Residential, Duplex	10,000 with sewer / 23,500 with septic	100'	50' min. to undetermined max.	10'	25'	_	70%	85%	3 stories/ 42'
	Multi-Residential (3+)		300'							

	Non-Residential or Mixed-Use		30 0'							

*Assuming an appropriate water and wastewater treatment system can be engineered and Standards of Sections 5.4.6 and 9.3.6.2.B are met. **Does not apply to attached buildings. ***Zero rear yard required with alley access. OHWM = Ordinary High Water Mark

ARTICLE 4: USE OVERVIEW AND MATRIX

The purpose of this Article is to introduce the different types of land use review and approval categories and to give a summary of the permitted uses for all districts.

SECTION 4.1 UNDERSTANDING PERMITTED USES

4.1.1 CATEGORIES OF PERMITTED USES

1. *USE PERMITTED BY RIGHT (P)*

A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this *Ordinance*.

2. *CONDITIONAL LAND USE (C)*

Conditional Land Uses are not necessarily incompatible with uses permitted by right in a zoning district, but, because of special characteristics, these uses require additional conditions to ensure compatibility before administrative approval. Before establishing, expanding, or amending a Conditional Land Use, with the exception of terminating a Conditional Land Use, the applicant shall obtain a Conditional Land Use Permit from the Zoning Administrator pursuant to permitting requirements using an application provided by the Zoning Administrator. Conditional Land Uses are permitted by right in a particular zoning district provided that the use complies with general review standards in Section 14.5.6 and specific use standards in Article 9. The Zoning Administrator may refer the application to the Planning Commission for comment before rendering a decision. If the application is denied, the Zoning Administrator shall identify in writing the reasons for that denial. In such a case, an aggrieved Applicant may appeal the decision to the Zoning Board of Appeals.

3. *SPECIAL LAND USE (S)*

Special Land Uses are not essentially incompatible with uses permitted in a Zoning District, but possess characteristics which require Planning Commission review and discretion to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Before establishing, expanding, or amending a Special Land Use, with the exception of terminating a Special Land Use, the applicant shall obtain a Special Land Use Permit from the Zoning Administrator pursuant to permitting requirements using an application provided by the Zoning Administrator. Special Land Uses are permitted if approved in a particular zoning district provided that the use complies with general and special land use review standards in Section 14.5.6 and specific use standards in Article 9. If the application is denied, the Planning Commission and Zoning Administrator shall identify in writing the reasons for that denial. In such a case, an aggrieved Applicant may appeal the decision to the Zoning Board of Appeals.

4.1.2 GENERAL USE PROVISIONS

1. Only uses permitted under the provisions of this *Ordinance* may be established on a parcel. All other uses may be permitted only if this *Ordinance* has been amended to permit them, unless authorized by means of approval of a Planned Unit Development pursuant to Article 10.
2. A change in use group under the *Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended*, being MCL 125.1501, et seq., such as from “storage” or “business” to “mercantile” or “assembly” is a change of use requiring review and approval under this *Ordinance*.
3. The principle and accessory uses permitted by zone are listed in Tables 4-1 and 4-2. Uses Permitted by Right are listed as "P". Uses listed as "C" are permitted by right (Conditional Land Use Permit) if the nondiscretionary conditions associated with that use, as set forth in Article 9, are met. Special Uses, listed as "S", are permitted by Special Land Use Permit if the required discretionary and nondiscretionary standards associated with that use, as set forth in Article 9 and Article 14, are met, as reviewed and approved by the Planning Commission. Standards for accessory uses are in Section 5.3 and in Article 9.
4. Any of the uses permitted in a district may be combined in a Planned Unit Development per the requirements of Article 10.
5. Where a proposed use of land or use of building is not contemplated or specified by this *Ordinance*, or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this *Ordinance*, the Zoning Administrator may request the Planning Commission to consider the proposed use, and if deemed appropriate, to then initiate the necessary amendment to this *Ordinance* to provide for the requested use in appropriate districts and according to standards recommended by the Planning Commission. Following adoption of the amendment by the Village Council, a permit application may be made to the Zoning Administrator to establish that use on a parcel in a district in which that use is permitted.
6. No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building or structure, for the purpose of complying with this *Ordinance,* shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure, except as provided for joint use of parking in Section 5.5.4.
7. No use of land, buildings, structures, or portions thereof of a size or character greater than the threshold as provided in Section 14.5 of this *Ordinance,* shall be erected or utilized without the prior approval of the site plan in accordance with Article 14 of this *Ordinance.*
8. Whenever any street, alley, or other public way within the Village of Ontonagon shall be vacated by official action, such street, alley, or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.
9. Every use must comply with all applicable regulations in this *Ordinance*. All relevant sections must be consulted to understand the scope of regulations that apply in a particular case. The most common applicable regulations in addition to the use regulations of this Article and Articles 6: Schedule of Regulations—Traditional Zoning Districts, and Article 7: Schedule of Regulations—Form-Based Zoning Districts, include those in Article 5: General Provisions (such as parking, loading, landscaping, buffering, fencing, signs); and Article 9: Conditional and Special Uses.

4.1.3 INTERPRETATIONS OF USE CLASSES

1. Use classes arrange land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
2. When all principle uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, delicatessen, and bakery, for example, would be classified in the Food and Drink Service Establishments category, because all of the development's principle uses are in that category. When the principle uses of a development fall within different use categories, each principle use is classified in the applicable category and each use is subject to all applicable regulations for that category. A mail order facility may simply be a call center or it may have warehouse or storage facilities on site. The Zoning Administrator shall classify the facility into the proper zoning district based on the characteristics of the use.
3. Accessory uses are permitted in conjunction with a principle use, subject to any special regulations applicable to it and to the regulations applicable to the principle use if there are no special regulations. See Article 5 and Article 9 for additional accessory use regulations.
4. Table 4-1, Section 4.2, lists common examples of uses included in the respective use category. The names of these sample uses are generic—in interpreting use descriptions, the actual activity on the site will be matched to the use description. Uses categories are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.
5. An uncategorized use may be a Special Use for which particular standards are provided in Article 9.
6. The Zoning Administrator shall keep a log of all use interpretations indicating the use, the options considered, and the selection made, along with the reasons for that decision.

4.1.4 CRITERIA FOR INTERPRETATION

The following considerations are examples of the factors that may be evaluated by the Zoning Administrator in making similar use interpretations:

1. Actual or projected characteristics of the proposed activity in relationship to similar use categories;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity (retail or wholesale);
5. The relative number of employees in each activity;

6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. How the use advertises itself;
11. Any other relevant considerations.

SECTION 4.2 SUMMARY USE MATRIX

Table 4-1 presents land use classes, definitions, and examples of principle uses permitted per District. Table 4-2 presents use regulations for accessory uses.

Table 4-1 Use matrix, Page 1

Table 4-1, Use Matrix-Page 1									
Agricultural Uses									
Agricultural Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**	
Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.									
Livestock auction and transport facilities; slaughterhouses; grain and seed elevators and sales; cold storage of agricultural products; farm implements sales or repair.	VI	--	--	--	--	--	--	P	
Farm feed and small equipment sales; fertilizer, herbicide, and pesticide sales (limited outdoor storage)	V	--	--	P	--	--	--	P	
Animal Services: Completely indoor facilities. Animal hospitals or shelters, commercial kennels, veterinary services.	IV	--	C	C	–	--	C	P	
Animal Services: with unenclosed, outdoor confinement. Animal hospitals or shelters, commercial kennels, veterinary services.	VI	--	S	S	S	--	S	P	
Commercial Agriculture or Horticulture	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**	
The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as "farm" is defined in the Michigan Right to Farm Act, Public Act 93 of 1981; as amended with conformance with Generally Accepted Agricultural Management Practices.									
Commercial production of biomass crops; forages and sod crops; grains; feed crops; field crops; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees, and other similar uses; and the usual farm buildings associated with such uses.	I	--	--	–	C	--	C	C	
Dairy and dairy products; poultry and poultry products; livestock including breeding and grazing of cattle, swine, captive deer, equine, and similar animals; horse riding stables; nurseries; greenhouses; apiaries; annelid farms; mushrooms; aquaculture; fish hatcheries, similar agricultural enterprises; and the usual farm buildings associated with such uses.	II	--	--	–	C	--	C	C	

Composting (large scale) and other industrial scale or intensive agriculture activity.	VI	--	--	--	--	--	--	S

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 2

Table 4-1, Use Matrix-pg 2									
Agricultural Uses, continued									
Small Scale Food Production and Urban Agriculture	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**	
The production of fruits, vegetables, livestock, flowers and other natural food and non-food materials within or near the limits of a city, especially on vacant lots, in open spaces such as parks, and in enclosed, indoor facilities such as greenhouses or aquaculture systems.									
Accessory private yard vegetable and flower gardens and orchards within any required yards.	I	--	P	P	P	P	P	--	
Accessory greenhouses or aquaculture systems.	II	C	P	P	P	P	P	P	
Accessory apiary.	II	--	--	--	C	--	C	P	
Community gardens and urban gardens as a principle use.	I	C	C	C	P	P	P	P	
Farmer's Markets-Whole Food Stands	III	P	P	P	C	--	C	--	
Commercial & Commercial Services Uses									
Business Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**	
Establishments primarily engaged in rendering services to business establishments on a fee or contract basis.									
(Lesser retail traffic) Building maintenance; commercial food catering management and consulting services; protective services; commercial research; data processing; vending machine	IV	P	P	P	--	--	P	--	
(Greater retail traffic) Advertising and mailing; stenographic services; temporary personnel services; duplicating and copying services; employment services; equipment rental and leasing; photo finishing; telemarketing sales; catalog or mail order sales; and office supply/service/repair services.	V	P	P	P	--	--	P	--	
Convenience Retail Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**	

A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.								
Party and liquor stores; drug stores; grocery stores; bakeries; delicatessens; magazine and newspaper stands or stores.	V	P	P	P	--	--	P	--

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 3

Table 4-1, Use Matrix-pg 3									
Commercial & Commercial Services Uses, continued									
Drive-Through Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).									
Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use.	V	C	P	P	--	--	--	--	
Food and Drink Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
An establishment where food and drink are prepared, served and consumed primarily on the premises.									
Restaurants (eat-in or take-out, but not drive-through); bakeries; cafes; bars and taverns; nightclubs; cabarets; brewpubs (allowed only in conjunction with and as part of a restaurant); coffee shops; delicatessens; diners; soup kitchens; and related uses similar to and compatible with the above uses.	V	P	P	P	--	--	P	P	
Forest Management	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services. Usually done in accordance with a forest management plan establishing best conservation and management practices, including schedules and responsible entities.									

Commercial tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities are permitted uses. The processing of wood products is an industrial activity (see Manufacturing Establishments).	II	--	--	--	--	--	--	P
Commercial sawmills, whether temporary or permanent.	VI	--	--	--	--	--	--	P

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use. *structures <5,000 sq ft. **structures >5,000 sq ft.

Table 4-1 Use matrix, Page 4

Table 4-1, Use Matrix- pg 4									
Commercial & Commercial Services Uses, continued									
General Retail Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**	
The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises. See also Tourist Service Establishments.									
Stores selling, leasing, or renting new or used consumer, home, and business goods including, but not limited to, pharmaceuticals, groceries, electronic, office, hardware, personal care, advertising, and household goods. Also an auction house.	IV* V**	P	P	P	--	--	P	--	
Large scale retail development; building materials sales; warehouse store or mobile and manufactured home sales.	V	--	S	S	--	--	S	P	
Indoor Entertainment Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**	
Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments. Restaurants and cafes without entertainment are not indoor entertainment establishments, they are food service establishments. Hotels, motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered, they are lodging/accommodation establishments.									
Athletic/fitness/exercise establishments; health club; aquarium; auditorium; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; sports arenas; amusement centers and game arcades; bingo parlors; pool or billiard halls; dance halls; teen club; theaters; membership clubs; saunas, hot tubs and similar establishments; indoor archery and shooting ranges; swimming pools/clubs; indoor commercial accessory entertainment facilities.	IV* V**	P	P	P	--	--	P	P	

VILLAGE OF ONTONAGON HYBRID ZONING

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use. *structures <5,000 sq ft. **structures >5,000 sq ft.

Table 4-1 Use matrix, Page 5

Table 4-1, Use Matrix- pg 5								
Commercial & Commercial Services Uses, continued								
Outdoor Commercial Recreation & Entertainment Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**			
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**
Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in structures in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses. Additional regulations apply to outdoor entertainment establishments that serve alcohol.								
Fairgrounds; golf driving ranges; golf courses and country clubs; nordic ski resorts; playground; park; arboretum.	III	--	--	S	S	--	S	--
Marina; boat launch.	IV	--	--	--	--	--	S	--
Public swimming pool; swimming clubs, tennis clubs/courts; batting cages; skateboard parks; and outdoor ice rinks.	IV	S	S	S	S	--	S	--
Amusement and water parks; theme parks; miniature golf facilities; amphitheaters ; drive-in-theater; zoos; transient amusement enterprises.	V	S	S	S	--	--	S	--
Outdoor archery, rifle, skeet, trap shooting ranges.	V	--	--	--	S	--	S	S
Ani mal racing; automobile, go-kart, snowmobile and motorcycle race tracks and events.	VI	--	--	S	S	--	--	S
Lodging/ Accommodations	**LUI Code**	**Form Districts**			**Traditional Districts**			
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**
A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.								
Bed and Breakfast Establishments; Tourist Homes	III	P	P	P	C	C	P	--

VILLAGE OF ONTONAGON HYBRID ZONING

Organized camps and campgrounds for tents or recreational vehicles.	IV	--	C	C	C	--	C	--
Resorts	IV	--	--	PD	PD	--	PD	--
Hotels, motels, auto courts, residence inns.	V	P	P	P	--	--	P	--

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use. *structures <5,000 sq ft. **structures >5,000 sq ft.

Table 4-1 Use matrix, Page 6

Table 4-1, Use Matrix- pg 6								
Commercial & Commercial Services Uses, continued								
Medical Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**			
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**	**I**
Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories for research and testing, medical suppliers and service establishments.								
Small: Medical or dental clinics; doctor or dentist offices; medical or dental labs; blood collection facilities; x-ray and related scanning facilities; emergency medical care facilities; sales of medical supplies and prosthetics; drug stores; pharmacies; therapeutic massage by licensed masseuses, physical therapists , rehabilitation therapists , nurses, or physicians.	IV* V**	P	P	P	--	--	P	P
Large: Hospitals.	V	--	S	P	--	--	--	--
Office Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**			
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**	**I**
Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.								
Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; travel agencies ; offices for attorneys, accountants, architects, engineers and similar professionals; government offices; public utility offices; telemarketing sales offices and other similar compatible uses.	IV* V**	P	P	P	--	--	P	P
Accessory Home Occupations	II	C	C	C	C	C	C	C
Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use. *structures <5,000 sq ft. **structures >5,000 sq ft.								

Table 4-1 Use matrix, Page 7

Table 4-1, Use Matrix-pg 7									
Commercial & Commercial Services Uses, continued									
Personal Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.									
Laundry pick-up stations; dry cleaning establishments performing the cleaning processes on site; self-service laundromat; nails, beauty and barber shops and salons; shoeshine and shoe repair; tattoo parlors; tanning, steam baths, reducing salons and health clubs; tailor and dressmaker shops; tuxedo rental; photographic studios; animal grooming and obedience classes; and domestic services. Does not include massage services except as accessory to a beauty shop or salon.	IV* V**	P	P	P	--	--	P		P
Funeral services and crematoria.	V	C	C	P	--	--	--		P
Marihuana Related Businesses	V	--	--	S	--	--	--		S
Repair Services	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**CE**	**R2**	**W-MU**		**I**
Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls. Does not include repair of motor vehicles.									
Light: Repair/sales of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment; clothing; locks; and upholstery.	V	P	P	P	--	--	P		P
Medium: Repair of small engines like lawn motors and small electric motors, snowmobiles, boat motors, ATV, trail groomers.	V	S	P	P	--	--	P		P
Research and Development Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
An establishment or other facility for carrying on investigation in the natural, physical, or social sciences which may include engineering and product development.									

Laboratories, research park, computer and related development and testing facility, software development. Other establishments similar to and compatible with the above establishments.	IV* V**	P	P	P	--	--	P	P
Sexually Oriented Businesses	**LUI Code**	**Form Districts DT3 GC**	**DT2**		**Traditional Districts R1**	**R2**	**W-MU**	**I**
Business or commercial enterprises engaging in the provision of sexually oriented products, services, or entertainment to adults.								
Adult bookstore, adult club, adult massage parlor, adult model studio, adult motel, adult theater or escort agency.	V	--	--	--	--	--	--	C

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use. *structures <5,000 sq ft. **structures >5,000 sq ft.

Table 4-1 Use matrix, Page 8

Table 4-1, Use Matrix-pg 8									
Commercial & Commercial Services Uses, continued									
Tourist Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Business establishments providing either/or: lodging/accommodations; gift shops and/or certain tourist related services; banks, real estate and other professional offices; and/or recreation that diverts, amuses entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments. Additional state regulations apply to tourist service establishments that serve alcohol.									
Rental, sales and service of non-motorized recreational equipment such as snow ski, bicycle, kayak, canoe, and other rentals. Gift shops, handicraft shops, candy, baked goods, pottery, furniture and other handcrafted enterprises.	IV* V**	P	P	P	--	--	P		P
Motorized Vehicle Sales and Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Retail sales and service of motorized land and water vehicles. Except for filling vehicles with gasoline or diesel, or for an oil change, generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage. Does not include: auto body shop; frame reconstruction; repair and service of industrial vehicles and heavy trucks. See also Industrial Services Use Class.									
Sales or rental of new and used motorcycles, snow mobiles, ATV's, and other small personal motorized sporting goods.	V	S	P	P	--	--	S		P
Sales or rental of new and used automobiles, light and medium trucks; motor homes; and recreational vehicles and trailers.	V	--	P	P	--	--	--		P
Marine sales and service, including short-term outdoor storage.	V	--	S	S	--	--	S		P
Gasoline and auto service station.	V	--	--	S	--	--	--		S
Industrial & Warehousing Uses									

Dangerous Chemicals and Fuels: Manufacturing, Storage and/or Distribution	LUI Code	Form Districts			Traditional Districts			
		DT3 GC	DT2		R1	R2	W-MU	I
Manufacturing or storage establishments which produce or store flammable, explosive or corrosive substances subject to state or federal regulation.								
Manufacture and/or storage of fireworks, petroleum products, propane, bottled gas storage, industrial acids or similar substances; refineries.	VI	--	--	--	--	--	--	S

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use. *structures <5,000 sq ft. **structures >5,000 sq ft.

Table 4-1 Use matrix, Page 9

Table 4-1, Use Matrix- pg 9									
Industrial & Warehousing Uses, continued									
Extractive Industries	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.									
Sand and gravel extraction processing and transport including manufacture of cement and cement products. Underground mining, processing and transport.	VI	--	--	--	--	--	--	S	
Industrial Service Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. "Light": fully enclosed; no outdoor operations or storage of materials or vehicles. "Medium": same uses identified in "light", but with some outdoor operations or temporary storage of materials or vehicles. "Heavy": same uses as light or medium, but at a greater scale or volume of activity plus other uses with greater nuisance characteristics.									
Boatworks - Custom Building/Repair/Storage	V	S	P	P	--	--	S	P	
Light: auto and small truck engine, radiator, transmission, body and frame repair; plumbing or el electrical contractors; laundry, dry-cleaning and carpet cleaning plants; diaper services; linen supply services; photo-finishing laboratories; and furniture & upholstery stripping/refinishing and repair, refinishing shop.	V	--	P	P	--	--	--	P	
Medium: Welding shops; machine shops; blacksmithing; tool repair; electric motor repair; repair of scientific or professional instruments; building, heating, general building contractors; exterminators; well drilling service; recycling operations (other than vehicles); fuel oil distributors, solid fuel yards, propane storage and distribution; lawn and garden services; septic tank sales/service.	VI	--	C	P	--	--	--	P	

Heavy: Sales, rental, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; auto recycler; junkyards; heavy truck servicing and repair; tire retreading or recapping; truck stops; asphalt and cement batching and redi-mix; batch plant for road construction; contractors with large equipment stored on site; heavy equipment trade schools.	VI	--	--	--	--	--	--	S

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 10

Table 4-1, Use Matrix-pg 10								
Industrial & Warehousing Uses, continued								
Manufacturing Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**			
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**	**I**
Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, manmade, raw, secondary, or partially completed materials may be used. Products may be finished or semifinished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.								
Light: Creameries; bottling works; bakery goods; candy; food products; ice making; taxidermists; printing, publishing and engraving shops; automotive products; boat, vehicle, and machinery assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; processing of machine parts; musical instruments; toys; novelties; ornamental iron works; metal or rubber stamps; molded rubber products; monument and art stone production; furniture and related wood products processing facility; logging (contractor and operations yard); assembly of electrical appliances, electronic instruments and devices; meat and poultry processing and packing (wholesale excluding slaughtering).	V	--	--	--	--	--	S	P
Heavy: Wood products manufacture involving extensive use of glues and other chemicals, such as sheet boards and chip boards; drop forging; heavy stamping; punch pressing; heat treating, plating, hammering; or other similar activities; automobile, truck, farm or other large equipment assembly; manufacture of metallurgical products; heavy machinery fabrication; dry bulk blending plant or handling of liquid nitrogen fertilizer and/or anhydrous ammonia; paint/wallpaper plants; paper/pump mill; refinery.	VI	--	--	--	--	--	S	S

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 11

Table 4-1, Use Matrix-pg 11									
Industrial & Warehousing Uses, continued									
Warehousing and Wholesale Trade Establishments	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time to persons and businesses. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.									
Self-service storage facilities, also known as: mini-warehouses, and rental storage units.	V	--	C	C	--	--	S		P
Warehousing, storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; rail yards; bus barns; cold storage facilities; parcel services, fertilizer sales, seed sales; lumber companies selling at wholesale; stockpiling of sand, gravel or other aggregate materials.	VI	--	--	--	--	--	--		P
Institutional Uses									
Educational Institutions	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
An educational institution is any government or privately-owned and/or operated facility, building or part thereof which is designed, constructed, or used for education or instruction. Educational institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.									
Governmentally or privately owned and operated elementary and secondary schools. Other institutions similar to and compatible with the above uses, including research and development establishments when associated with an educational institution.	IV	C	P	P	C	C	C		--
Religious Institutions	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**

VILLAGE OF ONTONAGON HYBRID ZONING

Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use). NOTE: Schools, day care centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate principal uses.								
Churches, synagogues, temples, mosques. Seminaries, convents and monasteries.	III	C	P	P	--	--	C	--

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 12

Table 4-1, Use Matrix- pg 12									
Institutional Uses, continued									
Social Institutions	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.									
Including military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large or CDL vehicles); institutions for higher education.	III	C	P	P	C	--	--		--
Facilities to house charitable or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; auditoriums and other places for public assembly.	IV	C	C	P	--	--	--		--
Public Uses									
Essential Services	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
The erection, construction, alteration or maintenance by public utilities or government departments or commissions of overhead, surface or underground gas, communication, telephone, television, electrical, steam, fuel or water distribution or transmission systems, collection, supply or disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, BUT NOT INCLUDING communication towers or office buildings, substations, or structures for service equipment, or maintenance depots.								

Telephone, television, and electrical lines (except as noted below); sanitary sewer, storm sewer and water lines; railroad right-of-way and uses related thereto; gas and oil lines that link homes, businesses, schools and other buildings to utility and public services structures, but excluding “structures ” such as telephone pedestals, cable television service boxes, and the like, so long as they do not exceed 10 sq. ft. in base building footprint and are no more than 4 ft. tall . Anything more than a pole, box and basic lines is classified as utility and public service installations. Al so includes public roads and road rights-of-way.	--	P	P	P	P	P	P	P

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 13

Table 4-1, Use Matrix- pg 13									
Public Uses, continued									
Public Buildings & Related Facilities	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Buildings housing public services of cities, villages, townships, counties, state and federal government, usually in offices, including publicly-owned "Utility and Public Service Installations" and "Educational and Social Institutions".									
Libraries, museums, township hall, county courthouse, police station, fire station, public works, schools, publicly owned tourist information centers, and other public buildings similar to and compatible with the above uses, and any publicly-owned "Utility and Public Service Installations".	IV	S	P	P	S	S	S	S	
Trails, trail easements (motorized and non-motorized).	II	S	S	S	S	S	S	S	
Roadside parks and all other public parks and playgrounds.	II	P	P	P	P	P	P	P	
Cemetery.	III	--	--	P	--	--	--	P	
Utility and Public Service Installations	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.									
Light: Electrical substations, gas regulator stations; radio, television, cellular and microwave transmitter towers or other communication towers; satellite antennas larger than ten feet diameter.	IV	S	S	S	S	S	S	S	
Heavy: Water and sewage treatment facilities; water towers ; large scale artificially constructed stormwater retention and detention facilities; telephone exchanges; recycling collection centers; solid waste; road maintenance and other public works garages.	V	--	--	S	--	--	--	S	

345kv or larger overhead electric transmission lines and towers constructed after the effective date of this Ordinance are prohibited in the Village of Ontonagon. Buried 345kv or larger electric transmission lines are permitted by special use permit.	--	--	--	S	--	--	--	S
WECS wind towers under 35 feet in height.	III	--	C	C	S	--	C	C
WECS towers between 35 and 80 feet in height.	III	--	C	--	S	--	C	C
WECS towers over 80 feet in height.	IV	--	--	--	--	--	--	S

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 14

Table 4-1, Use Matrix-pg 14									
Residential Services Uses									
Institutions for Human Care and Habitation	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be developmentally dependent, ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities. See Definitions in Article 2.									
Nursing or convalescent homes; homes for the aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; and homeless shelters.	III	C	P	P	--	--	C	--	
Community Residential Care Facilities	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Community residential care facilities provide part- or full-time shelter and specialized care for individuals in facilities or single family dwellings. These are all state-regulated facilities. See Definitions in Article 2.									
Large Child/Day Care Centers with over 6 children; Child Caring Institutions; Children's Therapeutic Group Homes; Adult Foster Care Facilities, and Adult Foster Care Congregate	IV	C	P	P	--	--	C	--	
Company-sponsored daycare on-site during hours of operation.	IV	C	P	P	--	--	C	P	
Group Housing	**LUI Code**	**Form Districts**			**Traditional Districts**				
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**		**I**
Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It may be a form of transient lodging. There is usually a common eating area for residents.									

Boarding house, rooming house, fraternity or sorority. Other housing similar to and compatible with the above housing. Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.	III	--	S	S	--	--	--	--
Mobile Home Park and Manufactured Housing Community	**LUI Code**	**Form Districts**			**Traditional Districts**			
		DT3 GC	**DT2**		**R1**	**R2**	**W-MU**	**I**
Mobile home park and manufactured housing communities.	III	--	--	S	S	--	S	--

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 15

Table 4-1, Use Matrix-pg 15								
Residential Services Uses, continued								
Multiple Family Dwellings	**LUI Code**	**Form Districts** DT3	DT2	GC	**Traditional Districts** R1	R2	W-MU	I
A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.								
Apartment building, townhouses, and row houses, garden apartments, and condominiums when considering the entire structure (not the individual dwelling units). Other housing similar to and compatible with the above housing.	III	C	C	C	--	C	C	C
Single Family Dwelling	**LUI Code**	**Form Districts** DT3	DT2	GC	**Traditional Districts** R1	R2	W-MU	I
A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one-family and those under their care.								
Single family dwelling, site condominium, mobile or manufactured home on an individual lot. Other housing similar to and compatible with the above housing.	II	--	P	P	P	P	P	--
Cabins and camps for a single family for seasonal occupancy.	I	--	--	--	P	--	--	--
Open Space Preservation and Cluster Developments.	III	--	--	S	S	--	S	S
Child Care Center/Day Care Center with fewer than 7 children; Family Child Care Homes; Group Child Care Homes; Adult Foster Care Family Home; Adult Foster Care Small and Large Group Homes; Foster Family Home; Foster Family Group Home. State Licensed Residential Facility. See Definitions in Article 2.	II	P	P	P	P	P	P	--
Tourist homes/bed & breakfast establishments	III	P	P	P	C	C	P	--
An ECHO unit (also known as mother-in-law flat) approved pursuant to Section 6.3 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance.	II	--	S	S	S	S	S	--

VILLAGE OF ONTONAGON HYBRID ZONING

Two-Family Dwelling	LUI Code	Form Districts			Traditional Districts			
		DT3 GC	DT2		R1	R2	W-MU	I
A building containing not more than two dwelling units, each designed and used exclusively as the residence or sleeping place of one-family.								
A duplex; a building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Can be new construction or modification of an existing structure provided each dwelling is separate.	II	P	P	P	--	P	P	--

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

Table 4-1 Use matrix, Page 16

Table 4-1, Use Matrix-pg 16								
Special Mixed Uses								
Planned Development	**LUI Code**	**Form Districts**		**Traditional Districts**				
		DT3	**DT2**	**GC**	**R1**	**R2**	**W-MU**	**I**
A planned residential, commercial, industrial, public or semi-public land use development consisting or two or more principal uses located on a parcel of land or prescribed minimum area and approved by the Village after site plan review. A PUD may include such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.								
Single family or multiple family developments with cluster units around common open space; mixed use developments such as golf course communities surrounded by residences; ski resorts with common lodging, detached and/or attached single family residences; neotraditional or new urbanist developments mixing single family homes around a traditional small town commercial area with a common public open space; research and small manufacturing facilities in a campus like setting. NOTE: Rural cluster developments are not PUDs or PDs. They are exclusively single- family residential developments permitted as a "s" use pursuant to Section 6.3.	IV* V**	--	--	S	S	--	S	S

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use. *With residential uses only. *With Mixed-Use.

Table 4-2 Accessory Use matrix

Accessory Use Matrix

Accessory Use (subordinate to principle use on same parcel)	Form-Based Districts			Traditional Districts				Standard Reference
	DT3	DT2	GC	R1	R2	W-MU	I	
Amateur Radio and TV Antennae Towers	C	C	C	C	C	C	C	Section 5.2.1
Apiary	--	--	--	C	--	C	C	Section 9.4.9
Boathouses and Hoists	--	--	--	--	--	P	--	Section 5.3
Bus Shelter	P	P	P	C	C	C	P	Section 9.4.2
Decks, Patios, Gazebos	P	P	P	P	P	P	P	Section 5.2
Dwellings (accessory to principle dwelling)	--	S	S	S	S	S	--	Section 9.4.1
Freestanding Flagpoles	P	P	P	P	P	P	P	Section 5.2.1
Food Stands (temporary produce/crafts sales accessory to farm/residence)	C	C	C	C	--	C	--	Section 9.5.1
Garages or Carports (residential use)	P	P	P	P	P	P	P	Section 5.3 & district
Home Greenhouses or Aquaculture System	C	P	P	P	P	P	P	Section 9.4.3
Home Occupations	C	C	C	C	C	C	C	Section 9.4.4
Outdoor Fireplaces, Fire pits, Chimera	P	P	P	P	P	P	P	Section 5.3
Outdoor Display & Sales Areas	C	P	P	--	--	C	P	Section 9.4.5
Outdoor Food & Beverage Service	C	P	P	--	--	P	--	Section 9.4.6
Outdoor Storage	--	--	--	--	--	--	--	Section 5.11.2
Pole Barns	--	--	--	C	--	C	P	Section 5.3 & district
Storage or Service Buildings or Sauna	P	P	P	P	P	P	P	Section 5.3 & district
Outdoor Swimming Pools	C	C	C	C	C	C	--	Section 9.4.8
Shipping Containers for Storage	--	--	C	--	--	--	P	
Temporary Sawmill (Commercial)	--	--	--	--	--	--	C	Section 9.5.2

Note: P = Use permitted by Right, C = Use permitted by right with conditions, S = Special Use.

ARTICLE 5: GENERAL PROVISIONS

SECTION 5.1 APPLICABILITY

The provisions of this Article generally apply to all zoning districts unless indicated otherwise. Any conflicts between this article and the individual zoning district requirements resolve in favor of the latter.

SECTION 5.2 GENERAL STRUCTURES REGULATIONS

5.2.1 HEIGHT EXCEPTIONS

The following non-residential structures and appurtenances shall be exempt from height regulations in all zoning districts in which they are permitted, provided no portion of the excepted structure may be used for human occupancy:

1. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks and water towers, elevator and stairwell penthouses, ventilators, fire and hose towers, cooling towers, grain elevators, stacks, stage towers or scenery lofts, monuments, cupolas, domes, church steeples and spires, parapet walls not exceeding six (6) feet in height, or other structures where the manufacturing process requires a greater height, provided these appurtenances do not exceed seventy-five (75) feet in height or not more than fifteen (15) feet higher than the highest point of the structure, whichever is higher, and are set back a distance from the property line at least equal to the height of the structure above the roofline. Public-owned water tanks and water towers are not subject to any height limitation.
2. Flagpoles and ham or amateur radio towers shall not exceed thirty-five (35) feet in height.
3. Except in the I General Industrial District, all objects stored within an allowable outdoor storage area may not exceed the height of any required screen or fence except for recreational vehicles and boats.

5.2.2 HEIGHT IN RELATION TO GRADE (FILL)

Filling with earth or other materials to an elevation above the established or natural grade of adjacent land is prohibited without the express written approval of the Zoning Administrator. The intent of this provision is to prohibit the erection of buildings taller than the natural grade plus what the height restriction of this *Ordinance* would otherwise permit. Whenever deemed possible by the Village Engineer, all water runoff shall be stored on site; no water shall be directed into public storm drains, sanitary sewers, or a vacant lot abutting property unless owned by the applicant. Where a new building is constructed between two existing buildings, or on a vacant lot adjacent to an existing building, the natural grade shall be used to determine the finished grade for the new building and the required yard space.

5.2.3 ADDITIONS

All proposed additions shall meet the setback and area requirements of this *Ordinance*.

5.2.4 PORCHES AND DECKS

1. All proposed enclosed porches and all existing open porches, decks, or patios proposed for enclosure shall meet the setback and area requirements of this *Ordinance*.
2. An open, unenclosed, and uncovered porch or deck six (6) inches or more above finished grade shall meet the setback and area requirements of the district for a principle building if connected to and accessed from the principle building. Otherwise the porch or deck shall meet the yard and area requirements for an accessory structure.
3. Paved terraces, patios, and unenclosed, uncovered porches and decks shall not be subject to yard requirements, provided that all of the following conditions are met:
   - 3.A. It is less than six (6) inches above the finished grade.
   - 3.B. The paved or decked area is unroofed and without continuous enclosure linking it to the principle building in such a way that it appears functionally a part of the principle building.
   - 3.C. No portion of any paved or decked area is closer than three (3) feet from any side or rear lot line.

5.2.5 SINGLE FAMILY DWELLINGS

1. INTENT

It is the intent of this Section to provide a wide variety of single family housing options in the Village of Ontonagon, including the need for lower cost single family housing, while protecting the public health and safety. The purpose of this Section is to provide standards for the construction, installation, and appearance of all single family homes to ensure compatibility. The following minimum requirements apply to all dwelling units outside of mobile home parks:

2. REQUIREMENTS

- 2.A. All construction required in this Section shall be commenced only after a building permit has been obtained in accordance with the applicable *Michigan Construction Code* provisions and *Ordinance* requirements.
- 2.B. Mobile homes not conforming to the standards of this Section shall not be occupied unless located within a mobile home park, or unless used for temporary residence purposes as provided in Section

5.2.6.2.

2.C. Requirements for all Single Family Homes:

(1) Shall have a minimum width of twenty (20) feet over fifty (50) percent of the entire structure length.

(2) Shall comply with all pertinent building and fire codes and all applicable roof snow load and strength requirements.

(3) Shall remove the wheels, pulling mechanism, and tongue before placement on a permanent foundation meeting the requirements of the building code.

(4) Shall be connected to a sewer system and water supply system approved by the District Health Department or municipal utilities.

(5) Shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade.

(6) Shall provide a minimum of two points of ingress and egress.

(7) Shall construct all additions with similar or better quality materials and workmanship as the original structure, including permanent attachment to the principle structure and construction of a permanent foundation. Additions shall also meet the requirements of Section 5.2.3.

(8) Shall have a minimum of 4/12 roof pitch, with either a roof overhang of not less than six (6) inches on all sides, or alternately, window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

(9) Innovative design concepts involving renewable energy infrastructure, passive energy or solar design, climate mitigation, orientation to views, design in full compliance with all applicable requirements of the *Americans with Disabilities Act.*, and incorporation of natural features that are consistent with the standards of this *Ordinance* shall be encouraged.

(10) All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development of Housing and Urban Development Regulations entitled *"The National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq.; 24 CFR Part 3280 and Part 3282.* All other dwellings shall meet the requirements of the
Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, being MCL 125.1501, et seq.

(11) Legal nonconforming mobile homes (not temporary) located outside mobile home parks, upon removal, shall be replaced with a mobile home in good condition that meets all requirements of this Section, and is certified by the *American National Standards Institute* or the *National Manufactured Housing Construction and Safety Standards Act of 1974*, or is a site constructed home or manufactured home that meets all applicable code requirements.

5.2.6 TEMPORARY BUILDINGS AND STRUCTURES

1. HABITATION OF ACCESSORY STRUCTURES, TENTS, YURTS, AND TRAVEL TRAILERS

Except for tents and recreational vehicles in legitimate campgrounds, no structure that does not meet the minimum standards for a dwelling unit as defined in this *Ordinance* and the *Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, being MCL 125.1501, et seq.,* shall be used for dwelling purposes.

2. TEMPORARY DWELLING UNITS

The Zoning Administrator may issue a Temporary Zoning Permit per the requirements of Article 14 for a mobile home or other temporary dwelling unit used for temporary dwelling purposes, subject to the following provisions:

2.A. The purpose of the temporary housing/dwelling is to provide on-site housing for residents of the lot as an accessory use for:

(1) Temporary use while a new dwelling unit is being constructed or rebuilt;

(2) Temporary use of a tent or recreational vehicle for guests of the owner, without charges or fees, in the side or rear yard of an occupied single family dwelling for not more than fourteen (14) days in succession nor more than sixty (60) days in one (1) year.

2.B. The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she can have the foundation and complete building framing in place within six (6) months and the entire residence completed within one (1) year. This period may be extended up to one (1) additional year by the Zoning Administrator when the following standards are met:

(1) A good faith effort has been shown to build a new or rebuild a destroyed dwelling unit;

(2) The time extension is reasonably necessary considering the practical difficulties associated with actual construction;

(3) Occupancy of the structure being rebuilt is reasonably possible within the time extension;

(4) Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this *Ordinance*, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.

2.C. A residence is permitted in that district;

2.D. A performance guarantee pursuant to Section 14.3.3.1 is collected and said temporary dwelling is removed within fifteen (15) days after construction is complete.

2.E. The following additional approvals are obtained:

(1) Any applicable permits from the Building Inspector;

(2) Approval of a septic system and well from the District Health Department;

(3) A driveway permit from the Local Road Agency or Michigan Department of Transportation, as applicable.

2.F. Any mobile home permitted by temporary permit for purposes other than those described in this Section before the effective date of this *Ordinance* may be issued a temporary permit by the Zoning Administrator for continuation of use by the present occupant, but no other occupant, provided the dwelling remains in good structural condition, the septic system and well remain approvable by the District Health Department, and a performance guarantee pursuant to Section 14.3.3.1 is collected to ensure the temporary mobile home is removed within thirty (30) days of its no longer being used by the present occupant.

2.G. All temporary dwelling units shall comply with the following requirements:

(1) Recreational vehicle shall not be occupied in a driveway or upon a public right-of-way.

(2) On site disposal of waste water (black water and grey water) shall be properly discharged into an approved septic system or sanitary sewer.

(3) Portable generators shall be located not less than fifty (50) feet from any property line.

3. TEMPORARY CONTRACTOR BUILDINGS

Temporary structures and temporary uses incidental to construction work, such as contractor storage buildings, semis, or mobile homes used for contractor equipment, foreman offices, and related activities, but not for habitation are exempt from setbacks, and Temporary Zoning Permit requirements, subject to the following provisions:

3.A. Such buildings, structures or uses impede no clear vision area;

3.B. Structures are removed upon the completion or abandonment of the construction work or within one (1) year from date of placement, whichever period of time is the shortest.

4. TEMPORARY REAL ESTATE OFFICES

Temporary real estate offices are permitted within approved development projects subject to the following provisions:

4.A. No cooking or sleeping accommodations shall be maintained.

4.B. The temporary Zoning Permit shall be valid for not more than one (1) year, but is renewable.

4.C. The office shall be removed upon sale of ninety (90) percent of the lots in the development.

4.D. A model home may be used as a temporary sales office.

5. TEMPORARY BUILDINGS INCIDENTAL TO A CHURCH OR SCHOOL

Temporary buildings incidental to a church or school are permitted subject to the following provisions:

5.A. All wiring, plumbing, fire protection, and exits are approved by the Fire Chief and Building Inspector.

5.B. The structures meet the requirements of all relevant state agencies.

5.C. All yard requirements of this *Ordinance* are met.

6. CHRISTMAS TREE SALES LOTS

The display and sale of Christmas trees on the site of a nonresidential or mixed-use, or at a church in any district, is permitted without a temporary Zoning Permit provided it is incidental and accessory to the principle use, or is a temporary use of a vacant lot, subject to the following provisions:

6.A. The display and sale of Christmas trees is permitted for a period not to exceed forty-five (45) days.

6.B. All unsold trees must be removed from the property by December 31 of each calendar year.

6.C. Any sales of Christmas trees in a location or under circumstances other than those defined above is permitted only by a Temporary Zoning Permit issued at the discretion of the Zoning Administrator.

7. AUCTIONS

The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within twenty-five (25) feet of any street or road right-of-way. Off-street parking areas shall be provided and parking is

prohibited within the right-of-way of a major thoroughfare.

5.2.7 RAZING OF BUILDINGS

No building shall be razed until a demolition permit has been obtained from the Building Inspector in consultation with the Village Zoning Administrator who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars ($1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. That bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations and proper termination of utility connections. If the building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the Village shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the bond shall be charged back to the property owner and placed as a lien on the property if not paid within three (3) months. This performance bond will be administered as described in Section 14.3.3.1 except, as described above, the Building Inspector and the Zoning Administrator are responsible for administering this requirement, and Planning Commission approval is not necessary to return the bond.

5.2.8 MOVING OF BUILDINGS

No existing building or structure shall be moved into or within the Village unless in accordance with a moving plan approved by the Zoning Administrator. The relocated structure shall comply with all the requirements of this *Ordinance*.

5.2.9 DAMAGED BUILDINGS

Any building or structure that has been partially destroyed by fire, storm, water, or other disaster, or is in such a state of disrepair as to be declared unsafe or unfit for human occupancy by the proper authority, shall either be entirely removed or repaired by the owner within twelve (12) months from the date of the determination or the effective date of this *Ordinance*. In the interim, the site shall be fenced or otherwise protected and prevented from becoming a nuisance.

SECTION 5.3 GENERAL ACCESSORY STRUCTURES REGULATIONS

5.3.1 SUBORDINATE TO PRINCIPLE USE

Accessory uses and structures must be subordinate to the principle use and structure on the subject lot in terms of area, extent, and purpose.

5.3.2 TIME OF ESTABLISHMENT

1. Accessory structures must be constructed in conjunction with or after the principle building, and may not be constructed prior to the construction of the principle building, except per the provisions in this subsection:

1.A. A permitted accessory structure may be erected following receipt of a Certificate of Zoning Compliance and building permit and all other appropriate permits for the accessory structure as well as the principle structure on the lot.

1.B. Legitimate agricultural accessory structures can be erected independent of a permitted principle structure in the R-1 district.

2. If a garage or other accessory structure is built before a dwelling, where permitted above, the building footprint for the dwelling must be established prior to determining the size of the accessory structure, and before a Certificate of Zoning Compliance can be issued. The permitted single family dwelling which the accessory structure is to accompany shall be erected within two (2) years.

5.3.3 USE OF ACCESSORY STRUCTURES AS A DWELLING

No garage or other accessory structure may be used as a dwelling before or after a principle structure is erected unless otherwise provided in this *Ordinance* (see Section 9.4.1).

5.3.4 ACCESSORY STRUCTURE REQUIREMENTS

Standards for site, placement, setback, and height of accessory structures are detailed within the District standards of Article 6. Total lot coverage may not exceed the requirements within the District standards.

5.3.5 ACCESSORY STRUCTURE YARD EXCEPTIONS

The yard requirements of this *Ordinance* may be waived for the following accessory structures:

1. Mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in front yards, but they may be located in rear or side yards if they are located at least three (3) feet from rear and side lot lines.
2. Freestanding gazebos and other similar outdoor shelters, saunas, and small sheds are not allowed in front yards (except as below), but they may be located in rear or side yards if they are located at least three (3) feet from the rear and side lots lines, and the parcel complies with total lot coverage requirements. In the W-MU district, these structures may be allowed in the front yard (water side) of waterfront properties.
3. Fences or screening walls, as permitted by Section 5.6, may be located in any required yard. Residential fences are permitted on the property lines in residential districts. Fences and walls shall not be closer than three (3) feet to any alley right-of-way.
4. Essential services, utilities, electric power, and communications transmission lines are exempt from the yard and

setback requirements of this *Ordinance*. See applicable standards in Section 5.8.

5. Landscaping and vegetation are exempt from the yard and height requirements except for living fences as in accordance with Section 5.6 of this *Ordinance*.

SECTION 5.4 GENERAL LOT REGULATIONS

5.4.1 TWO DWELLING UNITS ON A LOT

No lot on which a dwelling unit is permitted may have a second dwelling unit erected on the lot except as provided in this *Ordinance* for accessory dwellings units (Section 9.4.1), duplexes, or multi-unit dwelling (Section 9.3.6.1).

5.4.2 LOTS OF RECORD

A lot of record may be used as specified in the zoning district in which it is located. Any structure shall be located on the lot in compliance with all yard and setback requirements for the zoning district in which the lot is located.

5.4.3 DIVISION OF LOTS

No lot shall be divided except in conformance with the requirements of the *Land Division Act, Public Act 288 of 1967, being MCL 560.101 et seq. as amended,* and any applicable Village ordinances.

5.4.4 COMBINATION OF LOTS

No lot shall be divided and combined with an abutting lot if the portion remaining following the division would not meet the minimum requirements for lots in the district, including the ability to be connected to municipal utilities, or to support a septic system and well under the requirements of the District Health Department.

5.4.5 YARD PROVISIONS

1. AVERAGE FRONT YARDS

The required front yards may be decreased in any residential or mixed-use district to the average of the existing front yards of the abutting two structures on each side (exempting vacant lots), but in no case less than ten (10) feet (except for the DT-3 and DT-2 districts which require no minimum front setback).

2. PROJECTIONS IN YARDS

2.A. No buildings or structures shall encroach on a clear vision triangle per Section 5.4.5.3.

2.B. For existing structures, ramps to accommodate wheelchairs and/or related devices to assist the handicapped or infirm are permitted to encroach on the yard requirements of any district, provided an application for a Certificate of Zoning Compliance is filed with the Zoning Administrator who shall find as a condition of issuing the requested permit that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered within any setback or required yard. For ramps constructed as part of a new building, ramps must meet all setback requirements. Ramps must meet the requirements imposed by all applicable federal, state and local regulations.

2.C. Self-supporting awnings may project into a required yard but shall not be located closer than three (3) feet to any property line. Awnings shall be at least eight (8) feet above grade at every point. No awning, except a fully retractable awning, shall be erected over a public right-of-way.

2.D. Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet,

and not closer than three (3) feet to any lot line.

2.E. Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall not exceed four (4) feet, and shall not be closer than three (3) feet to any lot line.

3. CLEAR VISION AREA

No fence, wall, shrubbery, sign, snow piles, or other buildings, structures, or objects other than official traffic or governmental signs shall be placed so as to obstruct clear vision for motorists within the clear vision area at intersecting streets and intersections of streets and driveways as described below and illustrated in Figure 15-5 of Article 15:

3.A. At the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.

3.B. At the intersection of a driveway and a street: Two sides of the triangle defined by measuring twenty (20') feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two. Both sides of the driveway shall be protected.

3.C. No shrubs, ground covers, boulders, snow piles, berms, fences, or other material constituting visual obstructions will impede clear vision in a vertical area between twenty-four (24) inches and ninety-six (96) inches above the grade of the lower roadway or driveway adjacent to the triangular areas.

4. GARDENING OR ORCHARDS IN REQUIRED FRONT YARDS

4.A. The following improvements shall be allowed in required yards for the purpose of growing fruits and vegetables, but no closer than three (3) foot from any property line and not within the specified clear vision area:

(1) Trellises and arbors, provided they are:
   a. No taller than four (4) feet in the front yard.
   b. No taller than six (6) feet in side or rear yards.

(2) Raised planting beds up to eighteen (18) inches tall.

(3) Temporary hoop houses or plant covers for early start-up of plants, provided:
   a. These covers do not exceed three (3) feet tall; and
   b. Are removed by June 30 of each year; and
   c. Are maintained in good repair.

4.B. All dead plant growth shall be removed.

4.C. Nothing herein is intended to preclude any person from filing a private nuisance action against an offensive agricultural use.

5. EXCEPTIONS TO SITE LAYOUT STANDARDS

The Planning Commission may alter site layout standards to accomplish any of the following beneficial outcomes:

5.A. Create development that is more supportive of the continued existence and health of natural features or biological conditions such as (but not limited to) steep slopes, wetlands, existing trees, geological features, or habitat, than otherwise provided in this *Ordinance*;

5.B. The alteration better mitigates harsh, winter conditions and thereby creates a more supportive pedestrian environment;

5.C. The alteration serves to best optimize opportunity for passive solar design;

5.D. The alteration allows natural, on-site stormwater management in areas of intense surface run-off.

5.E. More inclusive design meant to better accommodate those with disabilities.

5.4.6 OPEN SPACE PRESERVATION PROVISIONS

Regardless of zoning district, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on not more than eighty (80) percent of the total permitted buildable area, leaving at least twenty (20) percent of the buildable area as open space if all of the following apply:

1. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre;
2. At least twenty (20) percent of the total buildable area shall remain in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. Unbuildable areas such as wetlands, areas within the one-hundred (100) year floodplain, and areas of slopes greater than twenty-five (25) percent shall not count toward the twenty (20) percent open space minimum;
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of open space provisions would also depend upon the extension;
4. In cases where extension of public sewer or public water are necessary, the developer shall bear the costs associated with the extension;
5. This option has not previously been exercised with respect to the land;
6. The exercise of this option shall also be subject to the provisions of Section 9.3.6.2.B, Cluster Development, and the specific standards in the applicable zoning districts (Articles 6 and 7). If the development is a subdivision, it must meet the Village of Ontonagon Subdivision regulations. If the development is a Planned Unit Development, it must meet the requirements of Article 10.

SECTION 5.5 GENERAL PARKING AND LOADING REGULATIONS

5.5.1 INTENT

This section is intended to support master plan goals for a balanced transportation system. Each property owner in every zoning District shall provide and maintain parking areas for off-street storage of motor vehicles adequate for the use of occupants, employees, and patrons of each property subject to the provisions of this *Ordinance*, except as otherwise provided by this *Ordinance*. Parking standards are intended to minimize the detrimental effects of parking surfaces on adjacent lands, improve the visual aesthetics of parking areas, prevent excessive amounts of off-street parking, encourage appropriate development and redevelopment, enhance the compatibility of auto circulation systems with pedestrian and bicycle circulation, and provide for more beneficial stormwater management.

5.5.2 APPLICABILITY

1. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications or a change in use result in an increase in the required parking under this *Ordinance*, additional parking shall be provided and maintained as required by this *Ordinance.*
2. No parking area, parking space, or loading area which exists on the effective date of this *Ordinance*, or which is later provided for in compliance with this *Ordinance*, shall thereafter be relinquished or reduced below the requirements established by this *Ordinance* until equal or better parking facilities in compliance with this *Ordinance* are provided, or until the Planning Commission determines that the parking requirements of the site have changed.

5.5.3 CALCULATING THE REQUIRED AND ALLOWED NUMBER OF PARKING SPACES

The following standards shall be used to determine the required number of parking spaces:

1. No parking space located within or along the traveled portion of any street shall be counted toward the off-street parking requirements set forth in this *Ordinance*, but could be considered in a decision to reduce parking requirements per Section 5.5.7.
2. *Useable floor area* is defined as the gross floor area used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or other areas where customers, patients, clients, salesmen, and the general public are denied access. Floor area, whether usable or gross, shall be measured from the exterior faces of exterior walls, except in a case where an interior building wall separates two uses or users. In such a case, the floor area shall be measured from the inside face of such an inside wall.
3. When a calculation determining the number of required parking spaces results in a fractional space, any fraction shall be counted as one (1) additional space.
4. Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
5. When benches, pews, or other similar seating is used in calculations, each twenty-four (24) inches of that seating shall be counted as one seat, unless Table 5-1 specifies otherwise.
6. Plans and specifications showing the number of required off-street parking spaces for every use, as listed on Table 5-1, shall be provided and approved prior to the issuance of a zoning or building permit. Any proposed use for which there is no comparable use parking standard in Table 5-1 shall conform to the standard for that use in the most recent edition of Parking Standards published by the American Planning Association. If there is more than one principle use on a lot, then the combined parking requirements for each of the permitted uses must be met unless there is an approved joint use agreement as set forth in Section 5.5.4.
7. Accessible parking spaces required under the Americans with Disabilities Act shall be counted toward the number of parking spaces required under this section.
8. Loading and unloading spaces required under Section 5.5.12 shall not be counted toward the number of parking spaces required under this section.

9. See District standards in Article 6 for any district appropriate exceptions to these standards.

5.5.4 JOINT USE OF PARKING AREAS

1. APPLICABILITY

The joint use of parking areas by two or more uses may be approved by the Zoning Administrator whenever such joint use is practical and satisfactory to each of the uses served, and when all requirements for location, design, and construction are met. Except as otherwise provided in this *Ordinance*, shared parking shall not include the parking required for residential uses.

2. COMPUTING CAPACITY

In computing capacities of any joint parking area, the total parking space requirement is the sum of the greatest number of parking spaces required for the individual uses that will occur at the same time. If the maximum space requirements for individual uses occur at distinctly different times, the total number of off-street parking spaces required for joint use may be reduced by the Zoning Administrator to not less than one-half (1/2) the number of required spaces provided on any one (1) lot. The lots shall be interconnected for vehicular and pedestrian circulation.

3. CONFIGURATION

Whenever possible, joint or cooperative parking arrangements shall utilize shared driveways, shared service drives, cross access drives, and frontage roads to minimize driveways that access an arterial or collector street. Cross-access easements, if necessary, shall be submitted to the Village for approval.

4. RECORD OF AGREEMENT

A copy of an agreement between joint users shall be filed with and must be approved by the Zoning Administrator prior to the issuance of the Certificate of Zoning Compliance. The agreement shall include provisions for the continued long-term use and maintenance of the parking area as well as the allocation of parking spaces to each use.

5.5.5 PARKING REQUIREMENT DEFERMENT

1. Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six (6) months of receipt of a written response to the request by the Zoning Administrator.
2. The site plan shall note the area where parking is being deferred, including dimensions and parking lot layout.
3. Proof of an approved stormwater management plan for the complete parking area, including any deferred spaces,

must be submitted.

4. Upon review, the Planning Commission may defer the requirements for off-street parking for the allowed uses in the DT-3 District. In each case, the Planning Commission shall determine:
   (1) That there is adequate public parking available within 300 feet of the proposed use.
   (2) That the typical parking hours of employees and customers do not conflict with any other Village Ordinances, and
   (3) That off street parking is provided for any residential uses of the property.

5.5.6 ADDITIONAL PARKING

To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, no parking lot shall exceed the minimum parking space requirements by ten percent (10%) greater than required except as approved by the Zoning Administrator. In granting additional spaces, the Zoning Administrator shall determine that the parking will be required, based on documented evidence of actual use and demand provided by the applicant.

5.5.7 PARKING REQUIREMENT REDUCTION

The Planning Commission, based on a Tier 3 review for a Special Land Use, may approve a decision to reduce off-street parking requirements based on the following factors:

1. Buildings, structures, or uses are within three-hundred (300) feet of a transit stop.
2. The use offers a car sharing service or shared parking arrangement.
3. A development located in a mixed-use district offers a payment in lieu of providing off-street parking to the special assessment fund for the Village to help develop public parking facilities.
4. On-street or publicly-owned parking lots or structures can provide a portion of the minimum off-street parking requirements, provided that all these factors are met (a parking demand study may be required for this determination):
   - 4.A. This parking is available within three-hundred (300) feet of the main building entrance; and
   - 4.B. No more than fifty (50) percent of the off-street parking space requirement is met through the use of on-street or publicly-owned parking; and
   - 4.C. The intensity of the use and its parking requirements shall not substantially adversely impact surrounding uses; and
   - 4.D. There is no negative impact to existing or planned traffic circulation patterns.

5.5.8 LOCATION OF PARKING

1. *Same lot requirement*: Unless otherwise permitted under this *Ordinance*, all off-street parking facilities in

residential districts shall be located on the same lot as the use they are intended to serve.

2. *300 feet rule:* Off-street parking facilities in mixed-density residential, mixed-use, and non-residential districts shall be provided within three hundred (300) feet of the principle building. If on adjacent premises, they shall be under the ownership of the applicant or part of an approved joint parking area under Section 5.5.4. If no parking is available on the same or an adjacent lot, the applicant shall submit a request with the Planning Commission for a Special Land Use Permit according to the provisions of Section 5.5.5 or Section 5.5.7 above.
3. *Alleys:* Where a parking area abuts an alley, access to the parking area shall be obtained from the alley. Where a parking area does not abut an alley, and abuts two (2) or more streets, access to the parking area shall be from the street with the lower traffic volumes. The Zoning Administrator may waive this requirement if, due to the particular situation of the parcel, this requirement cannot be satisfied.

5.5.9 PARKING AREA PLAN REVIEW

Whenever vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator for review and approval before a zoning and/or building permit is issued. Such plans and specifications shall at minimum include:

1. Existing and proposed grades
2. Location of buildings and parking areas, including size and site design
3. Basis of capacity calculation
4. Specifications on surface and base materials for construction
5. Locations and applicable dimensions of marking, lighting, drainage, curb cuts, entrances, exits, landscaping, signage, and any other detailed feature essential to the complete design and construction of the parking area.
6. For site development requirements for off-street parking and loading, see Section 5.5.12.

	Par kin
Reside ntial	
Bed	One (1)
Boar di	One (1) spac
C o m	Four (4) spac
C on va	One (1) spac
M ob ile	Two (2) spac
M ul	One and
Si ng le	Two (2) spac
Ac	One (1)
Educati onal	
Pu bli c	One (1) spac of
R el i	0.25 tim
Th ea tre	0.25 time s
Ed	One (1)
H	Thre (3)
O	Six (6)
Auto-Orienta	
Au to	1.25 spac
C ar/	Four (4)
Au to m ob	Two and a half
Ve hi	Thre (3)

Table 5-1
Page 1

Parking Standards -- Minimum number of parking spaces per unit of measure and per use	
Auto-Oriented Commercial and related uses, continued	
Drive-through restaurants or fast-food establishments	One (1) space per sixty (60) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.
Food service establishments that are carry-out or walk-up only, exterior seating only.	One (1) space for each employee, plus four (4) spaces.
Convenience store	One (1) space for each one-hundred fifty (150) sq. ft. of usable floor area.
Commercial and related uses	
Other business service establishments such as advertising, mailing, banking, employment, investment, real estate offices.	One (1) space for every three hundred (300) sq. ft. of usable floor area.
Contractor/building services.	One (1) space for every three hundred (300) sq. ft. of usable floor area.
Funeral/mortuary.	One-quarter (0.25) space per occupancy.
Food service establishments with sale and consumption of food and beverages on premises, including drive-in but not drive-thru.	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for each two (2) persons allowed within the maximum occupancy load as established by the local fire marshal.
Retail, General; except otherwise specified herein	Two and a half (2.5) spaces for every one-thousand (1,000) sq. ft. of usable floor area.
Retail, Outdoor nursery or garden center	Three-quarter (0.75) spaces for every one-thousand (1,000) sq. ft. of usable sales area.
Live/Work unit.	Two (2) spaces per unit.
Outdoor seating	One-quarter (0.25) space per four (4) occupancy.
Medical or dental office uses.	One (1) space for every two-hundred fifty (250) sq. ft. of usable floor area.
Barber shop, beauty salon, tanning, massage	Two (2) spaces per station.
Health or athletic club	Two and a half (2.5) spaces for every one-thousand (1,000) sq. ft. of usable floor area.
Motels, hotels and auto courts	One (1) space for each sleeping unit, plus, one (1) space for each two (2) employees.
Personal service establishment and veterinary	One (1) space per two hundred fifty (250) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Repair services	One (1) space per each two hundred fifty (250) sq. ft. of usable floor area, plus one (1) space for each employee.
Supermarket	One (1) space for each two-hundred fifty (250) sq. ft. of usable floor area.
Taverns, bars	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater.
All indoor entertainment facilities	One (1) space for every two hundred and fifty (250) sq. ft. of usable floor area.

Table 5-1

Table 5-1
Page 3

Parking Standards -- Minimum number of parking spaces per unit of measure and per use	
Outdoor Entertainment uses	
Campground	Two (2) 10' x 30' spaces for every campsite.
Golf courses open to the public	Four (4) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Golf driving range	One (1) space for each tee, plus one (1) space for each employee on the largest work shift.
Development	
Planned commercial or shopping center	One (1) space for each two hundred fifty (250) sq. ft. of usable floor area.
Industrial and related uses	
Industrial or manufacturing establishments, testing laboratories, creameries, bottling works, printing and engraving shops, and industrial service establishments.	One space for every two (2) employees for industries working two (2) or more shifts. One space for every three (3) employees for industries working one shift or one space for every 400 sq. ft. of gross floor area, whichever is smaller.
Mini-warehouse (self-service storage facility)	One (1) space per fifteen (15) storage units plus one (1) space per employee.
Research and development establishments	One (1) space per employee on the largest shift.
Wholesale trade establishments and warehouses	Two (2) per employee.
Agriculture and related uses	
Livestock auction, transport, and processing	One (1) space per every four (4) person maximum occupancy.
Ag implements, farm, feed sales and service	One (1) space per every four-hundred (400) sq ft gross floor area.

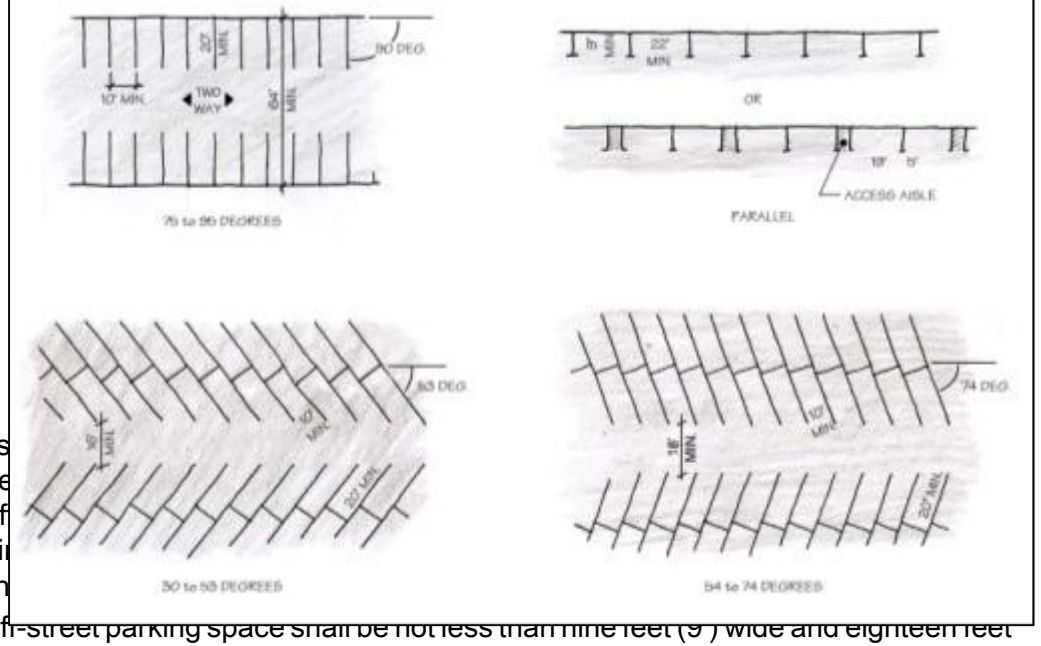
5.5.10 GENERAL STANDARDS FOR OFF-STREET PARKING AREAS

All off-street parking, loading, and unloading areas shall be designed, constructed, and maintained in accordance with the following standards and requirements. For the purposes of this section, "parking area" shall mean any area serving as a parking area or a loading and unloading area:

1. *Use:* Required parking areas shall be used only for the parking of vehicles, and not for material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance except as otherwise provided in this *Ordinance*.
2. *Safety:* Each parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles and the access and safety of pedestrians and bicyclists.
3. *Ingress and Egress:* Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. See also the general access requirements of Section 5.9. Except for parking areas accessory to single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than twenty-four (24) feet wide for two-way access and at least twelve (12) feet wide for one-way access.
4. *Maneuvering Lanes:* Each parking, loading, or unloading space shall be provided with adequate access by means of maneuvering lanes. The width of required maneuvering lanes for parking spaces varies, depending upon the proposed parking pattern as follows and as illustrated in Figure 5-1:
   - 4.A. For right angle parking patterns, seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
   - 4.B. For angle parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be a minimum of eighteen (18) feet.
   - 4.C. For angle parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering lane width shall be a minimum of sixteen (16) feet.
   - 4.D. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
5. *Curbs and Vehicle Stops:* All off-street parking lots, access drives and aisles, and other vehicle maneuvering areas shall provide curbs or similar devices to prevent vehicles from overhanging on or into the public right-of-way, sidewalks, walkways, adjacent property, or landscape areas.
6. *Surfaces:* Parking areas shall be surfaced with a durable, smooth, and dustless material approved by the Zoning Administrator, such as asphalt, concrete, pavers, aggregate stone or gravel, or appropriately reinforced and constructed permeable surfaces such as permeable pavers or reinforced turf. The calculations for required stormwater management and retention measure may be adjusted for the use of permeable surfaces for paving.
7. *Drainage:* Parking areas shall be graded and provided with adequate drainage. Surface drainage may not be directed or permitted to flow from or across the parking area onto the public right-of-way. The required parking area and/or surface shall be maintained and replaced if necessary, as long as the building it serves is occupied or the use is continued.
8. *Lighting:* Except for single-family and two-family residential lots, adequate lighting satisfying the requirements of Section 5.11.3 shall be provided for each parking area.
9. *Connections:* When safe and feasible, adjoining parking areas of businesses on abutting properties in any District

may be connected so that drivers c
exit in order to go from one establis
by the Zoning Administrator.

Figure 5-1 Parking Space Dimensions



5.5.11 PARKING SPACE STANDARDS

1. *Handicapped:* All parking spaces shall be designed and located consistent with all applicable barrier free and handicapped parking requirements under federal, state, county, and local law.
2. *Space Delineation:* Each space s
purposes exclusive of space
three (3) or more spaces and of
other identifiers to delineate parki
3. *Dimensions:* Parking space dimen
   - 3.A. Minimum size. Each off-street parking space shall be not less than nine feet (9') wide and eighteen feet (18') long, exclusive of access drives or aisles.
   - 3.B. For parallel parking, minimum stall dimensions are nine (9) foot width and twenty-two (22) foot length, or nine (9) foot width and nineteen (19) foot length with a five (5) foot wide access aisle between every two spaces.
   - 3.C. For 30 to 53 degree angle parking, minimum stall dimensions are ten (10) foot width and twenty (20) foot length with a minimum sixteen (16) foot drive aisle between angled parking areas.
   - 3.D. For 54 to 74 degree angle parking, minimum stall dimensions are ten (10) foot width and twenty (20) foot length with a minimum eighteen (18) foot drive aisle between angled parking areas.
   - 3.E. For 75 to 90 degree angle parking, minimum stall dimensions are ten (10) foot width and twenty (20) foot length with a minimum twenty-four (24) foot two-way drive aisle between parking areas.
4. When individual garages are access directly from a street, garage doors and all required off-street parking spaces must be located at least twenty (20) feet from the front lot line to prevent obstruction of the sidewalk by parked cars.

5.5.12 LOADING/UNLOADING SPACE STANDARDS

1. *Required Space:* In all Districts, for every building or part thereof which is to be occupied by manufacturing, storage, warehouse, goods display, retail store or block of stores over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, motel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution of materials or merchandise by vehicle, there shall be provided and

maintained on the same premises with the building off-street loading spaces in relation to floor areas (one per 10,000 square feet of useable floor area or fraction thereof, and one additional loading space for each additional 20,000 square feet of floor area or fraction thereof). If there is more than one principle use on a lot, and the uses can share the loading/unloading space, then the greater of the loading and unloading requirements for one of the permitted uses must be met. Accessible parking spaces required under the Americans with Disabilities Act and parking spaces required under Section 5.5.3 shall not be counted toward the number of loading and unloading spaces required under this section.

2. *Dimensions:* Each loading and unloading space required by this section shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height.
3. *Access:* Access to a loading and unloading space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley so as not to interfere with traffic on public streets or off-street parking. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street.
4. *Design Requirements:* Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. No loading space shall be located closer than fifty (50) feet to any lot in any residential District, or fronting educational, recreational, or religious uses, unless wholly within a completely enclosed building or enclosed on all sides by a wall or uniformly painted solid board or masonry fence not less than six (6) feet in height.

5.5.13 PARKING LANDSCAPE STANDARDS

This section applies to landscaping for any vehicular use area, which is any area of 1,200 square feet or more of a property which is not located within an enclosed structure and which is devoted to a use by or for motor vehicles, including parking (accessory or non-accessory) or storage of automobiles, trucks or other vehicles; loading areas; service areas and drives. Any paved area designed to be used solely for access between the street and the vehicular use area is not considered part of the vehicular use area.

Vehicular use areas shall have the following landscaping and screening, which shall be continuously planted with living vegetation:

1. *Right-of-way screening:* Vehicular use areas that are visible from a public right-of-way shall include one of the following landscape buffers between the vehicular use area and the right-of-way (This section applies to public alleys only when the public alley separates a residential use or zone from a vehicular use area);
   - 1.A. *Buffer type "E1",* including an opaque fence, as described in Section 5.6.5.5.
   - 1.B. Buffer type "D2", with the fence not required as described in Section 5.6.5.4.
2. *Edge landscaping:* When the provision of off-street parking for ten (10) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each parking space, which shall be located so that no parking space is more than 60 feet from a portion of the landscaped open space required by this Section. The required open space need not be continuous,

but there shall be at least one (1) deciduous tree in each separate area at least twelve (12) feet tall at time of planting. The buffer shall be planted with a minimum of one (1) shade tree and seven (7) shrubs per thirty-five (35) lineal feet of parking frontage. These plantings shall cover a minimum of sixty-five (65) percent of the total distance of any one frontage line. Shrubs may be clustered at intervals instead of spaced evenly. The remaining open space ground plane shall be covered with native seeding, ornamental grasses, or ground cover.

3. *Interior landscape areas.* To break up the expanse of pavement and cool parking surfaces, vehicular use areas greater than 3,300 square feet (or of any size with more than two rows of parking) shall contain protected landscape areas located entirely within the edges of the vehicular use area, at the ratio of one (1) square foot of landscape use area per every twenty (20) square feet of vehicular use area. Any landscaped area located outside the edges of the vehicular use area will not count toward satisfying this requirement. There shall be one (1) deciduous tree for each two-hundred fifty (250) square feet of required interior landscaped area. To be credited toward meeting the requirements of this section, each interior landscaped area containing a deciduous tree shall have minimum dimension of eight (8) feet in any direction. If a pedestrian pathway is included as part of a landscape island, the island shall be a minimum of twelve (12) feet wide.

SECTION 5.6 GENERAL LANDSCAPING, SCREENING, AND FENCE REGULATIONS

5.6.1 PURPOSE

The purpose of this Article is to provide regulations and requirements for landscaping, buffering, and fencing the perimeter of certain activities in order to protect the character of the surrounding area, enhance aesthetics, protect property values, discourage theft, stabilize soils, control windblown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase groundwater infiltration, provide for snow accumulation, and reduce noise.

5.6.2 GENERAL LANDSCAPE AND SCREENING STANDARDS

1. *Live materials* are required for all landscaped areas. No artificial trees, shrubs, turf, or plants may be used to fulfill the landscaping requirements of the *Ordinance*. Planting areas must be covered by live ground covers, low growing shrubs, or gravel, tree bark, bark mulch, or similar materials, but not concrete or asphalt paving materials or similar materials.
2. *Landscape Maintenance:* It shall be the owner's responsibility to see that any landscaping installed as a condition of development approval is maintained in a neat, clean, orderly, and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all vegetation. Drought-resistant plants and shrubs are encouraged.
3. *Native Plantings:* Planting of landscaping using vegetation native to Ontonagon County or edible landscaping is strongly encouraged. Every property owner is encouraged to protect existing native vegetation, especially along roadways, and to plant edible vegetation such as berry bushes whenever possible.
4. *Existing Vegetation:* Every property owner is encouraged to protect existing native vegetation, especially along

roadways. Preservation of existing trees may count toward landscape or buffer requirements of the *Ordinance*. Property owners shall protect established trees not diseased or decayed within setbacks adjacent to public spaces by refraining from compacting the soil during construction or excavation activities, or replacing trees when damage is unavoidable.

5.6.3 RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY

In public rights-of-way, landscaping, buffering, and fencing shall be placed and maintained so as not to present a hazard to the public by maintaining clear vision areas as detailed in Section 5.4.5.3 and illustrated in Figure 15-6 of Article 15.

5.6.4 APPLICABILITY

When required by this *Ordinance* or by the Planning Commission as a condition to the approval of a Site Plan, Conditional or Special Land Use Permit, Planned Unit Development, or variance, a screening method shall be installed and maintained in continuously good condition, or shall be continuously planted with living vegetation, for the duration of the principle use of property in accordance with the following requirements. Where the *Ordinance* or Planning Commission does not specify which option to use, the applicant shall choose. Where existing vegetation is adequate to achieve the screening requirements of this *Ordinance* as determined by the Planning Commission, it may serve as an option. Necessary drives and access ways from public rights-of-way through required landscape or screening areas shall be permitted.

Each group of uses in the Use Matrix of Table 4-1 is assigned a Land Use Intensity (LUI) code, ranging from I (least intense) to VI (most intense), based on the presupposed impact which they may impose on an adjacent land use. These impacts may be related to noise, vehicular traffic, glare, large bulk or scale, increased stormwater runoff, or large equipment. The LUI is related to appropriate screening methods as presented in Section 5.6.5 and illustrated in Figure 5-2. These methods utilize distance/space, fences, berms, and vegetation to provide buffers between uses. Tables 5-2 and 5-3 present the relationships and requirements for buffers between existing and vacant lands and proposed land uses.

Tables 5-2 and 5-3 present the relationships and requirements for buffers between proposed land uses and existing adjacent uses or vacant land. Where Tables 5-2 and 5-3 present multiple buffer options, the appropriate approval body shall determine which option is most appropriate for the specific proposed use in relation to the specific location and adjacent uses. The user should refer to the regulations in Table 4-1 to determine whether a proposed use is permitted at a particular location or not. Tables 5-2 and 5-3 pertain only to permitted buffer types, and are not meant to indicate permitted uses.

The procedure to determine required buffering or screening requirements between a proposed and existing land use begins with identification of the Land Use Intensity number of the proposed and adjacent existing land uses in Table 4-1, Use Matrix. This information is then used to identify the potential permitted screening methods in Table 5-2.

The procedure to determine required buffering or screening requirements between a proposed land use and adjacent vacant land

begins with identification of the Land Use Intensity number of the proposed land use in Table 4-1, Use Matrix. Then the zoning district of the adjacent vacant property should be determined based on the Official Zoning Map. This information is then used to identify the potential permitted screening methods in Table 5-3.

Proposed Land Use Intensity (LUI) Number vs.						
Proposed Land Use Intensity (LUI)	Adjacent Land - Existing Land Use Intensity (LUI)					
	I	II	III	IV	V	VI
I	*	*	*/E2	*/E2	*/D2	*/D2
II	*	*	*/D2	*/D2/	D2/	C/
III	*/D2/	*/D2/	*/D2/	*/D2/	C/D1	B1/
IV	*/A/C/	C/	C/E1	E2	*/D2/	A/
V	*/A/C/	B2/	A/C/	D2/	E2	A/
VI	A /B2	B1	B1	B1/	B1/	A/C

* No screening required. Where more than one screening method is listed, the Zoning Administrator and/or Planning Commission shall make the final determination. Additional landscaping and screening standards may be in the district standards and Conditional and Special land use standards.

Table 5-2 Proposed Land Use Intensity in relation to Existing Land Use Intensity

Zoning District of Adjacent Vacant Land						
Proposed Land Use	Zoning District of Adjacent					
	R-1	R-2	DT-3	W-MU	GC	I
I	*/E2	*/E2	*/E2	*/E2	*/E2	*/E2
II	*/E2	*/E2	*/D2	*/D2	D2/	D2
III	*/C	A/C/	C/	C/	C/	A/C/
IV	C/	C/	*/E2	*/E2	E2	D2
V	A/C/	B2/	C/	C/	E2	D2
VI	B1/	B1/	B1/	B1/	B1/	A/C

* No screening required. Where more than one screening method is listed, the Zoning Administrator and/or Planning Commission shall make the final determination.

Table 5-3 Proposed Land Use Intensity in relation to Zoning District of Adjacent Vacant Land

5.6.5 SCREENING TYPES

Buffer strips are generally located along the outer perimeter of a lot extending to the parcel boundary line. They shall not extend into a road or dedicated street right-of-way. Depending on the size of the parcel and terrain conditions, buffer requirements may be modified or combined. In general, buffer strips are intended to be located on the property burdened with the buffer strip requirement. When mixed land uses of varying land intensity codes are combined on one parcel, buffer requirements follow the most intense land use.

1. BUFFER TYPE 'A' – GREENBELT

The greenbelt, as shown in Figure 5-2, consists of a landscaped open space strip running along the property line at least forty (40) feet in width, with the following required landscaping elements:

1.A. Nine (9) deciduous trees per one-hundred (100) lineal feet; and
1.B. Four (4) evergreen trees per one-hundred (100) lineal feet; and
1.C. Native seeding or ground cover on the ground plane.

2. BUFFER TYPE 'B' – BUFFER STRIP

This buffer strip, as shown in Figure 5-2, consists of a landscaped strip running along the property line at least forty (40) feet in width. Two options are offered within Buffer Type 'B', as follows:

2.A. **Option B1:**
- (1) Six (6) deciduous trees per one-hundred (100) lineal feet; and
- (2) Six (6) evergreen trees per one-hundred (100) lineal feet; and
- (3) Native seeding or ground cover on the ground plane.
- (4) Fence between six (6) feet tall and twelve (12) feet tall, depending on the intensity of the use to be buffered and at the discretion of the approval body.

2.B. **Option B2:**
- (1) Six (6) deciduous trees per one-hundred (100) lineal feet; and
- (2) Six (6) evergreen trees per one-hundred (100) lineal feet; and
- (3) Turf, native seeding, or ground cover on the ground plane.
- (4) Berm five (5) feet tall, with maximum slope one (1) vertical foot per three (3) horizontal feet. The width of the berm may be reduced by up to fifty percent (50%) if a retaining wall is used, but the retaining wall must be on the side of the berm not facing the nearest property line, with the vegetation in front of the retaining wall (on the side facing the property line).

3. BUFFER TYPE 'C' – BUFFER STRIP

This buffer strip, as shown in Figure 5-2, consists of a landscaped strip running along the property line at least twenty (20) feet in width, with the following required landscaping elements:

3.A. Three (3) deciduous trees per one-hundred (100) lineal feet; and
3.B. Two (2) evergreen trees per one-hundred (100) lineal feet; and
3.C. Nine (9) deciduous shrubs per one-hundred (100) lineal feet; and
3.D. Turf, native seeding, or ground cover on the ground plane.
3.E. Berm three (3) feet tall, with maximum slope one (1) vertical foot per three (3) horizontal feet. The width of the berm may be reduced by up to fifty percent (50%) if a retaining wall is used, but the retaining wall must be on the side of the berm not facing the nearest property line, with the vegetation in front of the retaining wall (on the side facing the property line).

4. BUFFER TYPE 'D' – BUFFER STRIP

This buffer strip, as shown in Figure 5-2, consists of a landscaped strip running along the property line at least twelve (12) feet in width. Two options are offered within Buffer Type 'D', as follows:

4.A. **Option D1:**
(1) Four (4) deciduous trees per one-hundred (100) lineal feet; and
(2) One (1) evergreen tree per one-hundred (100) lineal feet; and
(3) Six (6) evergreen shrubs per one-hundred (100) lineal feet; and
(4) Three (3) deciduous shrubs per one-hundred (100) lineal feet; and
(5) Turf, native seeding or ground cover on the ground plane.
(6) Fence between six (6) feet tall and twelve (12) feet tall, depending on the intensity of the use to be buffered and at the discretion of the approval body.

4.B. **Option D2** includes all of the above *except* the fence.

5. BUFFER TYPE 'E' – BUFFER STRIP

This buffer strip, as shown in Figure 5-2, consists of a landscaped strip running along the property line at least eight (8) feet in width. Two options are offered within Buffer Type 'E', as follows:

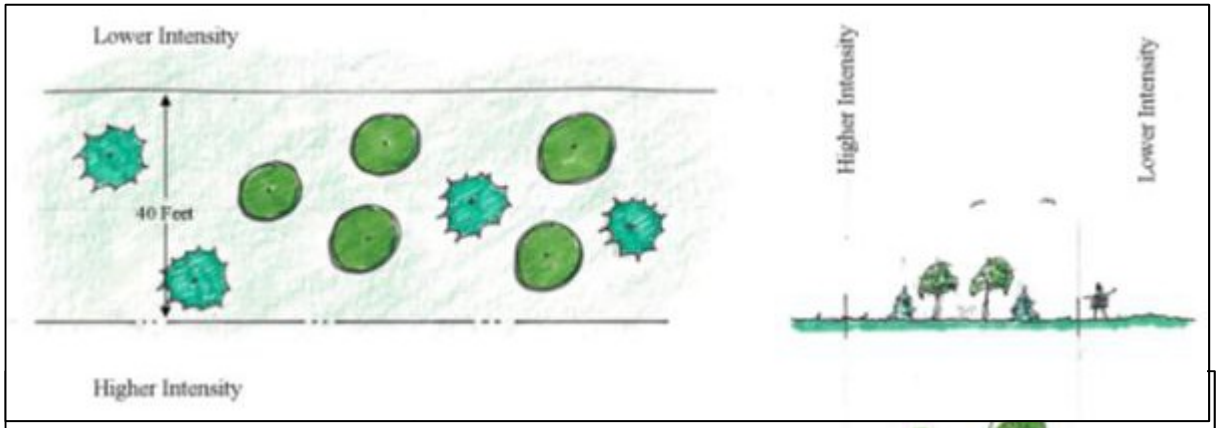
5.A. **Option E1:**
(1) Six (6) deciduous trees per one-hundred (100) lineal feet; and
(2) Native seeding or ground cover on the ground plane.
(3) Fence four (4) to six (6) feet tall, one-hundred (100) percent opaque, with back side to the higher intensity use.

5.B. **Option E2** includes all of the above *except* the fence.

Figure 5-2 Screening/Buffer Types

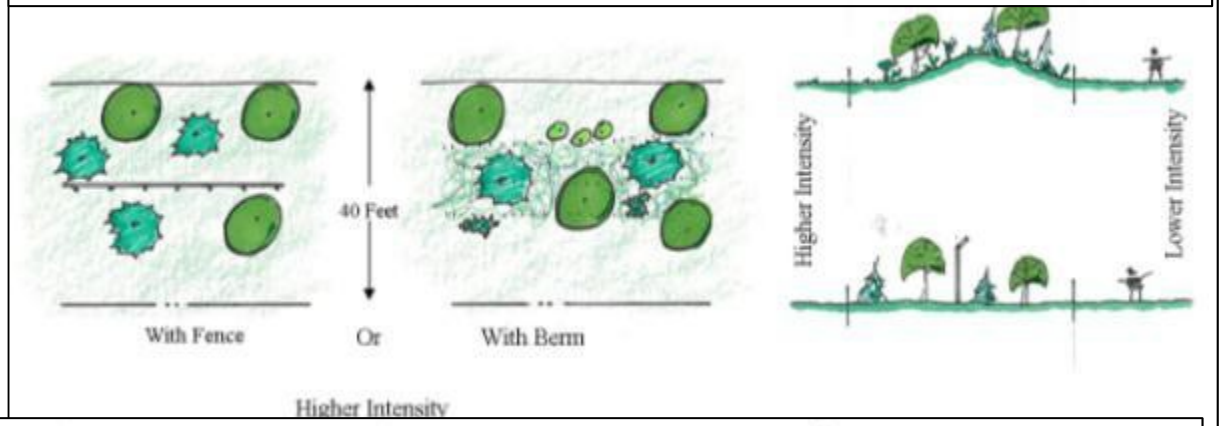
Buffer Type A

(check Section 5.6.5.1 for number and type of plants)



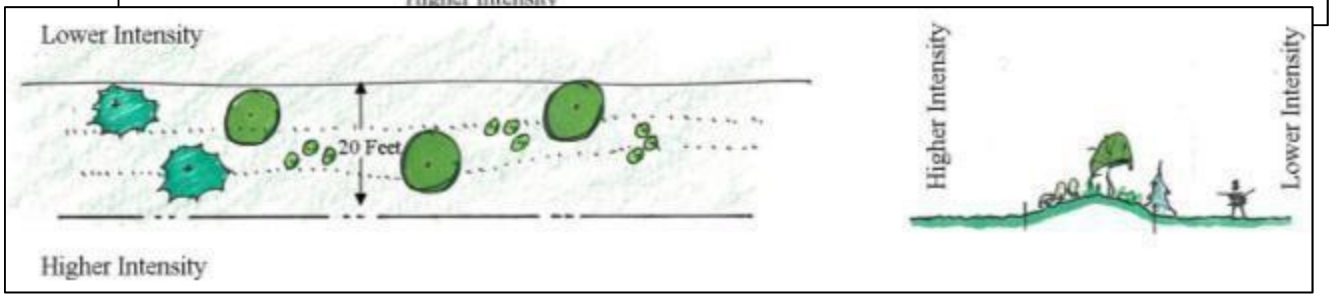
Buffer Type B (includes options B1 and B2)

(check Section 5.6.5.2 for number and type of plants)



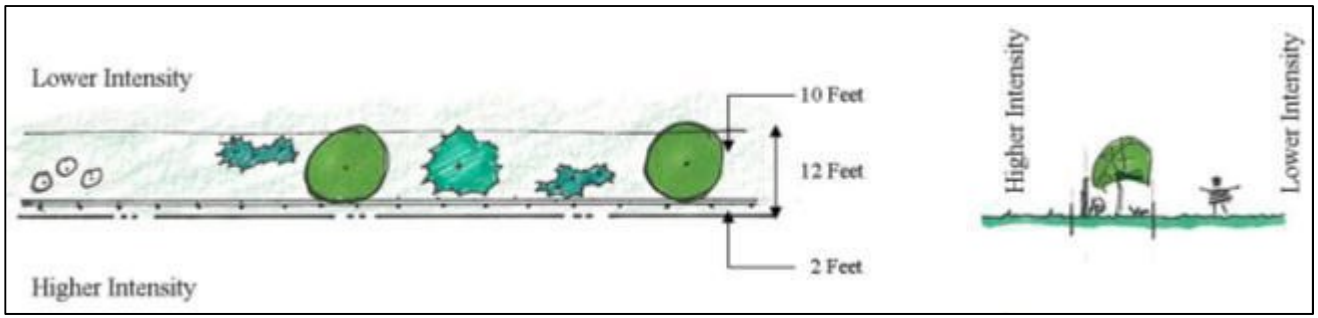
Buffer Type C

(check Section 5.6.5.3 for number and type of plants)



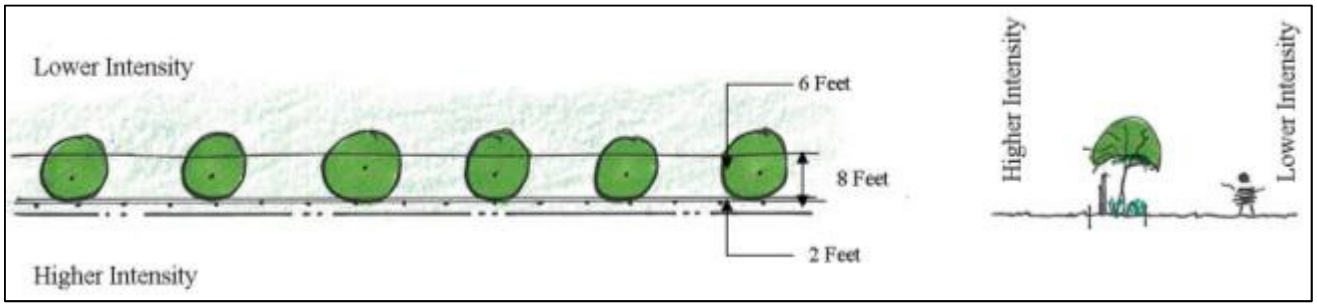
Buffer Type D (includes options D1 and D2)

(check Section 5.6.5.4 for number and type of plants)



Buffer Type E (includes options E1 and E2)

(check Section 5.6.5.5 for number and type of plants)



5.6.6 RECOMMENDED PLANT TYPES, PLACEMENT, AND MAINTENANCE

Number of specimens indicated for buffer plantings are minimum quantity and approved species. Species recommended are native and especially appropriate where limited maintenance and cultivation are expected. These recommendations are not meant to exclude cultivars and species generally available from the nursery trade. Species known to be invasive should be avoided. Alternative species shall be as approved by the Zoning Administrator.

1. SHADE (DECIDUOUS) TREES

The following types of shade trees are recommended (cal. Stands for caliper):

Sugar Maple, Acer saccharum,
1½“ cal. Red Maple, Acer rubrum,
1½” cal.
White birch, Betula papyrifera, 1½” cal.
Ironwood, Ostrya virginiana, 1” cal.
Little Leaf Linden, Tilia cordata, 1½” cal.
Linden, Tilia Americana, 1½” cal.
River Birch, Betula nigra, 1” cal.
Red Oak, Quercus rubra, 1½” cal.
Pin Oak, Quercus palustris, 1½” cal.
Small Tooth Aspen, Populus tremuloides, 1½” cal.
(no more than 10% of total # of shade trees)
Large Tooth Aspen, Populus grandidentata, 1½” cal.
(no more than 10% of total # of shade trees)
Northern Hackberry, Celtis occidentalis, 1½” cal.

2. EVERGREEN TREES

The following types of evergreen trees are recommended:

Red Pine, Pinus resinosa, 6' tall
White Pine, Pinus strobus, 6' tall
White Spruce, Picea glauca, 6' tall

3. EVERGREEN SHRUBS

The following types of evergreen shrubs are recommended:

Common Juniper, Juniperus communis, 18"
spread Canada Yew, Taxus canadensis, 12"
spread

4. DECIDUOUS SHRUBS

The following types of deciduous shrubs are recommended:

Witch Hazel, Hamamelis virginiana, 18" tall
Nanyberry, Viburnum lentago, 2' tall
American Hazelnut, Corylus americana, 2' tall
Shrubby Cinquefoil, Potentilla fruticosa, 18" tall
Snowberry, Symphoricarpos albus, 1 gal. pot
Smooth Arrow-wood, Viburnum dentatum, 18" tall

5. UNDERSTORY TREE

The following types of understory trees are recommended:

Balsam Fir, Abies balsamea, 4' tall
White Cedar, Thuja occidentalis, 4' tall
Serviceberry, Amelanchier arborea, 3' tall
Mountain Ash, Sorbus americana, 3' tall
Choke Cherry, Prunus virginiana, 3' tall
Smooth Sumac, Rhus glabra, 2' tall
Staghorn Sumac, Rhus typhina, 2' tall
Alternate-leaved Dogwood, Cornus alternifolia, 3' tall

6. GROUNDCOVER

The following types of understory trees are recommended:

Sweet Fern, Comptonia peregrina, 1 gal. pot
Bush Honeysuckle, Diervilla lonicera, 18" tall
New Jersey Tea, Ceanothus americanus, 4" pot Thimbleberry, Rubus parviflorus, 1 gal. pot
Wild Red Reaspberry, Rubus strigosus, 1 gal. pot
Solomon-Seal, Polygonatum biflorum, 2" pot
False Solomon's Seal, Smilacina racemosa, 2" pot

7. NATIVE SEED RATE/MIX

Apply seed at the rate of 10 pounds of 'pure live seed' per acre. Seed mix to include 50% grass and 50% forbs. Include two or more of the following grasses: sideoats grama, little bluestem, prairie dropseed. Include at least fifteen of the following forbs (Note: not more than 10% of any particular species of forb in the mix) lavender hyssop, nodding pink onion, blue aster, smooth aster, New Jersey tea, Canada milk vetch, lanceleaf coreopsis, white prairie clover, purple prairie clover, shooting star, purple coneflower, prairie blazingstar, wild quinine, smooth penstemon, bee balm, columbine, great solomon's seal, black eyed susan, Ohio goldenrod, showy goldenrod, Ohio spiderwort.

8. SIZE AND PLACEMENT OF TREES IN THE PUBLIC SPACE

These specifications refer specifically to vegetation in public parks, street right-of-ways, and other public facilities.

8.A. All trees shall be not less than one (1) inch caliper, measured at six (6) inches above ground level.

8.B. No tree shall be planted closer than two (2) feet from the curb line or the outer line of the sidewalk.

8.C. All trees shall be planted in line with each other and at a minimum setback and spacing to conform as follows:

(1) Thirty (30) feet setback from intersections
(2) Fifteen (15) feet setback from driveways and alleys
(3) Ten (10) feet setback from utility poles
(4) Twenty-five (25) feet spacing for small trees (height less than thirty feet)
(5) Thirty-five (35) feet spacing for medium trees (height from thirty to forty-five feet)
(6) Forty (40) feet spacing for large trees (height greater than forth-five feet)

8.D. Structural soils shall be installed under impervious surfaces in the tree planting areas at the time of new construction or existing infrastructure replacement or repair.

5.6.7 SCREENING OF MECHANICAL EQUIPMENT

When located outside of a building, support equipment including air conditioning and heating devices, but not including plumbing or exhaust vents or chimneys, is to be screened to the height of the particular piece of equipment, as follows:

1. *Roof- or Wall-Mounted Equipment:* Shall be screened by architectural features from the view of pedestrians on

abutting streets and parcels.

2. *Other Exterior Equipment:* Shall be screened by landscaping, a solid wall, or fencing from the view of pedestrians on abutting streets and parcels. Such equipment is encouraged to be installed on the rear slope of the building. The above requirement does not apply to single-family residential or two-family residential uses.

5.6.8 SCREENING OF OUTDOOR STORAGE OF TRASH OR RUBBISH

All areas used for the storage of trash or rubbish in dumpsters and other commercial containers shall be screened by a solid fence or wall no less than six (6) feet in height to keep from the view of pedestrians on abutting streets and parcels. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

5.6.9 FENCES AND WALLS

1. LIVING FENCE

Shrubs and trees planted for the purpose of creating a living fence shall be planted so that the trunk or main stem of the plant is no closer than three feet (3') from any property line. A living fence is not limited to the height requirements of other fences and no building permit is needed.

2. CONSTRUCTED FENCE

2.A. *Placement:* Fences may be erected along property lines (except living fences as noted above) or within yards, irrespective of the setback requirements of this *Ordinance*.

2.B. *Fence Approval:*

(1) Fences or walls over six (6) feet in height require a building permit. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet except as noted below.

(2) A staff site plan review is required to ensure placement accords with *Ordinance* standards.

(3) The Zoning Administrator may require the removal, reconstruction, or repair of any fence, living fence, wall or screen not in good condition. The removal reconstruction or repair can be a condition of any application for approval under this *Ordinance*.

2.C. *Fence Standards:*

(1) Fences in DT-3, DT-2, R-2, and W-MU districts shall not contain barbed wire or chain link fences with sharp wire edges exposed, except as otherwise stated below.

(2) No fence, wall, planting, or structure shall, within the clear vision area described in Section 5.4.5.3, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley, or driveway.

(3) In DT-3, DT-2, R-2, and W-MU districts, fences located in the front yard or between the front lot line and the building line shall not exceed four (4) feet in height, measured along the average grade of an unbroken run. Except in a clear vision area (as in Section 5.4.5.3), fences in the front yard may be solid for not more than three (3) feet in height.

(4) In DT-3, DT-2, R-1, R-2, and W-MU districts, fences located in a required side yard or rear yard shall not exceed six (6) feet in height (except as stated below) measured along the average grade of an unbroken run. Fences in the rear and side yards may be solid, and may extend from the side lot line to the side of the principle structure, but shall not occupy the portion of the front yard in front of the principle structure unless in compliance with (3) above.

(5) In all districts, a security fence surrounding a public utility, police, or correctional facility may extend to eight feet (8') in height and may contain barbed wire or chain link fences with sharp wire edges and be located within a required side yard, rear yard, or front yard. The barbed wire cannot exceed eighteen (18) inches in height, and must be located on top of and may be in addition to the eight (8) foot height fence. The barbed wire shall slant inwards toward the property or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.

(6) No fence shall be constructed or maintained which is charged or connected with an electrical current.

(7) To allow for snow storage adjacent to alleys, all fences hereafter erected adjacent to an alley shall be set back a minimum of 3 feet from the property line.

(8) Decorative or ornamental sides of fences or walls shall face the adjoining properties (face the outside).

2.D. *Exceptions to Screening and Fencing Standards:*

(1) Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

(2) Any fence, landscape screen, wall, or hedge which does not conform to this *Ordinance* and which legally exists at the effective date of this *Ordinance* may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this *Ordinance*.

SECTION 5.7 GENERAL SIGN REGULATIONS

This Article, and others as referenced, shall govern and control the erection, placement, alteration, enlarging, moving, operation,

and maintenance of all signs by permitted uses within all zoning districts established within this *Ordinance*. Regulations apply to all signs that are visible from the public right-of-way, public facilities, trails open to the public, and navigable waterways. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations. The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes. Administrative review procedures have been established as the minimum necessary to enforce applicable standards and to balance the community's objectives and regulatory requirements with the reasonable advertising and wayfinding needs of businesses.

5.7.1 STATEMENT OF PURPOSE

It is acknowledged that, depending on their characteristics and context, signs may impact visual quality, affect safety of vehicular traffic, and define community image. It is the intent of this Section to regulate signs in the Village of Ontonagon so as to protect and enhance public health, safety and welfare while preserving the right of free speech and expression. This is accomplished by regulating the size, placement, relationships, construction, illumination, and other aspects of signs in the Village. It is determined that such regulation is necessary for the following reasons:

1. To enable the public to locate goods, services, and facilities without difficulty and confusion.
2. To prevent dangerous competition for attention between advertising signs and traffic control signs and signals.
3. To prevent signs which are potentially dangerous to the public due to structural deficiencies or disrepair.
4. To assure the continued attractiveness of the community by showing special concern for the value of its cultural and natural features such as scenic views, landscapes, architecture, and the night sky.
5. To protect public/private investments in property through the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape.
6. To enhance economic vitality and support business development through a collective representation of quality.
7. To reduce visual clutter and distracting demands for attention through reasonable standards.
8. To provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.
9. To assure equitable representation and distribution of sign opportunity.

5.7.2 GUIDE TO REGULATIONS

General sign regulations are contained within this Article. Regulations that are specific to a particular zoning district are contained within the relevant section of Article 6.

1. RELATIONSHIP TO OTHER REGULATIONS

Whenever regulations or restrictions imposed by this *Ordinance* are either more or less restrictive than those imposed by any governmental authority, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or

requirements shall govern. Regardless of any other provision of this *Ordinance*, no sign shall be erected or maintained in violation of any state or federal law or regulation.

2. APPLICABILITY

It shall be unlawful for any person to erect, relocate, or structurally alter or repair any sign or other advertising structure within the Village of Ontonagon, as defined by this *Ordinance*, without first obtaining a Certificate of Zoning Compliance. All signs shall be subject to the Building Code and the provisions of this *Ordinance*, and all illuminated signs shall be subject to the provisions of the *Michigan Electrical Code*. See Section 5.7.2.4, Section 5.7.2.5 for signs exempt from regulation, and Section 5.7.6.5 for maintenance exceptions which do not require a Certification of Zoning Compliance.

3. NONCOMMERCIAL SIGNS AND MESSAGES

Any sign that can be displayed under the provisions of this *Ordinance* may contain a non-commercial message. The owner of any sign which is otherwise allowed by this *Ordinance* may substitute noncommercial copy in lieu of any other copy without additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any noncommercial message over any other noncommercial message.

4. SIGNS EXEMPT FROM REGULATION

The following graphics are exempt from the regulations contained in this *Ordinance* and do not require a Certificate of Zoning Compliance. Approval of the property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

4.A. Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state, or local law, regulation, or resolution.

4.B. Signs for public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising, providing the jurisdiction is held harmless for any damage resulting therefrom.

4.C. Religious and other holiday lights and decorations containing no commercial message, and displayed only during the appropriate time of the year.

4.D. Works of art that do not include a commercial message, except wall murals.

5. SIGNS NOT REQUIRING CERTIFICATES OF ZONING COMPLIANCE BUT SUBJECT TO REGULATION

Certificates of Zoning Compliance shall not be required for the following signs, provided that said signs meet all other requirements of this *Ordinance*. Approval of the property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

5.A. *Address signs (911 and driveway):* Two 911 or driveway address signs per parcel, not illuminated, and not exceeding two (2) square feet per sign.

5.B. *Small Residential Identification Sign / Home Occupation*: One (1) under-canopy, freestanding ground,

projecting, or wall sign per parcel, not illuminated, and not exceeding four (4) square feet in area. No more than one (1) such sign shall be allowed per parcel.

5.C. *Identification signs for a commercial district or recognized residential neighborhood:* One (1) such identification sign is permitted for each street entrance, provided the sign shall not extend into any public right-of-way. Total sign area shall not exceed twenty (20) square feet and the sign shall not exceed eight (8) feet above the uniform finished grade, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than eight (8) feet above the grade of the road.

5.D. *Inconspicuous signs* which are not legible by a person of ordinary eyesight from any distance off the zoning lot for which it is approved, or from a public right-of-way. If the lettering from any drop boxes, ATMs, vending machines, newspaper dispenser, gasoline pump, or similar device is legible by a person of ordinary eyesight from any distance off the zoning lot for which it is approved, those graphic elements shall count toward total signage area allowed on the zone lot, as calculated in Section 5.7.4.

5.E. *Vehicle mounted signs* with a permanent message, such as a sign indicating the name of the owner or business, displayed on trucks, buses, trailers, or other vehicles which are being operated or stored in the normal course of a business, provided the primary purpose of the vehicle is not for the display of signs.

5.F. *Commemorative Signs:* Signs in the nature of cornerstones, commemorative plaques, and historical signs which are limited to not more than two (2) per lot; not more than sixteen (16) square feet per sign; and may be illuminated only from a downcast, concealed light source which does not flash, blink, or fluctuate and shall not be animated.

5.G. Signs that consist of religious symbols, identification emblems, or organizational insignia provided this subject matter relates exclusively to the premises on which they are located. These signs shall not exceed sixteen (16) square feet. Illumination must be downcast and screened from all adjacent residences. Only one such sign is allowed per street frontage.

5.H. *Governmental Flags*: These flags must be flown in accordance with established protocol. No flag shall exceed fifty-six (56) square feet. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such. Any number of official governmental unit flags may be located on any site. Only one corporate flag or pennant may be displayed. Flagpoles shall not exceed the allowable building height in the applicable context district in which the flagpole is located, but in no case shall the height of the flagpole exceed a height of thirty-five (35) feet.

5.I. *Entrance or Directional Signs:* On-premise signs of a non-advertising, non-identification nature designed exclusively to control access or use, to warn or to direct traffic or pedestrians. Only one (1) entrance/exit directional sign is allowed per legal driveway, and it may not exceed four (4) square feet in area.

5.J. *Warning and Informational*: Signs such as danger, no trespassing, no dumping, dangerous animal, and on-premise informational signs provided they do not exceed two (2) square feet in area per sign and are spaced at least two hundred (200) feet from one another, except hazards which may be located as needed to protect the public safety and welfare.

5.K. *Trail Signs:* Signs on public hiking, biking, snowshoeing, skiing, and snowmobile trails identifying the

trail, providing direction and/or identifying the availability of products, services, or businesses ahead, provided that all such signs are made of materials and erected per the requirements of the entity responsible for trail maintenance and operations, and provided all product, services, and business signs are posted not less than two-hundred (200) feet from the intersection of a public road or public right- of-way, the message is not visible from the right-of-way, and the sign area of each sign is not more than two (2) square feet. Signs for multiple entities may be combined into one panel not to exceed sixteen
(16) square feet per location.

5.L. *Time/temperature signs:* Variable electronic signs displaying only the time or temperature, provided that the light sources shall not exceed fifteen (15) watts and that each message shall not change more often than once every five (5) seconds.

6. TEMPORARY SIGNS NOT REQUIRING CERTIFICATES OF ZONING COMPLIANCE BUT SUBJECT TO REGULATION

6.A. *Temporary freestanding signs* shall be limited to ground signs.

6.B. *Temporary yard, garage, or rummage sale signs:* Not more than one (1) sign allowed per parcel, not to exceed four (4) square feet in area, to be erected not more than three (3) days prior to the event and removed immediately after completion of the event. Directional signs not to exceed two (2) square feet in area, but not placed in the public right-of-way or on public property, and removed immediately after completion of the event.

6.C. *Temporary promotional banners or special events signage* within the public right-of-way or in the air space over a public right-of-way shall be allowed only with the public property owner's permission. No temporary promotional banner shall exceed thirty-two (32) square feet. Only one (1) promotional banner is allowed per building front, securely attached to the principle structure. Banners or promotional signage may be erected not sooner than three (3) weeks before the event and must be removed not later than seven (7) days after an event.

6.D. *Temporary real estate signs* are permitted at no more than one (1) real estate sign per street frontage which advertises the sale, rental, lease of the premise upon which the sign is located. The sign shall not exceed six (6) square feet for a single-family residence or duplex, or thirty-two (32) square feet for all other uses. There shall be no illumination or animation. Signs for a single property shall be removed within thirty (30) days of the sale or rental.

6.E. *Temporary signs advertising multiple lots for sale* (subdivision) may be erected and maintained until ninety (90) percent of the lots are sold. The sign shall not be erected within one hundred (100) feet of an occupied residence.

6.F. *Temporary political and campaign signs* on behalf of candidates for public office or measures on election ballots may be erected up to forty five (45) days prior to the primary election and shall be removed within five (5) days following said election. There shall be no limit in the number of such signs on each site with the consent of the property owner. No such signs shall be located in the public right-of-way without permission of the public property owner.

(1) Political signs within residential areas may include wall signs, window signs, and freestanding ground signs not more than six (6) square feet, and not illuminated or animated.

(2) All other political signs erected in all other areas shall not exceed sixteen (16) square feet, and not be illuminated or animated.

6.G. *Temporary signs identifying construction sites* for which a building permit has been issued shall be removed within five (5) days after the occupancy of the structure. One (1) sign per premises shall be permitted not to exceed six (6) square feet for single-family and two-family structures or thirty-two (32) square feet for all other structures.

6.H. *Temporary signs identifying home improvement activities* for which no permit is required. One (1) on-premise sign per premises not to exceed six (6) square feet, which may be in place while the work is in progress. In no case shall such sign be in place for more than thirty (30) days.

6.I. A *portable, moveable sign* may be erected for a fourteen (14) day period at the opening of a new

business or to identify a construction site. At no time shall flashing lights be used on portable signs.

7. PROHIBITED SIGNS

The following signs are prohibited in the Village:

7.A. Any sign installed prior to the effective date of the *Ordinance* without a Certificate of Zoning Compliance or permit as required by the previous ordinance.

7.B. Any sign unlawfully installed, erected, or maintained after the effective date of this *Ordinance*.

7.C. Abandoned or dangerous signs, as defined in Section 5.7.6.2 and Section 5.7.6.3.

7.D. Signs that obstruct free ingress or egress from a required door, window, fire escape, or other required exit.

7.E. Privately-owned signs and associated support structures located on trees, utility poles, public benches, or any other form of public property or within any public right-of-way unless explicitly permitted by this *Ordinance*. This includes the air space above publicly-owned property or right-of-way.

7.F. No sign shall be located at the intersection of any street, or in driveways, parking lots, or loading areas in such a manner as to obstruct free and clear vision as defined in Section 5.4.5.3.

7.G. No sign shall simulate or be confused with the lighting of emergency vehicles or traffic signs, nor shall make use of the words “Stop”, “Look”, “Danger”, or any other words, phrases, symbols, or characters that interfere with, mislead, or confuse traffic.

7.H. Painted signs on the face of a structure or natural feature such as trees, rocks, shrubs, fences, etc, except for approved murals per Section 5.7.5.8.

7.I. Signs illuminated by other than electrical means.

7.J. Off-premise commercial advertising signs or graphics (signs which advertise a business which is not conducted at the place where the sign is erected), including portable signs, reader boards, or signs carried by people or incorporated into a costume. Does not include temporary, off-premise signs pertaining to promotional or special events as provided for in Section 5.7.2.6 or off premise directory or tourist oriented directory signs permitted in Section 5.7.5.11.

7.K. Portable or moveable signs with the exception of sidewalk signs (Section 5.7.5.7) and temporary signs (Section 5.7.2.6).

7.L. Roof signs.

7.M. Animated, flashing, blinking, fluctuating, rotating signs and festoons or any element having the appearance of moving or animated or moving parts as defined in Article 15; inflatable signs, tethered balloons, banners, pennants, streamers, searchlights, exposed light bulbs, and any clearly similar features, except those specifically exempt from regulation in this Section; special event signs or banners permitted in Sections 5.7.2.6, or electronic message centers as permitted Section 5.7.5.2.

7.N. Signs in or on a vehicle when the vehicle is placed in a location not normally expected for such vehicles, and the location has the apparent primary purpose of attracting attention or providing advertising in addition to that permitted for legal signs on the site.

7.O. Merchandise, equipment, products, vehicles, or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.

7.P. Other signs or attention getting devices that raise concerns substantially similar to those listed above, or any sign not expressly permitted.

5.7.3 REGULATIONS APPLICABLE TO ALL SIGNS

1. Signs shall be structurally sound and designed in compliance with all applicable building and electrical codes.
2. Signs shall be located so as to pose no reasonable threat to safe vehicular and pedestrian circulation or public safety signals and signs. Except for necessary traffic signs, all signs will be located outside the clear vision area as described in Section 5.4.5.3. Specific examples include:
   - 2.A. No sign shall obstruct the vision of drivers at any driveway, parking lot, or other route providing access to any land use.
   - 2.B. No signs shall be located on any street, intersection, or street corner which would obscure the vision of drivers and pedestrians using said streets, or conflict with traffic control signs or signals in any location.
   - 2.C. A sign, other than a traffic sign installed by a governmental entity, shall not simulate or imitate the size, lettering, or design of any traffic sign in such manner as to interfere, mislead, or confuse the public.
3. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
4. If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
5. No sign shall be placed in a drainage, utility, or other easement without first obtaining all applicable authorizations.
6. Swinging signs shall be permitted only as under-canopy signs designed to a pedestrian scale and on swinging-style sidewalk signs.
7. Illuminated signs as permitted in the zoning districts are subject to these standards:
   - 7.A. The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served; and
   - 7.B. Light sources shall be shielded from all adjacent buildings and streets; and
   - 7.C. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.
   - 7.D. All property owners are encouraged to turn off all unnecessary lighting after hours.
8. No sign shall have exposed electrical wires, and electrical service to signs shall be concealed wherever possible to preserve aesthetic values.
9. Cutting or killing vegetation growing on public rights-of-way (or below the ordinary high water mark of navigable streams) to enhance visibility of a sign is prohibited.
10. No signs shall be located in wetlands except governmental signs, warning signs, or signs that interpret natural, historical, or cultural features.

5.7.4 MEASUREMENT STANDARDS

1. DETERMINING SIGN AREA AND DIMENSIONS

1.A. For a wall sign which is framed or has a background for the sign display, the area and dimensions shall include the entire portion within the background or frame.

1.B. For a wall sign comprised of individual letters, figures or elements on a wall of a building or structure, the area and dimensions of the sign shall encompass a regular geometric shape or a combination of regular geometric shapes, which form or approximate the perimeter of all elements in the display, the frame and any applied background that is not part of the architecture of the building. This ensures that "air space" or "background wall" is generally not included in area measurements so that uniquely shaped sign elements do not constitute a penalty and so that architectural components of historic buildings are not obscured. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas as above, but

including the space between different elements. Minor appendages to a particular regular shape, as determined by the Zoning Administrator, shall not be included in the total area of a sign.

1.C. For a Freestanding sign, the sign area shall include the frame (if any) but shall not include:

(1) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed to constitute a display device or a part of a display device.

(2) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

1.D. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When a sign has more than two display surfaces, the sign area is the area of the largest display surface that is visible from any single direction.

1.E. In the event of a dispute in calculating the area or dimensions of any sign, a negative decision of the Zoning Administrator may be appealed by formal submission of an application to the Planning Commission for review.

2. DETERMINING SIGN HEIGHT

2.A. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, or that is located in a depression below the adjacent street grade, shall be measured from the grade of the nearest pavement to the highest point of the sign.

2.B. Vertical clearance shall be measured as the smallest distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.

3. DETERMINING BUILDING FRONTAGES AND FRONTAGE LENGTHS

3.A. The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.

3.B. The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

(1) The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

(2) The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection (1) above.

3.C. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning

Administrator as clearly unrelated to the frontage criteria.

3.D. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.

3.E. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

5.7.5 REGULATIONS BASED ON SIGN TYPE

Table 5-4 illustrates which sign types are permitted per zoning district.

Table 5-4 Permitted Sign Types

District	DT-2	W-MU	R-2	R-1	DT-3	GC	I
Canopy & Marquee Sign	*	*			*	*	*
Electronic Message/ Changeable Copy Sign						*	*
Freestanding Sign	*	*	*	*	*	*	*
Illuminated Signs	*	*			*	*	*
Projecting Sign	*	*			*	*	*
Sidewalk Sign	*	*			*		
Wall Murals	*	*			*	*	*
Wall Sign	*	*	*	*	*	*	*
Window Signs	*	*	*	*	*	*	*

1. CANOPY AND MARQUEE SIGNS

1.A. Canopy or marquee signs shall not be placed less than eight (8) feet above the sidewalk.

1.B. Canopy and marquee signs shall not be located closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.

1.C. Signs that are attached to the face of a marquee or canopy and are parallel to the flow of traffic shall meet the requirements of wall signs. Signs that are attached to the sides of a marquee or canopy and are not parallel to the flow of traffic shall meet the requirements of projecting signs.

1.D. The sign may not project more than six (6) inches from the face of the canopy or marquee.

1.E. Sign height shall not exceed three (3) feet.

1.F. Illuminated Canopy and Marquee signs shall meet the requirements of Illuminated Signs in Section 5.7.5.5 of this *Ordinance*.

1.G. A sign may hang from the underside of a canopy, marquee, or porch provided it does not present a hazard to ingress/egress and public safety, and does not exceed the total area requirements for each district. The following conditions shall also apply:

(1) Shall not be greater than six (6) square feet.

(2) Shall not be more than one (1) such sign per business.

(3) Shall be no less than seven (7) feet above the grade or floor.

(4) Shall not be located closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.

(5) May swing provided that the distance between the top of the sign and the underside of the canopy, marquee, or porch is not greater than four (4) inches.

2. ELECTRONIC MESSAGE/CHANGEABLE COPY SIGNS

2.A. Changeable copy by non-electronic means may be utilized on any permitted sign.

2.B. Signs with changeable copy shall have characters securely attached to the sign face.

2.C. Only one (1) electronic message sign is permitted per visible street frontage for each lot in the appropriate zoning districts.

2.D. Electronic message signs are permitted in specific zoning districts as listed in Table 5-4.

2.E. The copy on electronic message signs shall not change more than once every five (5) seconds.

2.F. The electronic message sign shall not exceed fifty (50) percent of the total sign area permitted on the site.

2.G. All electronic message signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

3. FLEXIBLE SIGNS

Signs of fabric, thin plastic, or other flexible material may be erected as freestanding or wall signs provided that all

requirements for those types of signs are met in addition to the requirements for flexible signs. The outer perimeter of the flexible sign shall be contained in a frame. No ropes or guy wires may be fastened so as to cause a hazard. Flexible signs shall be removed at the first evidence of wear or deterioration.

4. FREESTANDING SIGNS

4.A. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

4.B. A maximum of one (1) freestanding sign is allowed per interior lot or parcel within the applicable districts. Through lots and lots with multiple street frontages may have one (1) additional sign per street frontage.

4.C. The area beneath and around a freestanding sign shall be landscaped with plants, ground cover, and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation, and natural features of the landscape. For every two (2) square feet of sign, one (1) square foot of planting or lawn must be provided and maintained at the base of the sign.

4.D. The property surrounding any freestanding sign shall be maintained by the property owner in a clean and sanitary condition free from weeds, rubbish, and flammable material.

4.E. Freestanding signs shall be set back in conformity with clear vision triangle requirements as detailed in Section 5.4.5.3 if located near driveways or intersections.

4.F. For any freestanding sign that is within ten (10) feet of the curb of a public street, there shall be a minimum unobstructed distance of ten (10) feet between the bottom of any display area and the ground. For every two and a half (2.5) feet the sign is set back from the right-of-way, the base of the display area may be lowered by one (1) foot provided there is enough ground area for the required landscaping.

4.G. For every additional ten (10) feet that a sign is set back from the required front yard, the area of the ground sign may be increased by ten (10) percent. The required landscaping at the base of the sign must be adjusted for the increased sign area. This increase in size shall not apply to off-premise signs.

4.H. The allowable sign height for freestanding signs shall be as specified in Table 5-5.

Freestanding Sign Height Allowances	Maximum Height (Feet)		
District	Ground Only	15'	20'
R-1	*		
R-2	*		
DT-2		*	

W-MU	*		
DT-3		*	
I			*
GC			*

*Depends on the use. See District standards for particular applications.

Table 5-5 Height of Freestanding Signs

4.I. The area of a freestanding sign shall not exceed the maximum square footage shown in Table 5-6.

Freestanding Sign Area Allowances	Maximum Area (Square Feet)			
District	16	32	40	100
R-2	*			
W-MU		*		
DT-2			*	
R-1	*			
DT-3			*	
GC				*
I				*

*Depends on the use. See District standards for particular applications.

Table 5-6 Area of Freestanding Signs

5. ILLUMINATED SIGNS

In order to reduce glare and the general overwash of light to public rights-of-way and residential uses, and to promote the protection of the dark sky, all illuminated signs shall be designed and constructed to meet or exceed the following standards.

5.A. Flashing, rotating, and intermittent lighting and exposed bulbs are prohibited, except time and temperature signs and electronic message centers as regulated in Section 5.7.5.2.

5.B. Internally illuminated signs are required to have a dark face or opaque background. Only the message shall be lit, not the entire sign. Internally illuminated signs shall have back-lighted individual letters or objects softly silhouetted against the background from a diffused light source inside each letter or object.

5.C. External illumination must be downcast, directed only to the face of the sign, and screened from all adjacent residences. No sign lighting shall project beyond the building premises. No exposed bulbs or unshielded flood lamps are permitted. Illumination will also be arranged so as not to adversely affect driver visibility on adjacent thoroughfares.

5.D. With the exception of directional and “no vacancy” signs, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.

6. PROJECTING SIGNS

6.A. No portion of a projecting sign shall be less than eight (8) feet or greater than fourteen (14) feet above grade as measured as the vertical distance between the bottom of the sign or support structures and the grade or floor immediately below the sign.

6.B. No sign shall be located closer than ten (10) feet to any intersecting rights-of-ways.

6.C. The sign shall be located no closer than two (2) feet to the vertical plane of the face of a street curb, or no closer than three (3) feet to the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.

6.D. Projecting signs shall be spaced at least fifteen (15) feet apart.

6.E. A sign shall not project more than eight (8) feet from any structure.

6.F. A projecting sign shall not exceed eight (8) square feet.

6.G. No sign may project over an alley or private access lane.

6.H. All projecting signs shall be designed, installed, and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.

7. SIDEWALK SIGNS

7.A. Sidewalk signs shall be permitted in the applicable zoning district during the hours a business is open to the public, but in no instance may a sign be placed on the street earlier than 8:00 a.m. nor later than 9:00 p.m.

7.B. Sidewalk signs shall be of A-frame or swinging-style construction that shall be sturdy, stable, and of

heavy enough construction on its own to withstand typical winds without flipping over or sliding.

7.C. A sidewalk sign shall have no moving parts, including wheels.

7.D. The maximum height shall be four (4) feet and the sign shall not occupy more than nine (9) square feet of sidewalk. The base of the sign shall not exceed thirty-six (36) inches wide. The required dimensions shall include the support structure and shall be measured along the widest or highest section of the sign.

7.E. The surfaces of sidewalk signs shall be durable and weather-resistant. Loose paper faces, cardboard, paper, fabric, and non-rigid material shall not be permitted.

7.F. Sidewalk signs shall not be illuminated by any means except natural light and existing street lights.

7.G. At all times of the year, sidewalk signs shall be placed directly in front of the business holding the permit for the sign, a minimum of two (2) feet away from the vertical plane of the face of a street curb, or three (3) feet away from the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.

7.H. The sign placement shall allow a minimum of five (5) feet of unobstructed sidewalk for pedestrians.

7.I. Sidewalk signs shall not be placed within twenty (20) feet of an intersection.

7.J. During the winter months, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.

7.K. A sidewalk sign shall not obstruct the clear vision area as described in Section 5.4.5.3, vehicular/bus stops, benches, fire hydrants, or other features legally located in the right-of-way.

7.L. The owner of the sign and the owner of the site upon which it is located must sign a statement assuming all liability for damage and injury caused by the sign.

7.M. Sidewalk signs shall be exempt from the total sign area calculation.

7.N. There shall be one sidewalk sign allowed for each tenant provided that all of the requirements of this section are met.

8. WALL MURALS

8.A. Prior to painting or affixing a mural to the building, the surface of the building must be fully repaired and/or deemed suitable for the proposed mural. The Building Inspector or other authorized agent shall check the surface for general suitability. However, the Village and/or its authorized agents shall not be responsible for any potential failures associated with the structure or mural.

8.B. A sealer shall be applied to the surface of the mural to extend the life of the mural and make it easier to clean and maintain.

9. WALL SIGNS

9.A. No wall sign shall cover, wholly or partially, any wall opening nor shall any sign project beyond the ends or top of the wall to which it is attached.

9.B. Sign position will avoid obscuring architectural ornament and detail.

9.C. A wall sign shall not project more than twelve (12) inches from the wall.

9.D. Wall sign area is counted toward the total area requirements, however, the minimum sign area for each tenant, including those without outside frontage, shall not be less than two (2) square feet.

9.E. For any commercial or mixed-use building containing more than one tenant, a directory sign containing the names of all tenants may be located at each common public entrance to the building, not to exceed a maximum size of twenty (20) square feet for each directory. Directory and restaurant menu signs not exceeding two (2) square feet need not be included in the sign area calculations.

9.F. Each tenant may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs for that tenant space or use (not including building directories and menu boards as above).

9.G. Additional wall sign area is permitted for a secondary frontage which shall be equal to one-hundred (100) percent of the primary sign area allowance.

9.H. Fifteen (15) square feet of bonus area is permitted on each of the building's primary and secondary frontages for a building with two (2) or more floors. The bonus sign must be placed at the height for which the bonus has been granted.

9.I. No wall sign shall have a length greater than eighty (80) percent of the length of the tenant space, or for single tenant buildings, the length of the building frontage.

Total Combined Sign Allowances (also applies to one wall sign)	Maximum Square Feet of sign area per lineal foot of building/ tenant			
District	1.5	2	2.5	3
DT-2			*	
R-2	*			
R-1	*			
W-MU		*		
DT-3			*	
GC				*
I				*

* Depends on the use. See District standards for particular applications.

Table 5-7 Total Combined Sign Area Allowance

10. WINDOW SIGNS

10.A. Window signs shall not exceed twenty-five (25) percent of the area of a window, except when the window is covered by a single mural or photo, and in that case, the display shall not exceed seventy-five (75) percent of the window area.

10.B. Window signs shall be counted in the total allowable sign area calculation.

10.C. Business hours, open/closed signs, and other similar information are exempt from the total allowable window sign square footage calculation.

11. OFF PREMISE DIRECTORY AND TOURIST ORIENTED DIRECTORY SIGNS

11.A. Off premise directory and tourist oriented directory signs are permitted in the GC Zoning District.

11.B. A Directory sign owned or sponsored by the DDA, Chamber of Commerce, Convention and Visitor's Bureau or other business association shall be permitted to display information for businesses and other tourist related facilities.

11.C. Directory and Tourist Oriented Directory signs shall comply with all other sign requirements of the GC Zoning District.

5.7.6 SIGN ADMINISTRATION

1. NONCONFORMING SIGNS

Non-conforming signs are those which do not comply with size, placement, construction, or other provisions or regulations of this *Ordinance*, but which were lawfully established prior to the adoption of this *Ordinance*. It is the intent of this *Ordinance* to discourage the continuance of non-conforming signs and to encourage their removal by whatever lawful means available.

1.A. Nonconforming signs shall be maintained in good condition pursuant to Section 5.7.6.5.

1.B. A nonconforming sign or sign structure shall be brought into conformity with this *Ordinance* if it is altered, reconstructed, replaced, or relocated. A change in copy is not an alteration or replacement for purposes of this Section. An alternation also does not include maintenance that is intended to keep the nonconforming sign or sign structure in good condition per its original state, such as replacing or repairing worn or damaged parts. However, changes or additions shall not be made to any sign on a site so as to increase the total nonconformity.

1.C. Non-conforming signs requiring structural repair to make them safe shall be removed.

1.D. On parcels where there is a legal non-conforming sign, no new additional signs shall be erected until all such non-conforming signs are brought into compliance with this *Ordinance*.

1.E. Removal of a nonconforming sign, or replacement of a non-conforming sign with a conforming sign is required when:

(1) A non-conforming sign, or a substantial part of a non-conforming sign, is blown down, destroyed, or for any reason or by any means taken down, altered, or removed. As used in this section, “substantial” means fifty (50) percent or more of the entire sign structure; or

(2) A non-conforming sign, sign structure, or the building to which a non-conforming sign is attached, is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event, and the cost of reconstruction of the street sign or structure or building to its condition immediately prior to the event exceeds fifty (50) percent of the value of the sign, structure, or building prior to its destruction or damage; or

(3) The condition of the non-conforming sign or sign structure has deteriorated and the cost of restoration of the sign to its condition immediately prior to such deterioration exceeds fifty (50) percent of the value of the sign or sign structure prior to its deterioration; or

(4) The property on which the sign is located has become vacant, or been unoccupied for a period of sixty (60) consecutive days or more.

(5) The regulation or amendment to these regulations which made the sign non-conforming has been in effect for ten (10) years or more.

1.F. The dates established in this Section for a sign to be brought into compliance with the requirements of these regulations may be extended at the request of the sign owner or leasee. In evaluating the extension of time for a non-conforming sign, the Zoning Administrator shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup the initial investment.

(1) The value of the sign at the time of construction and the length of time the sign has been in place;

(2) The life expectancy of the original investment in the sign and its salvage value, if any;

(3) The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;

(4) The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
(5) The extent to which the sign is not in compliance with the requirements of these regulations; and
(6) The degree to which the Zoning Administrator determines that the sign is consistent with the purposes of these regulations.
(7) Whether the sign has “historical” or “landmark” significance and should, therefore, be exempt from amortization.

2. ABANDONED SIGNS

Abandoned signs shall be removed by the property owner within 30 days.

3. DANGEROUS SIGNS

In the case of a sign which presents imminent danger to life or property the sign owner, or if he cannot be reached, a responsible Village official must take immediate action as necessary to remove the danger. See Section 5.7.6.6.

4. PERMITTING PROCEDURES

4.A. A Certificate of Zoning Compliance shall be obtained from the Zoning Administrator prior to the issuance of a building permit.

4.B. Application for a Certificate of Zoning Compliance shall be made upon forms provided by the Zoning Administrator, and shall contain or have attached the following information:

(1) Name, address, telephone number, and signature of the applicant (person or firm erecting the sign).
(2) Name, address, telephone number and signature of the owner of the land on which the sign is to be erected.
(3) A scale drawing indicating:
   a. An accurate site plan showing the location of each proposed sign, existing signs, property lines, and all buildings and driveways on the parcel. All dimensions are to be included.
   b. An accurate elevation of each building wall intended to accommodate a sign, including window signs, showing the location, dimensions, and height of each sign above grade level. A computation of the area of each sign on the parcel is to be included.
   c. An illustration depicting color scheme and items of information proposed to be displayed. Include the percentage of the signable area covered by the proposed graphics.
(4) A copy of the plans, specifications, method of construction, and means of attachment to the building or ground, including means of illumination or mechanical movement, if any.
(5) Upon demand of the Zoning Administrator, a copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable laws and ordinances.
(6) Such additional information as required by the Zoning Administrator to show full compliance with this and all other laws and ordinances of the Village.

4.C. A Comprehensive Sign Plan (CSP) may be submitted that permits consideration of unique conditions, flexibility, and creativity. Such CSP is subject to approval by the Planning Commission. The application of such plan cannot be viewed as imposing more restrictive requirements than permitted by the basic standards, but rather, may permit additional signs and/or sign area based on the applicant's demonstration of unique characteristics of the design, building, and/or site. A bonus may also apply when the applicant utilizes preferred designs such as a dark face or opaque background for internally- lit signs or amber lighting on message centers.

4.D. All sign applications shall be reviewed for compliance with these regulations within twenty (20) business days from the time a completed application has been accepted by the Zoning Administrator.

4.E. Reasons for denial of any sign application shall be set forth in writing and shall include any changes which would make the plan acceptable.

4.F. The applicant may appeal any denial to the Zoning Board of Appeals.

4.G. Each sign requiring a Certificate of Zoning Compliance shall contain a clearly legible identification plate, no larger than fifteen (15) square inches in area, stating the name of the person responsible for its construction and erection, along with the installation date and permit number.

5. MAINTENANCE

5.A. The property owner shall maintain the sign in safe structural condition at all times in accordance with all Village standards and building code requirements. This includes but is not limited to the replacement of defective parts and peeling, faded, or broken display faces and structural members. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals. All parts of the signs, including bolts and cables, shall remain painted and free from corrosion.

5.B. *Maintenance Requiring no Permit:*

(1) The repainting of any portion of a sign structure, or the periodic changing of a bulletin board or billboard panel or the renewing of copy which has been made unacceptable or unusable by ordinary wear shall not require a permit.

(2) The replacing or repairing of non-structural portions of a sign shall not require a permit.

5.C. *Maintenance Requiring a Permit:*

(1) Structural alteration, repair, or replacement of a sign or sign support structures shall require a permit.

(2) An enlargement or increase in any of the dimensions of a sign or the sign structure shall require a permit.

5.D. The Zoning Administrator shall inspect and may order the painting, repair, alteration, or removal of a sign which constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. If the sign is deemed by the Zoning Administrator to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of receipt of such notification, respond to the Village with a plan to correct or remove the unsafe condition or cause it to be removed. If after thirty (30) days, the unsafe condition has not been corrected through repair or removal, the Zoning Administrator may cause the repair or removal of such sign at the expense of the property owner or lessee. If the total costs are not paid in full within sixty (60) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional fifteen (15) percent penalty for collection as prescribed for unpaid real estate taxes.

6. SIGN REMOVAL PROCEDURES

6.A. The Zoning Administrator shall order the removal of any sign for which no Certificate of Zoning Compliance has been issued or signs erected in violation of this *Ordinance*.

6.B. The Zoning Administrator shall notify the property owner by first class mail describing the sign and specifying the violation involved.

6.C. The property owner shall remove sign or initiate an appeal within fifteen (15) days of receipt of the letter. An appeal stays all proceedings unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property.

6.D. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or appealed the decision of Zoning Administrator, the Zoning Administrator shall carry out the requirements of the notice. The costs of such abatement may be charged against the premises and the owner thereof.

6.E. In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice.

SECTION 5.8 GENERAL ESSENTIAL SERVICES, COMMUNICATION, UTILITY, AND PUBLIC INFRASTRUCTURE REGULATIONS

The provisions of this *Ordinance* apply to buildings, structures, facilities, and/or uses owned or operated by the Village of Ontonagon. All buildings, structures and/or uses owned or operated by any other local, county, state or federal agency within the Village of Ontonagon require review and approval of a site plan by the Planning Commission before construction or alteration, except as provided elsewhere in this *Ordinance*, or by State or Federal Law.

5.8.1 ESSENTIAL SERVICES, PUBLIC FACILITIES, AND

The erection, construction, alteration or maintenance of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, water towers, poles, street lighting, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories, but not including communication towers, which are reasonably necessary for the furnishing of adequate service for the public health, safety or general welfare by public utilities or governmental units, boards, or commissions is permitted in any zoning district., subject to the following provisions:

1. A fence or wall six (6) feet high and adequate to obstruct passage of persons or materials shall enclose electrical substations and/or gas regulator stations.
2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
3. Communication towers require a Special Land Use Permit according to the standards in Article 9 and Article 14.
4. Any building erected for human occupancy after the effective date of this *Ordinance* and used for dwelling, business, industrial, mercantile, or storage purposes shall not be erected, altered, used, or moved upon any premises without a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
5. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the District Health Department as well as those of other applicable local, county, state, or federal agencies.
6. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of the vacated area.

SECTION 5.9 GENERAL ACCESS REGULATIONS

5.9.1 DRIVEWAY

1. ROAD AUTHORITY APPROVAL

No driveway shall connect to a public street or road without first receiving approval of the driveway location and cross section specifications from either the Local Road Agency or the Michigan Department of Transportation (MDOT) (on a state highway). However, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

2. DRIVEWAY PLANS AND SPECIFICATIONS

2.A. PLAN APPROVAL

All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Village shall contain a plan for the proposed driveway access to the premises. Such plan shall be approved by the Zoning Administrator before the issuance of a Zoning Permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or road, or to a pre-existing private street or road.

2.B. ONE DRIVEWAY PER PARCEL

Each parcel with a single tax code number on the effective date of this *Ordinance*, which fronts on one side of a major thoroughfare, shall be entitled to one (1) driveway access from that street or highway. Subsequent division of each parcel, by metes and bounds descriptions, by plats created in accord with *P.A. 288 of 1967 as amended*, or by site condominiums in accord with *Act 59 of 1978 as amended*, shall provide access by a single public road or by an approved joint parking area or driveway, as described in Section 5.5.4. No direct additional access to the major thoroughfare shall be permitted with subsequent land divisions unless the parcel has more than six hundred (600) feet of frontage and driveway separation is at least six hundred (600) feet; except following a careful review of onsite conditions by the Ontonagon Village or MDOT, as applicable, a lesser separation distance is approved. However, if a parcel is split by a street or road, there may be a driveway on both sides of the road, provided they are both in direct alignment with one another.

2.C. SPECIFICATIONS APPLICABLE TO ALL DRIVEWAYS

(1) Drives should enter perpendicular to the existing public street, private street, or alley.

(2) No portion of the driveway entrance within the right-of-way shall have a grade of greater than fifteen (15) percent (1 foot vertical rise in 6.7 feet of horizontal distance) unless a greater slope is necessary because of site conditions.

(3) The driveway shall meet clear vision standards of Section 5.4.5.3.

(4) Driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street except on a nonconforming lot of record, in which case the maximum separation feasible shall be achieved, but in no case shall it be less than twenty-five (25) feet.

(5) Driveways shall be designed to minimize runoff and erosion, and shall not alter existing drainage unless approved by appropriate road authority.

(6) The location of new driveways shall conform with road improvement plans or corridor plans adopted by the appropriate road authority.

(7) An individual driveway serving more than one non-residential use is permitted, but access for a non-residential use shall not cross residentially-zoned property.

(8) The new driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features provided that the resulting alignment provides safe access and if all other access requirements of this *Ordinance* are met.

(9) The Local Road Agency or MDOT shall inspect the constructed driveway for compliance to all standards and shall so notify the Building Inspector prior to issuance of a Building Permit.

(10) In non-residential zones, no more than one driveway shall be allowed per lot or parcel on a street unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a

shorter distance as established by the Local Road Agency, or MDOT, or a qualified traffic engineer by means of a traffic impact study prepared according to MDOT guidelines, or unless additional driveways are permitted in Special Land Use standards for a particular use.

2.D. RESIDENTIAL DRIVEWAY SPECIFICATIONS

Residential Driveway Specifications		
Design Features	**Standard Specification**	**Accepted Range**
Intersecting Angle	90 degree	70 to 110 degree
Driveway Width	12 feet	10 to 24 feet
Entering and Exit Taper	2 feet	2 to 4 feet
Curb Cut	14 feet	14 to 28 feet

2.E. NON-RESIDENTIAL DRIVEWAY SPECIFICATIONS

Non-Residential Driveway Specifications*		
Design Features	**Standard Specification**	**Accepted Range**
Intersecting Angle	90 degree	70 to 110 degree
Driveway Width	24 feet	12 to 35 feet
Entering and Exit Taper	6 feet	3 to 20 feet
Curb Cut	36 feet	18 to 75 feet

*Commercial, Industrial, Multiple-Family (5 unit and greater)

5.9.2 SIDEWALK

Every subdivision, condominium project, PUD, commercial, industrial, or other public or private project newly constructed in the Village or which must go through site plan review shall have sidewalks or another approved walkway system meeting the following requirements:

1. Sidewalks shall be at least five (5) feet in width and meet the Village construction standards.
2. Intersections of pedestrian paths with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and defined with contrasting paving materials or striping.
3. All pedestrian sidewalks and paths shall be handicapped accessible.

5.9.3 PUBLIC STREET

New public roads or streets shall conform to the requirements of this Section.

1. The creation of a street that serves a subdivision or a parcel shall meet or exceed the cross-sectional construction standards established by the appropriate road approval authority.
2. All new streets shall be dedicated to and accepted by the public, and no structure or development activity shall be established within approved rights-of-ways or easements. All plans as submitted for approval must show the proposed street including a legal description and sketch of description, and must include profiles with the horizontal and vertical alignments and drainage systems for these streets.
3. All streets shall terminate at other streets or at public land, except as specified below:
   - 3.A. Access lanes that terminate in cul-de-sacs may be permitted only when topography prevents the use of loop streets.
   - 3.B. Local streets may terminate in stub streets when such streets act as connections to future phases of the development.
4. Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five (75) degrees.
5. Connection to County roads requires construction authorization from the Ontonagon County Road Commission; and connection to State highways requires construction authorization from the Michigan Department of Transportation. The County may disapprove a proposed public street or road that does not provide a connection to another public street or road when that connection is necessary for safe traffic flow and emergency vehicle access.
6. No more than twenty-five (25) lots may gain access to a single street if only one point of intersection is provided between the new street and another existing public street. No more than seventy-five (75) lots may gain access to a new street where two or more points of intersection are provided between the new street and other public streets.
7. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 5-5.
8. *Pedestrian Circulation:* Pedestrian sidewalks or paths shall be provided with all new developments as determined by the Zoning Administrator or Planning Commission

based on the need to connect residences with community focal points, schools, parks and recreation areas, municipal buildings, public facilities, and shopping areas, and in accordance with Section 5.9.2.

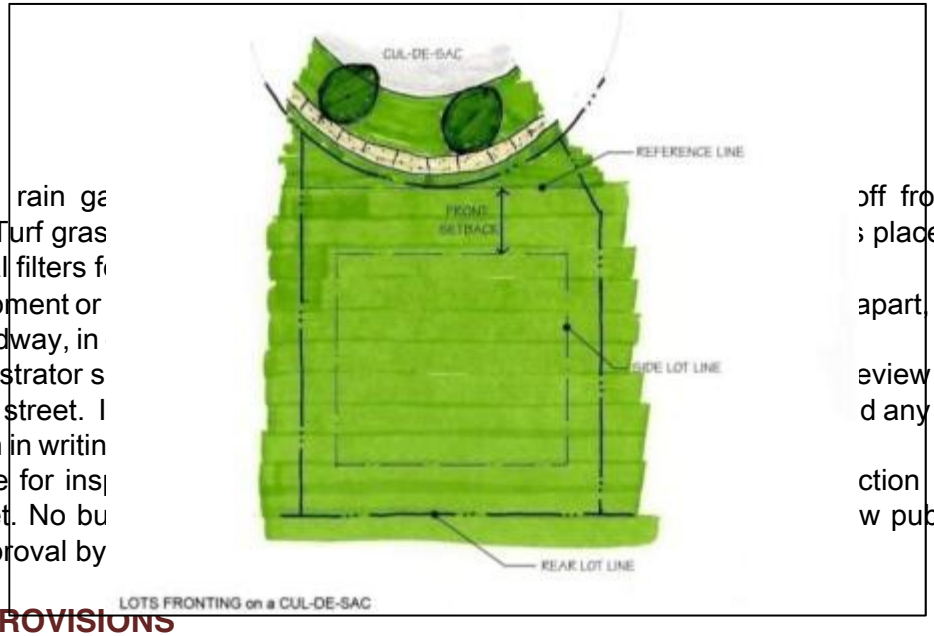
9. *Natural Drainage:* Whenever possible, rain ga… off from streets and other impervious surfaces. Turf gras… s placed lower than walkways to serve as natural filters f…

10. *Street Trees*: With all new street development or … apart, below the grade of the sidewalk and roadway, in …

11. *Application Review:* The Zoning Administrator s… eview and comment, the plans of a new public street. I… d any requirements for approval shall be given in writin…

12. The Zoning Administrator shall arrange for insp… ction of, and upon completion of, the new street. No bu… w public street until such street is given final approval by …

Figure 5-5 Lots Fronting on a Cul-De-Sac



SECTION 5.10 ENVIRONMENTAL PROTECTION PROVISIONS

The protection of areas of environmental concern, such as wetlands, high risk erosion areas, floodplains, or steep slopes, must be considered in conjunction with development, and such areas must be developed in conformance with the following regulations of state and county agencies and the following Village regulations as applicable:

5.10.1 SENSITIVE ENVIRONMENTAL

1. WETLANDS

Defined by degree of soil wetness, generally including those soils classified by the *Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Part 303, Section 324.30301 et seq* as being able to support aquatic vegetation regardless of whether it has standing water or not. No activity shall be permitted on a site with regulated wetlands, unless a wetlands permit has been obtained by the applicant from the Michigan Department of Environmental Quality.

2. SENSITIVE RIVERINE AREAS

Defined as areas on each side of streams that could be subject to flooding or erosion and alterations of land, these areas may require a soil erosion and sedimentation control permit under *Part 91, Section 324.9101 et seq of the Michigan Natural Resources & Environmental Protection Act, Public Act 451 of 1994, (formerly, PA 346 of 1972).* See also Flood Plain Areas below.

3. FLOODPLAINS

3.A. NATIONAL REGULATION OF FLOODPLAIN AREAS

Defined as low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA) or an Intermediate Regional Flood map prepared by the Army Corps of Engineers. A structure proposed within a floodplain shall not be erected until after receipt of a permit from the Michigan Dept. of Environmental Quality pursuant to *Part 31 of the Michigan Natural Resource & Environmental Protection Act, Public Act 451 of 1994.* The objectives of these regulations include:

(1) The protection of human life, health, and property from the dangerous and damaging effects of flood conditions.
(2) The minimization of public expenditures for flood control of projects, rescue and relief efforts, repair of damaged public facilities and utilities, and the costs of redevelopment.
(3) The prevention of private and public economic loss and social disruption.
(4) The maintenance of stable development patterns not subject to the blighting influence of flood damage.
(5) To preserve the ability of floodplains to carry and discharge a base flood.

3.B. LOCAL REGULATION OF FLOODPLAIN AREAS

These regulations will be certified by a registered engineer.

(1) Where permitted, any structure built within a floodplain shall have its lowest occupied level one foot above the base flood elevation.
(2) Accessory structures and uses permitted with a principle use shall meet the standards of this *Ordinance*, and the following:
   a. The structure will not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
   b. All equipment and structures shall be anchored to prevent flotation and lateral movement.
(3) The following uses are permitted within a floodplain if these uses are also allowed in the applicable zoning district:
   a. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries, and seeds.
   b. Harvesting of trees
   c. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, bridle paths, nature paths, trails, day camps, outdoor recreational clubs, golf courses, and public open land
   d. Wildlife preserves, conservation areas, arboretum or botanical gardens
   e. Historic sites and structures
   f. Swimming beaches, fishing and boating docks in accord with *Part 301 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994*, *as amended*

g. Required open space or yard for landward structural uses
h. Agriculture and nurseries

4. STEEP SLOPES

When the proposed building site has slopes in excess of fifteen (15) percent, questionable soils stability, or evidence of erosion, the Zoning Administrator shall require the applicant to obtain a site analysis and conform with the applicable requirements of this Section.

5. RETAINING WALL PERMIT

No shoreline retaining wall shall be erected without first having obtained a permit from the Michigan Department of Environmental Quality.

6. STORMWATER MANAGEMENT

6.A. GENERAL PROVISIONS

(1) When any land in the Village is developed or altered in any way which affects stormwater runoff, the owner shall detain such stormwater from runoff onto adjacent properties, including roads and other rights-of-way, in such a manner which shall result in the maximum amount of stormwater runoff not exceeding that which existed prior to the development or improvement of the property, and in accord with the requirements of the *Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Part 91, Section 324.9101 et.seq.* In addition, all development shall conform to the *County Soil Erosion, Sedimentation and Stormwater Control Resolution* and any general rules or administrative guidelines.

(2) Special attention shall be given to proper site drainage so that runoff of stormwater shall not adversely affect neighboring properties or the water quality of the Village's rivers and streams. Stormwater control mechanisms, such as retention/detention basins, vegetative buffers, swales, and infiltration trenches, shall be required to ensure that the peak rate of stormwater runoff after development does not exceed the rate prior to development.

(3) The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of land, shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or filling of any road ditch, the blockage of any natural or public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provisions of this section shall be administered and enforced pursuant to the site plan review provisions of Section 14, when applicable. In all other cases, the Zoning Administrator shall determine whether the provisions of this section are met. When it is determined that inadequate surface water control exists, no Certificate of Zoning Compliance shall be issued until the situation is

corrected and approved by the Zoning Administrator.

6.B. CREATION OF PONDS

For purposes of this *Ordinance*, a pond is defined as a manmade excavation or impoundment of surface water designed to retain or detain water with a surface area of at least one-thousand (1,000) square feet. Ponds are subject to the following regulations:

(1) No person shall commence the excavation, dredging, or construction of a dam that is designed, intended, or results in the creation or enlargement of a pond without first making application for and receiving a Certificate of Zoning Compliance approving the specific plans for a pond.
(2) An application for a Certificate of Zoning Compliance for a pond shall be made pursuant to Article 14 of this *Ordinance*.
(3) Proposed ponds of less than one (1) acre in size shall be considered under a minor site plan.
(4) Applications for ponds larger than one (1) acre and/or ponds which are located within five-hundred (500) feet of a lake, river, stream, or open Village drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the *Natural Resources and Environmental Protection Act, Public Act 451 of 1994,* apply to the proposal.
(5) Ponds (or manmade lakes) in excess of 5 acres shall be considered major site plans under Article 14.
(6) Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
(7) No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
(8) Ponds on parcels of less than 20 acres in size that are not enclosed by a four feet high fence shall be required to provide and maintain one or more safety stations in compliance with the following:
    a. U.S. Coast Guard approved ring buoys securely connected to forty feet of rope mounted on posts located at 500 feet intervals around the perimeter of the pond.
    b. A twelve feet long pole shall be attached to one safety station.
(9) Ponds under five (5) acres are permitted without regard to the eight (8) previous subsections if:
    a. On a bonafide commercial agriculture or horticulture operation;
    b. The pond is approved by the National Resources Conservation Service as being in conformance with their existing pond design standards.

7. ENVIRONMENTAL NUISANCE PREVENTION

Every use shall be so conducted and operated so that it is not detrimental to the health, safety, or welfare of persons or property, or obnoxious by reason of heat, glare, fumes, odors, dust, noise, smoke, water runoff, light, ground vibration or other nuisance beyond the lot on which the use is located. It shall be unlawful to carry on or permit to be carried on any activity or

operation of use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or to human activity. All proceedings of the Planning Commission, Zoning Board of Appeals, and Village Council shall be conducted, and all decisions shall be made with due consideration given to the maintenance of reasonable circumstances regarding: emission and transmission of injurious or obnoxious noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

7.A. DANGEROUS EXPLOSIVE AND FLAMMABLE MATERIALS:

(1) No use of a building or premises shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street. All buildings, above or below ground storage, and handling areas where dangerous chemicals, salts, flammable materials, or hazardous substances are regularly used, moved or stored shall conform to all applicable local, County, State, and Federal regulations and requirements; including the maintenance of any clear zone and/or containment structures required by government authorities. Failure to disclose such materials to fire, emergency services agencies and the Michigan Department of Environmental Quality as may be required by State or Federal laws, is also a violation of this *Ordinance*.

(2) All outdoor above or below ground handling area and storage facilities for dangerous chemicals, explosive or flammable materials, fuels and other hazardous substances in excess of fifty (50) gallons or one-hundred fifty (150) pounds per month, shall:

a. Be constructed and maintained in compliance with:
   1. All applicable Michigan Department of Environmental Quality, Michigan Department of Agriculture, State Fire Marshal and U.S. EPA Standards;
   2. The *Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, being MCL 125.1501, et seq.,* and
   3. All applicable County, local Fire Code and “Right-to-Know” laws.
   4. A Pollution Incidence Prevention Plan (PIPP) if required under state law.

b. Be located on a lot at least one-half (½) acre in size.

c. Not store fuel in above or below ground tanks closer than seventy-five (75) feet to a building unless it is liquefied petroleum gas or heating fuel in an approved tank, in which case it shall not be closer to a building than the distance allowed by the State Mechanical Code.

d. Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all "hazardous wastes" as defined by *Act 64 of 1979*, that are in liquid form. Secondary containment structures shall include structures such as but not limited to dikes and berms surrounding transfer and storage areas, enclosed structures, and interior storage rooms with sills and no floor drains. All secondary containment structures shall be at least large enough to hold the capacity of the largest drum or tank in the

transfer or storage area. Secondary containment structures shall be covered, but if flammable, not fully enclosed, with a satisfactory dewatering plan to prevent leaks and spills from entering drains, sewers, surface or groundwater.

e. No floor drains shall be permitted in any areas involving the transfer or disposal of hazardous liquids unless all hazardous liquids are collected and properly treated or disposed of offsite.

f. If the quantity of material in Section 5.10.1.7.A.2 above is less than the regulatory threshold of the Michigan Department of Environmental Quality, the Michigan Department of Agriculture, State Fire Marshal or U.S. EPA Standards then the secondary containment structures required above shall conform with standards prepared by the Zoning Administrator and adopted by the Planning Commission.

g. The owner shall supply the Zoning Administrator, Police and Sheriff's Department, and Emergency Services Coordinator with the name and phone number of persons responsible for materials on the site and who is available 24 hours in case of a leak or spill.

7.B. JUNK

No person shall store, place, abandon, or permit to be stored, placed, abandoned, or allow to remain in any district a dismantled, partially dismantled, unlicensed, or inoperable motor vehicle or farm machinery, junk, rubbish, or litter upon any premises, except as provided for in Article 9, or in the case of motor vehicles or inoperable farm machinery, unless confined in a wholly enclosed structure.

SECTION 5.11 GENERAL MISCELLANEOUS REGULATIONS

5.11.1 BUILDING MATERIALS

New buildings are strongly encouraged to mimic designs and materials indigenous to the area and long recognized as part of the character of the Village of Ontonagon.

5.11.2 ACCESSORY OPEN STORAGE

The accessory use of open yard space for storage of major recreational equipment such as utility trailers, boat trailers, boats, recreational vehicles and similar major recreational equipment may be stored in the open subject to the following provisions:

1. Dead storage only is allowable, and no connection to any permanent power, water, or sewer facilities is allowed.
2. Such equipment shall not be used for human occupancy nor used as business, recreational, or housekeeping purposes, except as provided for by Section 5.2.6.2.
3. Such equipment must be in usable and in safe condition except for periods when necessary repairs or alterations are being conducted.
4. Such equipment shall be stored in the side or rear yard provided accessory building setbacks are met, unless it is

stored in an existing garage or carport.

5. No such equipment shall be parked or stored on a public street or right-of-way or in such manner or in such location in the lot or parcel as to create a dangerous or unsafe condition.

5.11.3 OUTDOOR LIGHTING

1. INTENT

The intent of these regulations is to:

1.A. Promote safety through properly designed lighting that reduces unsafe glare and does not negatively affect visibility.

1.B. Conserve natural resources through improved energy efficiency.

1.C. Reduce the trespass of light or glare over property lines.

1.D. Reduce light pollution of the night sky.

2. LIGHTING STANDARDS

2.A. Commercial outdoor lighting shall be used for safe pedestrian passage and property identification, and otherwise shall be extinguished no later than one half hour after the close of business.

2.B. Lighting that is designed for the external illumination of buildings, so as to feature said buildings, shall be located and shielded so as not to project upward above the building, or to interfere with the vision of persons on adjacent roads and streets or adjacent property.

2.C. All outdoor lighting above 70 watts, including illuminated signs, shall be placed, and shielded, to reduce glare and reflect light away from adjacent residential districts and adjacent dwelling units as well as to prevent interference with the vision of persons on adjacent highways.

2.D. All freestanding outdoor lighting shall be fully shielded and directed downward with a full cutoff to prevent off-site glare; and shall not exceed sixteen (16) feet in height except to light a public athletic field or public street lights.

2.E. Canopy lighting shall be fully recessed.

2.F. Fixtures shall be located no closer to the property line than four (4) times the mounting height of the fixture, and shall not exceed the height of adjacent structures. Exceptions to this rule may be approved by the Planning Commission for large parking areas, non-residential uses adjacent to highways, or for fixtures with greater cut off shielding.

2.G. Interior lighting shall be designed so that it does not illuminate the outdoors. After close of business, interior lighting that extends outdoors shall be extinguished by the use of shut-off timers.

2.H. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any property line, except where it abuts a Residential Use where a maximum of one half (0.5) footcandle is permitted.

ARTICLE 6: SCHEDULE OF REGULATIONS – TRADITIONAL ZONING DISTRICTS

SECTION 6.1 R-1 RESIDENTIAL DISTRICT (R-1)

6.1.1 INTENT AND GUIDING PRINCIPLES (R-1)

The R-1 Residential district (R-1) provides for single-family residential development and open space preservation development (also conservation subdivision and cluster development) in areas that transition to open and wooded areas in the neighboring Township. This district is meant to support a more rural setting preserving natural landscape features and open space. This district encourages cluster development preserving at least twenty (20) percent of the site as dedicated open space (and preferably more). This District also allows for food production and limited agricultural pursuits close to urban areas to enhance food security.

6.1.2 DISTRICT USE STANDARDS (R-1)

Use standards for the R-1 district are illustrated in Table 6-1. Uses not listed but of the same general character as those permitted will be interrupted by the Zoning Board of Appeals. Conditional and Special Land Use standards are located in Article 9 and in Article 14.

Table 6-1 Permitted Uses in the R-1 Residential District, page 1 of 3

VILLAGE OF ONTONAGON HYBRID ZONING

R-1 Residential District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Agricultural Service Establishments			Animal Services: with Unenclosed Outdoor Confinement	Special Use: See Article 9
Commercial Agriculture or Horticulture	All listings in Table 4-1 except large scale composting or industrial/intensive agriculture	Conditions: See Article 9		
Small Scale Food Production & Urban Agriculture	Accessory apiary; Farmer's Markets – Whole Food Stands	Conditions: See Article 9		
	Gardens and Orchards in a required yards; Green houses and aquaculture systems; Community and Urban Gardens	Permitted		
Commercial & Commercial Services	Bed & Breakfast Establishments – Tourist Homes	Conditions: See Article 9		
	Organized Camps and Campgrounds	Conditions: See Article 9	Outdoor Commercial Recreation & Entertainment per Table 4-1	Special Use: See Article 9
	Home Occupations	Conditions: See Article 9	Resorts	Planned Unit Development
Institutional	Educational Institutions	Conditions: See Article 9		
	Social Institutions per Table 4-1	Conditions: See Article 9		

Table 6-1 Permitted Uses in the R-1 Residential District, page 2 of 3

R-1 Residential District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Public	Essential Services	Permitted	Public Buildings & Related Facilities, including Trails (except roadside parks, public parks, and playgrounds)	Special Use: See Article 9
	Public Parks including Roadside Parks and playgrounds	Permitted		
			Light Utility and Public Service Installations (does not include heavy)	Special Use: See Article 9
			WECS towers up to and including 80 feet in height	Special Use: See Article 9
Residential Services	Single Family Housing Types	Permitted	Mobile Home Park, Manufactured Housing Community	
	Temporary Dwellings	Conditions: See Article 9 and Article 5	Planned Unit Development	Special Use: See Article 9
	Seasonal Cabins and Camps for Single- Family Occupancy	Permitted	ECHO Units (Accessory dwelling units)	Special Use: See Article 10
	Small child care centers, family and group child care homes, adult foster care family and group homes, foster family group homes, state licensed residential facility.	Permitted	Open Space Preservation & Cluster Developments	Special Use: See Article 9

Table 6-1 Permitted Uses in the R-1 Residential District, page 3 of 3

R-1 Residential District				
Uses				
Uses (See Article 4, Section 4.4)	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Accessory Uses	Decks, Patios, Gazebos; Freestanding Flagpoles; Greenhouses or Aquaculture Systems; Garages or Carports; Outdoor fi replaces; Storage or Service Buildings or Sauna	Permitted according to standards contained in Article 5 and District Standards	Accessory Dwelling Units	Special Use: See Article 9
	Amateur radio & TV Antennae; gardens and orchards in required yards	Conditions: See Article 5		
	Accessory apiary; Bus Shelters; Food Stands; Accessory; Home Occupations; Pole barns; Outdoor Swimming Pools	Conditions: See Article 5		

6.1.3 DEVELOPMENT REQUIREMENTS (R-1)

1. *LOT CONFIGURATION STANDARDS (R-1)*

1.A. MINIMUM LOT SIZE

Minimum lot size in the R-1 district is as follows:

- Single-lot development –23,500 square feet
- Qualifying Open Space Preservation Development – 10,000 square feet (presuming an appropriate water and wastewater treatment system is approved, and all standards of Section 5.4.6 and Section 9.3.6.2.B are met).

1.B. MINIMUM LOT WIDTH

Minimum lot width in the R-1 district is as follows:

- Single-lot development – one-hundred (100) feet
- Qualifying Open Space Preservation Development – Seventy-five (75) feet

1.C. FRONT SETBACK

Minimum front setback in the R-1 district is twenty (20) feet. There is no maximum front setback in the R-1 district for a single-lot development. Qualifying Open Space Preservation Developments have a maximum setback of thirty (30) feet.

1.D. SIDE YARD

Minimum side yard in the R-1 district is eight (8) feet.

1.E. REAR YARD

Minimum rear yard in the R-1 district is as follows:

- Single-lot development – Twenty-five (25) feet
- Qualifying Conservation Development – Twenty (20) feet

The Zoning Administrator may authorize an administrative departure for up to five (5) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

1.F. MAXIMUM LOT COVERAGE

Maximum lot coverage in the R-1 district is as follows:

- Single-lot development – Twenty-five (25) percent
- Qualifying Open Space Preservation Development – Thirty-five (35) percent

1.G. MAXIMUM IMPERVIOUS SURFACE COVERAGE Maximum

impervious surface coverage in the R-1 district is as follows:

- Single-lot development – Forty (40) percent
- Qualifying Open Space Preservation Development – Fifty (50) percent

2. *PRINCIPLE STRUCTURE STANDARDS (R-1)*

2.A. MAXIMUM HEIGHT

Maximum permitted height in the R-1 district is two and a half (2.5) stories or thirty-five (35) feet.

2.B. MINIMUM FLOOR AREA PER UNIT Minimum

floor area in the R-1 district is as follows:

- Single-lot development – 1,100 square feet per single unit
- Qualifying Open Space Preservation Development – 900 square feet per single unit

3. *ACCESSORY STRUCTURE STANDARDS (R-1)*

3.A. MAXIMUM HEIGHT

The maximum permitted height of accessory structures in the R-1 district is twenty-four (24) feet with the minimum setbacks as listed in Section 6.1.3.3.B below. However, an accessory structure with an accessory dwelling unit in the R-1 district may be up to thirty-five (35) feet in height, provided that the structure is setback from all lot lines an additional foot for each foot in height over twenty-four (24) feet.

3.B. MINIMUM SETBACK FROM LOT LINES

(1) Front Lot Line – Accessory structures shall be setback at least ten (10) feet front the front lot line.
(2) Side Lot Lines – Accessory structures must be placed a minimum distance of eight (8) feet from the side lot line.
(3) Rear Lot Line – Accessory structures must be placed a minimum distance of ten (10) feet from the rear lot line.

3.C. MISCELLANEOUS ACCESSORY PROVISIONS

No detached accessory structure shall be closer than ten (10) feet to a principle structure.

6.1.4 MISCELLANEOUS PROVISIONS (R-1)

1. *RIPARIAN PROTECTION STANDARDS (R-1)*

1.A. SETBACKS ADJACENT TO LAKE SUPERIOR

For properties adjacent to Lake Superior, the following setback requirements shall apply (this does not apply to pump houses, recreational docks, stormwater and erosion control devices, picnic tables, benches, recreational watercraft, wooden stairways, and unpaved walkways):

(1) No structure shall be allowed within seventy-five (75) feet of the ordinary high water mark;
(2) On lots with coastal wetlands, a setback of seventy-five (75) feet shall be maintained from the wetland's edge.
(3) If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply.
(4) Where the imposition of the setbacks above precludes the location of a dwelling or other primary structure, the applicant may request a variance according to the procedures in Article 14, however, no variance shall be granted for any use or structure in violation of the intent and purpose of this Section.

1.B. SETBACKS FROM RIPARIAN (RIVER OR STREAM) SYSTEMS

For properties adjacent to rivers and streams in this district, structures shall be setback seventy-five (75) feet from the edge of the active channel of the water course.

1.C. SPECIAL USE STANDARDS

The following land uses are designated as potential water pollution hazards, and must be set back from any stream or waterbody by the specified distance, provided they are a permitted use in this district (see additional standards for conditional or special uses in *Article 9*):

(1) *Storage of hazardous substances* – Setback one-hundred fifty (150) feet
(2) *Above ground or underground petroleum storage facilities* – Setback one-hundred fifty (150) feet
(3) *Drainfields from onsite sewage disposal and treatment systems (i.e. septic systems)* – Setback one-hundred (100) feet
(4) *Raised septic systems* – Setback two-hundred fifty (250) feet
(5) *Solid waste landfills or junkyards* – Setback three-hundred (300) feet
(6) *Subsurface discharges from a wastewater treatment plant* – Setback one-hundred (100) feet
(7) *Land application of biosolids* – Setback one-hundred (100) feet
(8) *Compost piles and manures/fertilizers* shall not be located within the prescribed waterfront setback.

1.D. RIPARIAN BUFFER ZONES

A riparian buffer for a stream or river system shall consist of a vegetated strip of land at least fifty (50) foot wide extending along both sides of the water course, and including adjacent wetlands or steep slopes. The buffer shall consist of two distinct zones, configured as follows:

(1) **Zone 1: Streamside Zone**

The Streamside Zone begins at the edge of the active channel of the water course and extends twenty-five (25) feet landward plus any extensions as specified in Section 6.1.4.1.E below.

Permitted uses include:

a. Flood control structures

b. Utility right-of-ways
c. Unpaved footpaths
d. Road crossings where permitted

Prohibited uses include:

a. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
b. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
c. Presence of livestock
d. Use of motor vehicles
e. Construction of permanent structures

Vegetation shall not be altered, compacted, or built upon in this area, except that individual trees that must be cut due to disease shall be replaced.

(2) **Zone 2: Outer Zone**

Zone 2: Outer Zone, begins at the outer edge of the Streamside Zone and extends twenty-five (25) feet landward plus any extensions as specified in Section 6.1.4.1.E below.

Permitted uses include:

a. Flood control structures
b. Utility right-of-ways
c. Unpaved footpaths
d. Road crossings where permitted
e. Surfaced biking or hiking paths
f. Approved stormwater management facilities
g. Approved recreation facilities

Prohibited uses include:

a. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
b. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
c. Presence of livestock
d. Use of motor vehicles
e. Construction of permanent structures

Mature tree cover may be removed, however, the shrub and herbaceous ground cover layers shall be retained to allow infiltration of run-off.

1.E. EXTENSIONS TO RIPARIAN BUFFER ZONES

The fifty (50) foot combined buffer zone above shall be extended to include wetlands or steep slopes as follows:

(1) **Wetlands**

When wetlands are present, the width of the Streamside Zone shall be increased beyond the standards in Section 6.1.4.1.D.1 to include the extent of the wetland plus twenty (20) feet beyond the wetland edge.

(2) **Percent Slope**

The riparian buffer width shall be modified if steep slopes are within close proximity to the stream and drain into the stream system. The following extensions shall be added to the standard fifty (50) foot buffer in relation to slope.

a. Slopes of fifteen (15) to seventeen (17) percent, add ten (10) feet for a total buffer width of sixty (60) feet.
b. Slopes of eighteen (18) to twenty (20) percent, add thirty (30) feet for a total buffer width of eighty (80) feet.
c. Slopes of twenty-one (21) percent or more, add fifty (50) feet for a total buffer width of one-hundred (100) feet.

1.F. LIGHTING STANDARDS

(1) Lighting shall not be directed into the riparian buffer area so that natural migrating, feeding, and breeding habits of wildlife shall not be disrupted.

(2) Paths or gardens shall be lighted sparingly with the lowest amount of light necessary to see foliage and terrain, bulbs will be shielded, and lights will be turned off when the area is not in use.

1.G. PUBLIC FACULTIES AND USE STANDARDS

(1) Except for unpaved footpaths for public access to a water body, trails shall not be placed between the tops of banks of water bodies.

(2) The placement of breakwalls, seawalls, bulkheads, broken concrete or other rubble, rock riprap, or other shoreline hardening along the shorelines shall be prohibited. The installation and use of bioengineering and biotechnical shoreline stabilization approaches with pervious surfaces for boat ramps is encouraged.

SECTION 6.2 R-2 RESIDENTIAL DISTRICT (R-2)

6.2.1 INTENT AND GUIDING PRINCIPLES (R-2)

The R-2 Residential district (R-2) provides for single-family residential development in the transition areas between denser urban neighborhoods and the outlying rural residential areas. The district is intended to preserve the existing character of the neighborhoods and to guide redevelopment in a manner which is consistent and compatible with this form. Although less urban in nature, pedestrian infrastructure, whether sidewalks or trail systems, is important to connect these neighborhoods to amenities

and services.

6.2.2 DISTRICT USE STANDARDS (R-2)

Use standards for the R-2 district are illustrated in Table 6-2. Uses not listed but of the same general character as those permitted will be interrupted by the Zoning Board of Appeals. Conditional and Special Land Use standards are located in Article 9 and in Article 14.

Table 6-2 Permitted Uses in the R-2 Residential District, page 1 of 3

R-2 Residential District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Small Scale Food Production & Urban Ag	Accessory gardens and orchards in required yards; Accessory greenhouses and aquaculture systems; Community gardens and urban gardens as principle use	Permitted		
Commercial & Commercial Services	Bed & Breakfast Establishments; Tourist Homes	Conditions: See Article 9		
	Home Occupations	Conditions: See Article 9		
Institutional	Educational Institutions	Conditions: See Article 9		
	Essential Services	Permitted	Public Buildings & Related	

Public	Public Parks including Roadside Parks	Permitted	Facilities, including Trails (except roadside parks, public parks, and playgrounds)	Special Use: See Article 9
			Light Utility and Public Service Installations (does not include heavy)	Special Use: See Article 9

Table 6-2 Permitted Uses in the R-2 Residential District, page 2 of 3

R-2 Residential District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Residential Services	Multi-Family Dwellings	Conditions: See Article 9	ECHO Units (accessory dwelling unit)	Special Use: See Article 9
	Single Family Housing Types	Permitted		
	Temporary Dwellings	Conditions: See Article 5		
	Small child care centers, family and group child care homes, adult foster care family and group homes, foster family group homes, state licensed residential facility.	Permitted		
	Tourist Homes/Bed & Breakfast	Conditions: See Article 9		
	Two-Family Dwellings	Permitted		

Table 6-2 Permitted Uses in the R-2 Residential District, page 3 of 3

R-2 Residential District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Accessory Uses	Decks, Patios, Gazebos; Freestanding Flagpoles; Accessory Greenhouses or Aqua culture Systems; Garages or Carports; Outdoor fireplaces; Storage or Service Buildings or Sauna	Permitted according to standards contained in Section 5.2, 5.3	Accessory Dwelling Units	Special Land Use: See Section 9.4.1
	Amateur radio & TV Antennae;	Conditions: See Section 5.2, and 5.4		
	Bus Shelters; Home Occupations; Outdoor Swimming Pools	Conditions: See Section 9		

6.2.3 DEVELOPMENT REQUIREMENTS (R-2)

1. *LOT CONFIGURATION STANDARDS (R-2)*

1.A. MINIMUM LOT SIZE

Minimum lot size in the R-2 district varies according to use as follows:

(1) Single-Family Residential – Five-thousand (5,000) square feet
(2) Duplexes – Eight-thousand (8,000) square feet
(3) Multi-Family Residential – Ten-thousand (10,000) square feet
(4) Non-Residential or Mixed-Use – Five-thousand (5,000) square feet

1.B. MINIMUM LOT WIDTH

Minimum lot width in the R-2 district varies according to use as below:

(1) Single-Family Residential – Fifty (50) feet
(2) Duplexes – Seventy-five (75) feet
(3) Multi-Family Residential – Seventy-five (75) feet
(4) Non-Residential or Mixed-Use – Fifty (50) feet

1.C. FRONT SETBACK

Minimum front setback in the R-2 district is twenty (20) feet. Maximum front setback in the R-2 district is thirty- five (35) feet.

When the existing front setback of all adjacent principle structures facing the same street are greater than the maximum front setback, then the maximum front setback shall be no greater than the average of the existing front setback of the adjacent principle structures.

1.D. SIDE YARD

Minimum side yard in the R-2 district varies according to use as below:

(1) Single-Family Residential and Duplexes– Five (5) feet
(2) Multi-Family Residential – Eight (8) feet
(3) Non-Residential or Mixed-Use – Eight (8) feet

1.E. REAR YARD

Minimum rear yard in the R-2 district varies according to use as below:

(1) Single-Family Residential and Duplexes– Twenty (20) feet
(2) Multi-Family Residential – Twenty-five (25) feet
(3) Non-Residential or Mixed-Use – Twenty (20) feet

The Zoning Administrator may authorize an administrative departure for up to five (5) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

1.F. MAXIMUM LOT COVERAGE

Maximum lot coverage in the R-2 district varies according to use as below:

(1) Single-Family Residential and Duplexes– Thirty-five (35) percent
(2) Multi-Family Residential – Forty (40) percent
(3) Non-Residential or Mixed-Use – Fifty (50) percent

1.G. MAXIMUM IMPERVIOUS SURFACE COVERAGE

Maximum impervious surface coverage in the R-2 district varies according to use as below:

(1) Single-Family Residential and Duplexes– Fifty (50) percent
(2) Multi-Family Residential – Fifty-five (55) percent
(3) Non-Residential or Mixed-Use – Sixty-five (65) percent

2. *PRINCIPLE STRUCTURE STANDARDS (R-2)*

2.A. MAXIMUM HEIGHT

The maximum permitted height in the R-2 district varies per use as follows:

(1) Single-family residential and duplexes – Two and a half (2.5) stories or thirty-five (35) feet
(2) All other uses – Two (2) stories or thirty-five (35) feet

2.B. MINIMUM FLOOR AREA PER UNIT

The minimum floor area per unit in the R-2 district varies per use as follows:

(1) Single-family residential – Nine-hundred (900) square feet per single unit
(2) Duplex – Eight-hundred (800) square feet per single unit
(3) Multi-Unit Dwelling – Seven-hundred (700) feet per single unit
(4) There is no minimum floor area per unit for non-residential or mixed uses.

3. *ACCESSORY STRUCTURE STANDARDS (R-2)*

3.A. MAXIMUM HEIGHT

The maximum permitted height of accessory structures in the R-2 district is twenty-four (24) feet with the minimum setbacks as listed in Section 6.2.3.3.B below. However, accessory structures with accessory dwelling units in the R-2 district may be up to thirty-five (35) feet in height, provided that the structure is setback from all lot lines an additional foot for each foot in height over twenty-four (24) feet.

3.B. MINIMUM SETBACK FROM LOT LINES

(1) Front Lot Line – Accessory structures are not allowed in the front setback area. The front setback of accessory structures must be equal to or greater than that of the principle structure on the site.
(2) Side Lot Lines – Accessory structures must be placed a minimum distance of three (3) feet from the side lot line.

(3) Rear Lot Line – Accessory structures must be placed a minimum distance of ten (10) feet from the rear lot line, except that they may be located as close as three (3) feet to a rear lot line when the rear lot line is co-terminus with an alley.

3.C. MAXIMUM SIZE OF ACCESSORY STRUCTURES

Accessory structures in the R-2 district shall be no larger than the building footprint of the principle dwelling.

3.D. MISCELLANEOUS ACCESSORY PROVISIONS

No detached accessory structure shall be closer than eight (8) feet to a principle structure.

6.2.4 MISCELLANEOUS PROVISIONS (R-2)

1. *OFF-STREET PARKING AND LOADING ZONE STANDARDS (R-2)*

All mixed-use developments which provide automobile parking facilities shall provide bicycle parking facilities (racks) at a ratio of at least one (1) bicycle parking space for every five (5) automobile parking spaces.

2. *STREETSCAPE STANDARDS (R-2)*

2.A. Proposed developments that create new streets shall place utility lines underground.

2.B. The developer shall install sidewalks according to Village standards. Sidewalks shall be separated from the roadway to protect pedestrians from the spray of slush and water from passing cars.

3. *RIPARIAN PROTECTION STANDARDS (R-2)*

3.A. SETBACKS ADJACENT TO LAKE SUPERIOR

For properties adjacent to Lake Superior, the following setback requirements shall apply (this does not apply to pump houses, recreational docks, stormwater and erosion control devices, picnic tables, benches, recreational watercraft, wooden stairways, and unpaved walkways):

(1) No structure shall be allowed within seventy-five (75) feet of the ordinary high water mark;

(2) On lots with coastal wetlands, a setback of seventy-five (75) feet shall be maintained from the wetland's edge.

(3) If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply.

(4) Where the imposition of the setbacks above precludes the location of a dwelling or other primary structure, the applicant may request a variance according to the procedures in Article 14, however, no variance shall be granted for any use or structure in violation of the intent and purpose of this Section.

3.B. SETBACKS FROM RIPARIAN (RIVER OR STREAM) SYSTEMS

For properties adjacent to rivers and streams in this district, structures shall be setback seventy-five (75) feet from the edge of the active channel of the water course.

3.C. SPECIAL USE STANDARDS

The following land uses are designated as potential water pollution hazards, and must be set back from any stream or waterbody by the specified distance, provided they are a permitted use in this district (see additional standards for conditional or special uses in *Article 9*):

(1) *Storage of hazardous substances* – Setback one-hundred fifty (150) feet
(2) *Above ground or underground petroleum storage facilities* – Setback one-hundred fifty (150) feet
(3) *Drainfields from onsite sewage disposal and treatment systems (i.e. septic systems)* – Setback one-hundred (100) feet
(4) *Raised septic systems* – Setback two-hundred fifty (250) feet
(5) *Solid waste landfills or junkyards* – Setback three-hundred (300) feet
(6) *Subsurface discharges from a wastewater treatment plant* – Setback one-hundred (100) feet
(7) *Land application of biosolids* – Setback one-hundred (100) feet
(8) *Compost piles and manures/fertilizers* shall not be located within the prescribed waterfront setback.

3.D. RIPARIAN BUFFER ZONES

A riparian buffer for a stream or river system shall consist of a vegetated strip of land at least fifty (50) foot wide extending along both sides of the water course, and including adjacent wetlands or steep slopes. The buffer shall consist of two distinct zones, configured as follows:

(1) **Zone 1: Streamside Zone**

The Streamside Zone begins at the edge of the active channel of the water course and extends twenty-five (25) feet landward plus any extensions as specified in Section 6.2.4.3.E below.

Permitted uses include:

a. Flood control structures
b. Utility right-of-ways
c. Unpaved footpaths
d. Road crossings where permitted

Prohibited uses include:

a. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
b. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
c. Presence of livestock
d. Use of motor vehicles
e. Construction of permanent structures

Vegetation shall not be altered, compacted, or built upon in this area, except that individual trees that must be cut due to disease shall be replaced.

(2) **Zone 2: Outer Zone**

Zone 2: Outer Zone, begins at the outer edge of the Streamside Zone and extends twenty-five (25) feet landward plus any extensions as specified in Section 6.2.4.3.E below.

Permitted uses include:

a. Flood control structures
b. Utility right-of-ways
c. Unpaved footpaths
d. Road crossings where permitted
e. Surfaced biking or hiking paths
f. Approved stormwater management facilities
g. Approved recreation facilities

Prohibited uses include:

a. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
b. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
c. Presence of livestock
d. Use of motor vehicles
e. Construction of permanent structures

Mature tree cover may be removed, however, the shrub and herbaceous ground cover layers shall be retained to allow infiltration of run-off.

3.E. EXTENSIONS TO RIPARIAN BUFFER ZONES

The fifty (50) foot combined buffer zone above shall be extended to include wetlands or steep slopes as follows:

(1) **Wetlands**

When wetlands are present, the width of the Streamside Zone shall be increased beyond the standards in Section 6.2.4.3.D.1 to include the extent of the wetland plus twenty (20) feet beyond the wetland edge.

(2) **Percent Slope**

The riparian buffer width shall be modified if steep slopes are within close proximity to the stream and drain into the stream system. The following extensions shall be added to the standard fifty (50) foot buffer in relation to slope.

a. Slopes of fifteen (15) to seventeen (17) percent, add ten (10) feet for a total buffer width of sixty (60) feet.
b. Slopes of eighteen (18) to twenty (20) percent, add thirty (30) feet for a total buffer width of eighty (80) feet.
c. Slopes of twenty-one (21) percent or more, add fifty (50) feet for a total buffer width of one-hundred (100) feet.

3.F. LIGHTING STANDARDS

(1) Lighting shall not be directed into the riparian buffer area so that natural migrating, feeding, and breeding habits of wildlife shall not be disrupted.

(2) Paths or gardens shall be lighted sparingly with the lowest amount of light necessary to see foliage and terrain, bulbs will be shielded, and lights will be turned off when the area is not in use.

3.G. PUBLIC FACILITIES AND USE STANDARDS

(1) Except for unpaved footpaths for public access to a water body, trails shall not be placed between the tops of banks of water bodies.

(2) The placement of breakwalls, seawalls, bulkheads, broken concrete or other rubble, rock riprap, or other shoreline hardening along the shorelines shall be prohibited. The installation and use of bioengineering and biotechnical shoreline stabilization approaches with pervious surfaces for boat ramps is encouraged.

SECTION 6.3 WATERFRONT MIXED-USE DISTRICT (W-MU)

6.3.1 INTENT AND GUIDING PRINCIPLES (W-MU)

This District maintains, foremost, a connection with the public waterfront while serving as a link between Downtown and Village neighborhoods. Also it will provide uniform uses on both sides of the waterfront. As such, development must respect, maintain, and enhance public access to the waterfront and be carried out in a way to avoid negative impact on the environment. Development is compact and oriented to the pedestrian, and illustrates a moderately dense, urban form consistent with Downtown, yet unique in the preservation of connected open space and view corridors.

6.3.2 DISTRICT USE STANDARDS (W-MU)

Use standards for the W-MU District are illustrated in Table 6-3. Uses not listed but of the same general character as those permitted will be interrupted by the Zoning Board of Appeals. Conditional and Special Land Use standards are located in Article 9 and in Article 14.

Table 6-3 Permitted Uses in the Waterfront Mixed-Use District, page 1 of 4

Waterfront Mixed-Use District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Use s	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Agricultural Service Establishments	Animal Services: Completely indoor facilities. Animal Hospitals or shelters, commercial kennels, veterinary services.	Conditions: See Article 9	Animal Services: with unenclosed outdoor confinement. Animal Hospitals or shelters, commercial kennels, veterinary services.	Special Use: See Article 9
Commercial Agriculture or Horticulture	All listing in Table 4-1 except large scale composting or industrial scale/intensive agriculture.	Conditions: See Article 9		
Small Scale Food Production & Urban Ag	Accessory gardens and orchards in required yards; Greenhouses and aquaculture systems; Community gardens and urban gardens as principle use	Permitted		
	Accessory apiary; Farmer's Markets - Food Stands	Conditions: See Article 9		
Commercial & Commercial Services	Business Service Establishments	Permitted	Resorts	Planned Unit Development
	Convenience Retail Establishments	Permitted	Large Scale Retail Establishments, Building Materials Sales, Warehouse Store or mobile and manufactured home sales.	Special Use: See Article 9
	Food and Drink Establishments	Permitted		
	Al l General Retail Establishments except Large Scale Retail Establishments, Building Materials Sales, Warehouse Store or mobile and manufactured home sales.	Permitte d	Al l Outdoor Commercial Recreation & Entertainment Establishments except Animal Racing, Automobile, go-kart, snowmobile and Motorcycle Race Tracks and events.	Special Use: See Article 9
	Indoor Entertainment Establishments	Permitte d		

	Bed and Breakfast Establishments, Tourist Homes	Permitte d		
	Organized Camps and Campgrounds	Conditions: See Article 9		

Table 6-3 Permitted Uses in the Waterfront Mixed-Use District, page 2 of 4

Waterfront Mixed-Use District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Commercial & Commercial Services	Hotels, Motels, Auto Courts, Residence Inns.	Permitted		
	Medical Service Establishments except large: Hospitals.	Permitted	All Motorized Vehicle Sales and Service Establishments (EXCEPT sales/rental of new and used vehicles, motor homes, and recreational vehicles and trailers; and gasoline and auto service station)	Special Use: See Article 9
	Mixed-Use Developments	Permitted		
	Office Establishments	Permitted		
	Home Occupations	Conditions: See Article 9		
	All Personal Service Establishments EXCEPT Funeral Services, Crematoria, and Marihuana Related Businesses	Permitted		
	Light and Medium Repair Services	Permitted		
	Research & Development Establishments	Permitted		
	Tourist Service Establishments	Permitted		
Industrial & Warehousing Uses			Boatworks, Custom Building, Repair, Storage	Special Use: See Article 9
			Light and Heavy Manufacturing Establishments	Special Use: See Article 9
			Self-Service Storage Facilities and Rental Storage Units.	Special Use: See Article 9

Table 6-3 Permitted Uses in the Waterfront Mixed-Use District, page 3 of 4

Waterfront Mixed-Use District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Institutional	Educational Institutions	Conditions: See Article 9		
	Religious Institutions	Conditions: See Article 9		
Public	Essential Services	Permitted	Public Buildings & Related Facilities including Trails (except roadside parks, public parks, and playgrounds)	Special Use: See Article 9
	Public Parks including Roadside Parks and playgrounds	Permitted		
	WECS towers up to 80 feet in height	Conditions: See Article 9	Light Utility and Public Service Installations (does not include heavy)	Special Use: See Article 9
Residential Services	Institutions for Human Care & Habitation	Conditions: See Article 9	ECHO Units	Special Use: See Article 9
	Community Residential Care Facilities	Conditions: See Article 9		
	Multi-Family Dwellings	Conditions: See Article 9	Open Space Preservation & Cluster Developments	Special Use: See Article 5, Article 9, and District Standards
	Single Family Housing Types	Permitted		
	Temporary Dwellings	Conditions: See Article 9		

Table 6-3 Permitted Uses in the Waterfront Mixed-Use District, page 4 of 4

Waterfront Mixed-Use District				
Uses				
Uses (See Article 4, Section 4.4)	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Residential Services	Small child care centers, family and group child care homes, adult foster care family and group homes, foster family group homes, state licensed residential facility.	Permitted	Planned Unit Development	Special Use: See Article 10
	Tourist Home/Bed & Breakfast Establishments	Permitted		
	Two-Family Dwellings	Permitted		
Accessory Uses	Boathouses and Hoists; gardens and orchards in required yards; Accessory Greenhouses or Aquaculture Systems; Decks, Patios, Gazebos; Freestanding Flagpoles; Garages or Carports; Outdoor fi replaces; Outdoor Food & Beverage Service; Shelter for Domestic Animals; Storage or Service Buildings or Sauna	Permi tted according to standards contained in Articl e 5 and District Standards	Accessory Dwelling Units	Special Use: See Article 9
	Amateur radio & TV Antennae; Accessory apiary;	Conditions: See Article 5		
	Bus Shelters; Outdoor Display and Sales Areas; Food Stands; Home Occupations; Pole Barns; Outdoor Swimming Pools	Conditions: See Article 9		

6.3.3 DEVELOPMENT REQUIREMENTS (W-MU)

1. *LOT CONFIGURATION STANDARDS (W-MU)*

1.A. MINIMUM LOT SIZE

Minimum lot size in the W-MU district varies according to use as below:

(1) Single-Family Residential – Three-thousand seven hundred and fifty (3,750) square feet
(2) Duplexes –Five-thousand (5,000) square feet
(3) Multi-Family Residential – Five-thousand (5,000) square feet
(4) Non-Residential or Mixed-Use – Four-thousand (4,000) square feet

1.B. MINIMUM LOT WIDTH

Minimum lot width in the W-MU district varies according to use as below:

(1) Single-Family Residential – Fifty (50) feet
(2) Duplexes – Seventy-five (75) feet
(3) Multi-Family Residential – Fifty (50) feet
(4) Non-Residential or Mixed-Use – Forty (40) feet

1.C. FRONT SETBACK

Minimum front setback in the W-MU district varies according to use as below:

(1) Single-Family Residential and Duplexes– Ten (10) feet from the street right-of-way and fifty (50) feet from the Ordinary High Water Mark.
(2) Multi-Family Residential – Ten (10) feet from the street right-of-way and fifty (50) feet from the Ordinary High Water Mark.
(3) Non-Residential or Mixed-Use – There is no minimum front setback from the street right-of-way and a fifty (50) feet setback from the Ordinary High Water Mark.

The maximum front setback in the W-MU district for all uses is twenty (20) feet from the street right-of-way, except that when the existing front setback of all adjacent principle structures facing the same street are greater than the maximum front setback, then the maximum front setback shall be no greater than the average of the existing front setback of the adjacent principle structures.

There is no maximum front setback from the Ordinary High Water Mark.

1.D. SIDE YARD

Minimum side yard in the W-MU district is eight (8) feet (this does not apply to attached buildings).

1.E. REAR YARD

Minimum rear yard in the W-MU district varies according to use as below:

(1) Single-Family Residential and Duplexes– Fifteen (15) feet
(2) Multi-Family Residential – Fifteen (15) feet
(3) Non-Residential or Mixed-Use – Ten (10) feet

The Zoning Administrator may authorize an administrative departure for up to five (5) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

1.F. MAXIMUM LOT COVERAGE

Maximum lot coverage in the W-MU district varies according to use as below:

(1) Single-Family Residential and Duplexes– Sixty (60) percent
(2) Multi-Family Residential – Seventy (70) percent
(3) Non-Residential or Mixed-Use – Seventy-five (75) percent

1.G. MAXIMUM IMPERVIOUS SURFACE COVERAGE

Maximum impervious surface coverage in the W-MU district varies according to use as below:

(1) Single-Family Residential and Duplexes– Seventy (70) percent
(2) Multi-Family Residential – Eighty (80) percent
(3) Non-Residential or Mixed-Use – Eighty (85) percent

2. *PRINCIPLE STRUCTURE STANDARDS (W-MU)*

2.A. MAXIMUM HEIGHT

The maximum permitted height in the W-MU district varies per use as follows:

(1) Single-family residential and duplexes – Two and a half (2.5) stories or thirty-five (35) feet
(2) All other uses – Two (2) stories or thirty-five (35) feet

2.B. MINIMUM FLOOR AREA PER UNIT

The minimum floor area per unit in the W-MU district varies per use as follows:

(1) Single-family residential – Eight-hundred (800) square feet per single unit
(2) Duplex – Nine-hundred (900) square feet per single unit
(3) Multi-Unit Dwelling – Five-hundred (500) feet per single unit
(4) There is no minimum floor area per unit for non-residential or mixed uses.

3. *ACCESSORY STRUCTURE STANDARDS (W-MU)*

3.A. MAXIMUM HEIGHT

The maximum permitted height of accessory structures in the W-MU district is twenty-four (24) feet with the minimum setbacks as listed in Section 6.2.3.3.B below. However, accessory structures with accessory dwelling units in the W-MU district may be up to thirty-five (35) feet in height, provided that the structure is setback from all lot lines an additional foot for each foot in height over twenty-four (24) feet.

3.B. MINIMUM SETBACK FROM LOT LINES

(1) Front/Rear Lot Line – Accessory structures are allowed in the front setback area that is not adjacent to the shoreline, preferably as close to a road as possible to reduce the amount of impervious surfaces. Accessory structures must be placed a minimum distance of fifty-five (55) feet from a shoreline in the front yard area.
(2) Side Lot Lines – Accessory structures must be placed a minimum distance of eight (8) feet from the side lot line.
(3) Rear Lot Line – Accessory structures in rear yards (for properties not adjacent to the shore) must be placed a minimum distance of ten (10) feet from the rear lot line, except that they may be located as close as three (3) feet to a rear lot line when the rear lot line is co-terminus with an alley.

3.C. MAXIMUM SIZE OF ACCESSORY STRUCTURES

Accessory structures in the W-MU district shall be no larger than the building footprint of the principle dwelling.

3.D. MISCELLANEOUS ACCESSORY PROVISIONS

No detached accessory structure shall be closer than eight (8) feet to a principle structure.

6.3.4 MISCELLANEOUS PROVISIONS (W-MU)

1. *OFF-STREET PARKING AND LOADING ZONE STANDARDS (W-MU)*

All mixed-use developments which provide automobile parking facilities shall provide bicycle parking facilities (racks) at a ratio of at least one (1) bicycle parking space for every five (5) automobile parking spaces.

2. STREETSCAPE STANDARDS (W-MU)

2.A. Proposed developments that create new streets shall place utility lines underground.

2.B. The developer shall install sidewalks according to Village standards. Sidewalks shall be separated from the roadway to protect pedestrians from the spray of slush and water from passing cars.

3. RIPARIAN PROTECTION STANDARDS (W-MU)

3.A. SETBACKS ADJACENT TO LAKE SUPERIOR

For properties adjacent to Lake Superior, the following setback requirements shall apply (this does not apply to pump houses, recreational docks, stormwater and erosion control devices, picnic tables, benches, recreational watercraft, wooden stairways, and unpaved walkways):

(1) No structure shall be allowed within seventy-five (75) feet of the ordinary high water mark;
(2) On lots with coastal wetlands, a setback of seventy-five (75) feet shall be maintained from the wetland's edge.
(3) If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply.
(4) Where the imposition of the setbacks above precludes the location of a dwelling or other primary structure, the applicant may request a variance according to the procedures in Article 14, however, no variance shall be granted for any use or structure in violation of the intent and purpose of this Section.

3.B. SETBACKS FROM RIPARIAN (RIVER OR STREAM) SYSTEMS

For properties adjacent to rivers and streams in this district, structures shall be setback seventy-five (75) feet from the edge of the active channel of the water course.

3.C. SPECIAL USE STANDARDS

The following land uses are designated as potential water pollution hazards, and must be set back from any stream or waterbody by the specified distance, provided they are a permitted use in this district (see additional standards for conditional or special uses in *Article 9*):

(1) *Storage of hazardous substances* – Setback one-hundred fifty (150) feet
(2) *Above ground or underground petroleum storage facilities* – Setback one-hundred fifty (150) feet
(3) *Drainfields from onsite sewage disposal and treatment systems (i.e. septic systems)* – Setback one-hundred (100) feet
(4) *Raised septic systems* – Setback two-hundred fifty (250) feet
(5) *Solid waste landfills or junkyards* – Setback three-hundred (300) feet
(6) *Subsurface discharges from a wastewater treatment plant* – Setback one-hundred (100) feet

(7) *Land application of biosolids* – Setback one-hundred (100) feet
(8) *Compost piles and manures/fertilizers* shall not be located within the prescribed waterfront setback.

3.D. RIPARIAN BUFFER ZONES

A riparian buffer for a stream or river system shall consist of a vegetated strip of land at least fifty (50) foot wide extending along both sides of the water course, and including adjacent wetlands or steep slopes. The buffer shall consist of two distinct zones, configured as follows:

(1) **Zone 1: Streamside Zone**

The Streamside Zone begins at the edge of the active channel of the water course and extends twenty-five (25) feet landward plus any extensions as specified in Section 6.3.4.3.E below.

Permitted uses include:

a. Flood control structures
b. Utility right-of-ways
c. Unpaved footpaths
d. Road crossings where permitted

Prohibited uses include:

a. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
b. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
c. Presence of livestock
d. Use of motor vehicles
e. Construction of permanent structures

Vegetation shall not be altered, compacted, or built upon in this area, except that individual trees that must be cut due to disease shall be replaced.

(2) **Zone 2: Outer Zone**

Zone 2: Outer Zone, begins at the outer edge of the Streamside Zone and extends twenty-five (25) feet landward plus any extensions as specified in Section 6.3.4.3.E below.

Permitted uses include:

a. Flood control structures
b. Utility right-of-ways
c. Unpaved footpaths
d. Road crossings where permitted
e. Surfaced biking or hiking paths
f. Approved stormwater management facilities
g. Approved recreation facilities

Prohibited uses include:

a. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
b. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
c. Presence of livestock
d. Use of motor vehicles
e. Construction of permanent structures

Mature tree cover may be removed, however, the shrub and herbaceous ground cover layers shall be retained to allow infiltration of run-off.

3.E. EXTENSIONS TO RIPARIAN BUFFER ZONES

The fifty (50) foot combined buffer zone above shall be extended to include wetlands or steep slopes as follows:

(1) **Wetlands**

When wetlands are present, the width of the Streamside Zone shall be increased beyond the standards in Section 6.3.4.3.D.1 to include the extent of the wetland plus twenty (20) feet beyond the wetland edge.

(2) **Percent Slope**

The riparian buffer width shall be modified if steep slopes are within close proximity to the stream and drain into the stream system. The following extensions shall be added to the standard fifty (50) foot buffer in relation to slope.

a. Slopes of fifteen (15) to seventeen (17) percent, add ten (10) feet for a total buffer width of sixty (60) feet.
b. Slopes of eighteen (18) to twenty (20) percent, add thirty (30) feet for a total buffer width of eighty (80) feet.
c. Slopes of twenty-one (21) percent or more, add fifty (50) feet for a total buffer width of one-hundred (100) feet.

3.F. LIGHTING STANDARDS

(1) Lighting shall not be directed into the riparian buffer area so that natural migrating, feeding, and breeding habits of wildlife shall not be disrupted.

(2) Paths or gardens shall be lighted sparingly with the lowest amount of light necessary to see foliage and terrain, bulbs will be shielded, and lights will be turned off when the area is not in use.

3.G. PUBLIC FACILITIES AND USE STANDARDS

(1) Except for unpaved footpaths for public access to a water body, trails shall not be placed between the

tops of banks of water bodies.

(2) The placement of breakwalls, seawalls, bulkheads, broken concrete or other rubble, rock riprap, or other shoreline hardening along the shorelines shall be prohibited. The installation and use of bioengineering and biotechnical shoreline stabilization approaches with pervious surfaces for boat ramps is encouraged.

SECTION 6.4 GENERAL INDUSTRIAL DISTRICT (I)

6.4.1 INTENT AND GUIDING PRINCIPLES (I)

This area includes industrial service, manufacturing, bulk commodities, and marine uses which engage in intense scale or volume of activity and may store materials or vehicles outdoors. Few customers, especially the general public, come to the site. These areas are characterized by the presence of heavy machinery, building materials, and raw materials for processing and storage, and the utilization of chemicals and intense processes. Appropriate landscape buffers are very important in transition areas around the perimeter of these uses. The planting of trees is encouraged to soften the impact of buildings of large scale or bulk and outdoor storage areas. This development needs access to minor arterials and collector roads. Roads will be designed to reflect heavier loads and expanded turning radii. Standards for appropriate screening, buffering and reducing fugitive dust materials will be incorporated.

6.4.2 DISTRICT USE STANDARDS (I)

Use standards for the I district are illustrated in Table 6-5. Uses not listed but of the same general character as those permitted will be interrupted by the Zoning Board of Appeals. Conditional and Special Land Use standards are located in Article 9 and in Article 14.

Table 6-5 Permitted Uses in the General Industrial District, page 1 of 2

I General Industrial District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Agricultural Service Establishments	All Agricultural Service Establishments	Permitted		
Commercial Agriculture or Horticulture	All Commercial Agriculture or Horticulture EXCEPT Large Scale Composting or Industrial Scale Intensive Agriculture	Conditions: See Article 9	Large Scale Composting or Industrial Scale Intensive Agriculture	Special Use: See Article 9
Commercial & Commercial Services	Food and Drink Establishments	Permitted	Outdoor archery, rifle, skeet trap shooting ranges; Animal racing; automobile, go-kart, snowmobile and motorcycle race tracks and events	Special Use: See Article 9
	All Forest Management	Permitted		
	Large scale retail development; building material sales; warehouse store or mobile and manufactured home sales.	Permitted		
	Indoor Entertainment Establishments	Permitted		
	Repair Services and Research and Development	Permitted		
	Sexually-Oriented Business	Conditions: See Article 9	Marihuana Related Businesses	Special Use: See Article 9
	All Motorized Vehicle Sales and Service Establishments EXCEPT Gasoline and Auto Service Station	Permitted	Gasoline and Auto Service Station	Special Use: See Article 9
Industrial & Warehousing	Boatworks and Light and Medium Industrial Service Establishments	Permitted	Dangerous Chemicals and Fuels Manufacturing, Storage, and/or Distribution	Special Use: See Article 9
	Light Manufacturing Establishments	Permitted	Extractive Industries	Special Use: See Article 9
	All Warehousing and Wholesale Trade Establishments	Permitted	Heavy Industrial Service Establishments	Special Use: See Article 9
			Heavy Manufacturing Establishments	Special Use: See Article 9

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Table 6-5 Permitted Uses in the General Industrial District, page 2 of 2

I General Industrial District				
Uses				
Uses (See Article 4, Section 4.4)	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Public	Essential Services	Permitted	Public Buildings & Related Facilities, including Trails (except roadside parks, public parks, and cemeteries)	Special Use: See Article 9
	Public Parks including Roadside Parks, and Cemeteries	Permitted		
	WECS towers up to 80 feet in height	Conditions: See Article 9	Light and Heavy Utility and Public Service Installations, Buried 345kv electric transmission lines.	Special Use: See Article 9
			WECS Towers over 80 feet in height	Special Use: See Article 9
Residential Services	Company-Sponsored Daycare On-Site	Permitted		
	Temporary Dwellings	Conditions: See Article 5 and 9		
Accessory Uses	Bus Shelters; Decks, Patios, Gazebos; Freestandi ng Flagpoles; Garages or Carports; Greenhouses and aquaculture systems; Outdoor fireplaces; Outdoor display and sales areas; Pole Barns; Storage or Service Buildings or Sauna; Shipping containers for storage.	Permitted according to standards contained in Arti cle 5 and District Standards		
	Amateur radio & TV Antennae	Conditions: See Article 5		
	Temporary or Permanent Sawmill	Conditions: See Article 9		

6.4.3 DEVELOPMENT REQUIREMENTS (I)

1. *LOT CONFIGURATION STANDARDS (I)*

1.A. MINIMUM LOT SIZE

Minimum lot size in the I district is one (1) acre or 43,560 square feet.

1.B. MINIMUM LOT WIDTH

Minimum lot width in the I district is one-hundred fifty (150) feet.

1.C. FRONT SETBACK

Minimum front setback in the I district is twenty (20) feet. Maximum front setback in the I district is sixty-five (65) feet (allowing for only one row of appropriately screened front parking in this district).

1.D. SIDE YARD

Minimum side yard in the I district is twenty (20) feet.

1.E. REAR YARD

Minimum rear yard in the I district is thirty (30) feet, except that the Zoning Administrator may authorize an administrative departure for up to ten (10) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

1.F. MAXIMUM LOT COVERAGE

The maximum lot coverage in the I district is seventy (70) percent.

1.G. MAXIMUM IMPERVIOUS SURFACE COVERAGE

The maximum impervious surface coverage in the I district is eighty (80) percent.

2. *PRINCIPLE STRUCTURE STANDARDS (I)*

2.A. MAXIMUM HEIGHT

The maximum permitted height in the I district is sixty (60) feet.

2.B. MINIMUM FLOOR AREA PER UNIT

There is no minimum floor area per unit in the I district.

3. *ACCESSORY STRUCTURE STANDARDS (I)*

3.A. MAXIMUM HEIGHT

Accessory structures in the I district shall be no taller than the principle structure.

3.B. MINIMUM SETBACK FROM LOT LINES

(1) Front Lot Line – Accessory structures are not allowed in the front setback area. The front setback of accessory structures must be equal to or greater than that of the principle structure on the site.
(2) Side Lot Lines – Accessory structures must be placed a minimum distance of twenty (20) feet from the side lot line.
(3) Rear Lot Line – Accessory structures must be placed a minimum distance of thirty (30) feet from the rear lot line.

3.C. MAXIMUM SIZE OF ACCESSORY STRUCTURES

Accessory structures in the I district shall be no larger than the building footprint of the principle structure.

3.D. MISCELLANEOUS ACCESSORY PROVISIONS

No detached accessory structure shall be closer than twenty (20) feet to a principle structure.

6.4.4 MISCELLANEOUS PROVISIONS (I)

1. *OFF-STREET PARKING AND LOADING ZONE STANDARDS*

All non-residential developments which provide automobile parking facilities shall provide bicycle parking facilities (racks) at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces.

2. *ADDITIONAL LANDSCAPING STANDARDS*

Native pines and other trees or shrubs as listed in Section 5.6.6 shall be planted along expanses of long walls with no windows (over a 50 foot span) to achieve a fifty (50) percent opacity along the entire wall.

ARTICLE 7: FORM-BASED ZONING DISTRICTS

SECTION 7.1 INTRODUCTION TO FORM-BASED ZONING

Form district regulations govern the design framework of the built environment with attention to appropriate scale, bulk, and relationship to public space. The Form-Based Districts use clear and simple graphics to illustrate building form, site layout, and streetscapes that define the public spaces. Form is derived from historic context, yet is sensitive to modern conditions and needs. Standards are meant to retain distinctive form, reduce negative environmental impact, support transit and pedestrian environments, reduce auto dependence, encourage adaptive reuse and investment, ensure compatibility of development, and create more affordable and sustainable neighborhoods. These districts integrate commerce, residential, and civic uses to promote independence for people who don't have access to cars. Development is meant to reinforce the public domain without sacrificing the diverse character of individual buildings. Pedestrians are reintroduced into a mixed-use, human-scaled, compact setting. Modern activities are accommodated without sacrificing timeless traditions.

SECTION 7.2 COMPONENTS OF THE FORM-BASED CODE

7.2.1 BUILDING FORM STANDARDS

The intent of the Building Form Standards is to shape the specific physical form and functional character of the built environment in order to frame the street-space in accordance with community goals. The standards are designed to reflect the minimum level of control necessary to accomplish this intent. The Building Form Standards establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain permitted/required building elements, such as window and door openings, roof types, building materials, porches and stoops, and balconies. The Building Form Standards establish both the boundaries within which development may occur and specific elements that may or shall be present. This produces a coherent street-space.

7.2.2 SITE LAYOUT STANDARDS

This section provides understanding of the relationship between the public space and a building/lot, and how primary and secondary structures and parking can be configured on the site. Illustrations detail typical layouts.

7.2.3 MISCELLANEOUS PROVISIONS

This section includes standards that are unique to the particular form district, and may include special standards for parking, landscaping or buffering, street space, and development incentives.

7.2.4 USE STANDARDS

Form-based use standards are intended to provide some flexibility over time within a consistently managed built environment. However, certain uses are still subject to conditional or special use standards as detailed in Article 9.

SECTION 7.3 GENERAL INTRODUCTION TO FORM-BASED DISTRICTS

7.3.1 DOWNTOWN 3 (DT3)

The Downtown 3 District generally includes River Street and Brass Street from Tin Street to River's end at the lakeshore. This District is designed to foster infill redevelopment in a sustainable mixed-use pattern as part of a vibrant, diverse urban area in the core of the Village. Standards are intended to promote traditional urban form and a lively mix of uses, allowing for shopfronts, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and canopy shade trees, overlooked by upper story residences and offices. Physical access and a sense of connection to water resources are very important to the future of the historic Downtown.

7.3.2 DOWNTOWN 2 (DT2)

This District contains the area of north of Downtown that provides a transition between the commercial core and the traditional neighborhoods. It also includes a transition area southeast of Downtown containing both gateway entrances to Downtown north of the M-38 and M-64 corridors. It continues east to the Village boundary, taking in the area north of the Gateway Corridor district.

The most important function of this District is to provide expansion of mixed-use in a transition area between residential areas, the highway corridor, and downtown. Standards are designed to foster sustainable infill redevelopment in a vibrant, mixed-use, pedestrian-friendly pattern that encourages diverse and compact development. Building Form Standards encourage high quality buildings that respect their urban context and compliment Downtown. The inclusion of pedestrian and non-motorized pathways and connections is of primary importance in positioning this District as a hub of activity.

7.3.3 GATEWAY CORRIDOR (GC)

This District includes the M-38 and M-64 corridors through the Village of Ontonagon and the clustered development along Giesau Drive adjacent to the corridor. The corridor contains a variety of mixed-use activities and clustered commercial activity at important community intersections. Because this District bisects the northern and southern portions of the Village, and also

provides a gateway into Downtown, it is important to enhance the connectivity of this District to all others. Form-based standards are intended to support the ability of this District to provide an appealing and welcoming image for the Village. Both regional and neighborhood-scale activities are integrated with residences, creating a diverse mixed-use environment. The inclusion of pedestrian and non-motorized pathways and connections is essential to facilitate multi-modal connections between Districts. Access Management standards are incorporated to facilitate efficient and effective transportation services.

SECTION 7.4 STANDARDS APPLYING TO ALL FORM-BASED DISTRICTS

7.4.1 GENERAL LAYOUT AND ORIENTATION

1. *INTENT FOR GENERAL LAYOUT AND ORIENTATION*

1.A. Development should adequately accommodate vehicles, but also encourage multi-modal transportation options.

1.B. New development in the Village of Ontonagon form-based districts should integrate the built environment (street, buildings, and infrastructure); social environment (public spaces); and the natural environment (open spaces and natural features) in a harmonious pattern.

2. *STANDARDS FOR GENERAL LAYOUT AND ORIENTATION*

2.A. Setbacks necessary to comply with conditional or special land use requirements set forth in Article 9, or landscaping/screening requirements in Section 5.6, shall supersede form-based district requirements.

2.B. All site plans for redevelopment or new construction shall include provisions for on-site stormwater management, using appropriate techniques such as rain gardens, green roofs, rain barrels collection system, or other bio-filtration methods to minimize storm water run-off.

7.4.2 CONNECTIVITY AND ACCESS

1. *INTENT FOR CONNECTIVITY AND ACCESS*

1.A. Standards are intended to create and enhance a safe and welcoming pedestrian environment within a multi-modal transportation network; to decrease dependence on the automobile; and improve streetscapes and connections to make walking and biking in the Form Districts easy, safe, convenient, and desirable.

1.B. Standards are intended to reinforce traditional development patterns with street patterns that offer multiple connections whenever possible.

2. *STANDARDS FOR CONNECTIVITY AND ACCESS*

2.A. All non-residential developments which provide automobile parking facilities shall provide bicycle

parking facilities (racks) at a ratio of at least one (1) bicycle parking space for every five (5) automobile parking spaces. Multi-family developments shall provide these facilities at a ratio of at least one (1) bicycle parking space for every five (5) multi-family units.

2.B. Clearly defined, safe pedestrian pathways or sidewalks shall be provided from adjacent public rights-of-way through off-street parking areas or front yards/landscaped areas to non-residential building entrances (at least one per site).

2.C. Proposed developments that create new streets shall place utility lines underground.

7.4.3 BUILDINGS

1. *INTENT FOR BUILDINGS*

1.A. Buildings should reflect local history and context, and should preserve historic resources to affirm the continuity of the community.

1.B. Buildings should allow their inhabitants to experience the geography and climate through energy efficient design that contributes to long-term economic viability and sustainability.

1.C. Preferred exterior building materials include concrete, masonry, tile, stone, and wood.

1.D. A variety of rooflines are encouraged to reduce the massive scale of large buildings and to complement the character of roofs within the Form Districts.

2. *STANDARDS FOR BUILDINGS*

These standards apply to new or infill development:

2.A. Building facades are the public "face" of every building, therefore, the streetside facade of a building shall not consist of a blank wall or an unbroken series of garage doors.

2.B. Building facades that exceed one-hundred (100) feet in length shall have variations in roofline or rooftop parapet to reduce the perception of bulk and monotony.

2.C. Each facade shall include at least one functioning, primary street-space entry.

2.D. All sides of a building facing a public street shall display a similar quality of materials and workmanship.

2.E. Accessory structures shall not be located in front of the primary building.

7.4.4 PARKING

1. *INTENT FOR PARKING*

1.A. Fragmented, uncoordinated, inefficient, single-purpose reserved parking should be discouraged, and shared parking and access drives should be encouraged.

1.B. The number of large, open parking areas that create unpleasant, windswept spaces for pedestrians

should be reduced.

1.C. The amount of impervious surfaces that contribute to water pollution and/or excessive stormwater runoff should be minimized.

1.D. Parking should be included for both automobiles and other forms of transportation such as bicycles.

1.E. Parking should be less visible from the public street-space by locating the majority of parking beside or behind buildings or screening buffers.

1.F. Smaller parking lots including vegetation are preferred to create a better microclimate for pedestrians, reduce stormwater run-off, and provide more opportunities for snow storage.

2. *STANDARDS FOR PARKING*

These standards apply to new or infill development:

2.A. Shared parking shall be designated by appropriate signage and markings.

2.B. Landscape screening, landscaping, and tree canopy requirements for surface parking areas as provided for in Section 5.6 of this *Ordinance's* regulations shall be required upon construction of any new surface parking area, or shall be required for any existing surface parking area when fifty (50) percent or more of the lot is resurfaced.

7.4.5 WINTER DESIGN CONSIDERATIONS

1. *INTENT FOR WINTER DESIGN*

1.A. Standards are intended to create a better winter pedestrian environment by mitigating climate related effects.

1.B. Buildings or landscaped areas should be located to protect designated pedestrian facilities or public gathering areas from prevailing winter winds.

1.C. Public spaces for winter use should not be located in areas that are shaded from the sun.

1.D. It is preferred that snow be stored in a number of smaller sites, rather than one large area in order to speed up the melting process.

2. *STANDARDS*

These standards apply to new or infill development:

2.A. All buildings shall be designed to minimize the shedding of snow and rain runoff unto the pedestrian portion of the street-space. This can be accomplished with proper building placement, design of roof pitch, placement of awnings or canopies, or the addition of roof elements directing wind beyond the pedestrian zone.

2.B. Handrails shall be provided for all public and private walkways that exist on slopes greater than 1:20.

2.C. All site plans for redevelopment or new construction shall provide for on-site snow storage and winter maintenance of pedestrian walkways and parking facilities.

SECTION 7.5 DOWNTOWN 3 (DT3)

7.5.1 INTENT AND GUIDING PRINCIPLES (DT3)

1. It is intended that this District promote a pedestrian-friendly environment with non-motorized mobility options to support viable businesses, public spaces, and urban living.
2. Standards are intended to preserve and ensure compatibility with the traditional urban form and allow for a lively mix and transition of uses.
3. The arrangement of the built environment should contribute to the view of streets as civic places. For example, streets are intended to be fronted by porches, balconies, and entries rather than parking lots and garage doors.
4. Buildings are intended to frame the public space not in a regimented way, but in a coherent way. The front facade shall exist within a Required Building Zone defined by distance from the public right-of-way. This prescribed zone is based on the existing context of traditional urban form oriented to the pedestrian.
5. Buildings frame and overlook the majority of the street-space with facades that are closely related in orientation, position, and scale for an agreeable public space.
6. Buildings oversee the street-space with visually active fronts including transparent elements and gathering areas such as front porches or stoops. This overview of the street-space contributes to vital and safe public space and enhances the pedestrian environment.
7. Building standards are created around the idea that building facades are the public “face” of the Downtown, and are therefore related to overall public impression and the protection of Downtown investment.
8. The public space shall encourage and facilitate outdoor public interaction and commerce and all-season use. Wide sidewalks and canopy shade trees promote use of the public space.
9. Within this District, infill mixed-use development is a priority to increase viability of the overall District and protect property values.
10. Streets are narrow to encourage traffic calming while accommodating on-street parking.
11. Parking standards are designed to enable convenient parking and access to a variety of uses through shared parking and the reduction of fragmented, uncoordinated, inefficient, single-purpose, and excessive reserved parking.
12. On-street parking is intended to be maximized whenever possible. This will help create a buffer between pedestrians and moving traffic, support businesses, and provide residential visitor parking.
13. It is intended that auto-dependent uses and infrastructure will not dominate the public space.
14. Whenever practical, bicycle accommodations should be added to streets to encourage multi-modal access.
15. It is intended that access be maintained to a working waterfront in this District.
16. It is intended that public access to important water resources is maintained.

7.5.2 USES & DEVELOPMENT REQUIREMENTS

Use standards for the Downtown 3 District are illustrated in Table 7-1. Uses not listed but of the same general character as those permitted will be interrupted by the Zoning Board of Appeals. Conditional and Special Land Uses are located in Article 9 and in

Article 14.

Table 7-1 Permitted Uses in the Downtown 3 District, page 1 of 4

Downtown 3 Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Small Scale Food Production & Urban Agriculture	Greenhouses and aquaculture systems; Community gardens and urban gardens as principle use	Conditions: See Article 9		
	Farmer's Markets - Food Stands	Permitted		
Commercial & Commercial Services	Business Service Establishments	Permitted		
	Convenience Retail Establishments	Permitted		
	Drive-Through and Food and Drink Establishments	Permitted		
	All General Retail Establishments EXCEPT Large Scale Retail Establishments, Building Materials Sales, Warehouse Store or mobile and manufactured home sales.	Permitted	Public swimming pool, swimming club, tennis clubs/courts, batting cages, skateboard parks, outdoor ice rinks.	Special Use: See Article 9
	Indoor Entertainment Establishments	Permitted	Amusement and water parks; theme parks, miniature golf facilities, amphitheaters, drive-in theater, zoos; transient amusement enterprises.	Special Use: See Article 9
	Bed and Breakfast Establishments; Tourist homes	Permitted		
	Hotels, Motels, Auto Courts, Residence Inns, Tourist Homes.	Permitted	Medium Repair Services	Special Use: See Article 9
	Medical Service Establishments EXCEPT large: Hospitals.	Permitted	Sales or rental of new and used motorcycles, snowmobiles, ATV's and other small personal motorized sporting goods.	Special Use: See Article 9
	Mixed-Use Developments	Permitted		
	Office Establishments except Home Occupations	Permitted		

Table 7-1 Permitted Uses in the Downtown 3 District, page 2 of 4

Downtown 3 Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Commercial & Commercial Services, continued	Home Occupations	Conditions: See Article 9		
	All Personal Service Establishments EXCEPT Funeral Services/ Crematoria and Marihuana Related Businesses	Permitted		
	Drive-Through Establishments	Conditions: See Article 9		
	Light Repair Services	Permitted		
	Research & Development Establishments	Permitted		
	Tourist Service Establishments	Permitted		
Industrial & Warehousing			Boatworks, Custom Building, Repair, Storage	Special Use: See Article 9
Institutional	Educational Institutions	Conditions: See Article 9		
	Religious Institutions	Conditions: See Article 9		
	Social Institutions	Conditions: See Article 9		

Table 7-1 Permitted Uses in the Downtown 3 District, page 3 of 4

Downtown 3 Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Public	Essential Services	Permitted	Public Buildings & Related Facilities, including Trails (except roadside parks, public parks, and cemeteries)	Special Use: See Article 9
	Public Parks including Roadside Parks and playgrounds	Permitted		
	WECS towers under 35 feet in height	Conditions: See Article 9	Light Utility and Public Service Installations (does not include heavy)	Special Use: See Article 9
Residential Services	Institutions for Human Care & Habitation	Conditions: See Article 9		
	Community Residential Care Facilities	Conditions: See Article 9		
	Multi-Family Dwellings	Conditions: See Article 9		
	Child Care Center/Day Care Center with fewer than 7 children; Family Child Care Homes; Group Child Care Homes; Adult Foster Care Family Home; Adult Foster Care Small and Large Group Homes; Foster Family Home; Foster Family Group Home; State Li censed Residential Facility	Permitted		
	Temporary Dwellings	Conditions: See Article 9		
	Tourist Homes/Bed & Breakfast Establishments	Permitted		
	Two-Family Dwellings	Permitted		

Table 7-1 Permitted Uses in the Downtown 3 District, page 4 of 4

Downtown 3 Form District				
Uses				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-2**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-2**	**Development Requirements**
Accessory Uses	Decks, Patios, Gazebos; Freestanding Flagpoles; Garages or Carports; Outdoor fireplaces; Storage or Service Buildings or Sauna	Permitted according to standards contained in Article 5 and District Standards		
	Amateur radio & TV Antennae	Conditions: See Article 5		
	Food Stands; Home Occupations; Outdoor Display and Sales Area s ; Outdoor Food & Beverage Service; Outdoor Swimming Pools	Conditions: See Article 9		

7.5.3 BUILDING FORM STANDARDS (DT3)

1. *PRINCIPLE BUILDING HEIGHT (DT3)*

1.A. Each principle building shall be at least two (2) stories in height, but no greater than three (3) stories in height except as provided below. The entire structure shall not exceed forty-two (42) feet in height.

1.B. If the building satisfies at least three (3) of the incentive provisions of Section 7.5.6, the principle building may have an additional story provided that the façade located above the first three (3) stories is recessed a minimum of eight (8) feet behind the front façade of the lower stories for at least eighty (80) percent of the length of the façade. The entire structure shall not exceed forty-eight (48) feet in height.

1.C. An attic story shall not count against the maximum story height.

1.D. An additional tower story is allowed above the maximum building story height within the following parameters:

(1) The footprint of the tower shall not exceed three-hundred (300) square feet.
(2) No horizontal façade dimension of the tower shall exceed twenty (20) feet.
(3) No attic story is permitted above a tower story.

2. *ACCESSORY STRUCTURE HEIGHT (DT3)*

2.A. Accessory structures shall be no greater than one and a half (1.5) story or twenty-four (24) feet.

3. *INTERIOR HEIGHT (DT3)*

3.A. Non-residential uses shall have a maximum ground story finished floor elevation of eighteen (18) inches above the exterior elevation at the required building line.

3.B. Residential uses shall have a maximum ground story finished floor elevation of seven (7) feet above the exterior elevation at the required building line.

3.C. For non-residential uses, the minimum ground story clear interior height (floor to ceiling) in the front twenty-five (25) feet of the building shall be ten (10) feet. This does not include parking structures. The maximum ground story clear interior height (floor to ceiling) is twenty (20) feet.

3.D. For residential uses, the minimum ground story clear interior height (floor to ceiling) shall be eight (8) feet. The maximum ground story clear interior height (floor to ceiling) is twelve (12) feet.

3.E. For stories other than ground stories, at least eighty (80) percent of each upper story shall have a minimum clear interior height (floor to ceiling) of eight (8) feet. The maximum clear interior height (floor to ceiling) is twelve (12) feet.

4. *PRINCIPLE BUILDING FEATURES (DT3)*

4.A. SNOW MANAGEMENT

All buildings shall be designed to minimize the shedding of snow and rain runoff into the public space.

4.B. FACADES

(1) The building façade shall be located parallel with the street and sidewalk.
(2) Blank lengths of wall exceeding twenty (20) linear feet are prohibited on all required building lines (RBL).

4.C. WINDOWS/TRANSPARENCY

(1) At least thirty (30) percent and no more than ninety (90) percent of ground story facades shall be transparent (as measured between floor levels).
(2) At least twenty (20) percent but no more than seventy-five (75) percent of the upper story facades shall be transparent (as measured between floor levels).

4.D. ENTRY FEATURES

(1) At least one (1) functioning entry door shall be provided along the ground story façade of each building and at intervals not greater than sixty (60) linear feet.

(2) Doors that swing out must be recessed into the façade so as not to swing past the front facade.

4.E. ROOF TYPE

Where the roof is not hidden from the adjacent street space by a parapet wall, its pitch shall be between 4:12 and 12:12.

4.F. MEZZANINES

Mezzanines having a floor area greater than one-third (1/3) of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

4.G. PROJECTIONS

(1) Each residential ground floor unit shall include a stoop a maximum of five (5) feet deep, or a front porch a maximum of ten (10) feet deep. Balconies, stoops, and porches shall not project closer than five (5) feet to a common lot line. At least five (5) feet of unobstructed space shall be provided between ground projections and the curb.

(2) No part of any building, except overhanging eaves, awnings, bay windows, and upper story projections such as balconies shall encroach into the public right-of-way. A projection shall be located no closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb).

(3) Awnings that project over the sidewalk portion of a street space shall maintain a clear height of at least ten (10) feet and shall be a minimum of six (6) feet wide. A public access easement at least five (5) feet wide must be provided between the nearest building projection and any support posts. Support posts shall not be located closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb).

4.H. BUILDING MATERIALS

Building materials shall be masonry, concrete, tile, stone, and wood. Glass curtain walls and reflective glass are prohibited due to the undesirable blinding effect compounded by snow.

4.I. DRIVE-THROUGH SERVICE WINDOWS

Drive-through service windows are permitted only where accessible from an alley entrance and exit.

5. *ACCESSORY BUILDING FEATURES (DT3)*

5.A. Garage entries shall have a clear height no greater than fourteen (14) feet and a clear width no greater than sixteen (16) feet.

7.5.4 SITE LAYOUT (DT3)

1. *BUILDABLE AREA (DT3)*

1.A. The minimum lot size in the DT3 district is three-thousand (3,000) square feet.
1.B. The minimum lot width in the DT3 district is thirty (30) feet.
1.C. The maximum lot coverage in the DT3 district is eighty-five (85) percent.
1.D. The maximum impervious surface coverage in the DT3 district is ninety-five (95) percent.

2. *PRINCIPLE BUILDING PLACEMENT (DT3)*

2.A. The Required Building Line (RBL) is computed in one of two ways as follows:
(1) As the average of the front setbacks of existing principle buildings located on the adjacent two (2) lots on both sides of the lot in question (provided they are in the same district and provided their setback doesn't exceed ten (10) feet from the right-of-way) or ;
(2) On a line that lies between a distance of zero (0) and ten (10) feet from the public right-of-way (within the Required Building Zone or RBZ).
2.B. A minimum of seventy-five (75) percent of the front façade must be located on the RBL, and the entire front façade must be located within the RBZ.
2.C. The building façade shall be built to the RBL (or at zero setback within the RBZ) within thirty (30) feet of a block corner. The ground floor façade, within seven (7) feet of the block corner, may be chamfered to form a corner entry.
2.D. There are no side yard requirements for attached structures. Detached structures shall maintain a minimum side yard of five (5) feet, except for detached multiple family structures which shall maintain a minimum side yard of ten (10) feet.
2.E. The minimum rear yard is ten (10) feet except that zero rear yard is required with alley access.

3. *ACCESSORY BUILDING PLACEMENT (DT3)*

3.A. Accessory structures shall be located only in the rear yard area behind the principle building.
3.B. Garages may be sited in one of two ways –in the rear accessed from an alley; in the rear accessed by a side drive.
3.C. Accessory structures shall be no closer than ten (10) feet from the principle building or one another.
3.D. Accessory structures must be placed a minimum distance of five (5) feet from the side lot line.
3.E. Accessory structures must be placed a minimum distance of ten (10) feet from the rear lot line, except this distance may be reduced to a minimum of three (3) feet when the rear lot line is co-terminus with

an alley.

3.F. Garage entries or driveways shall be located at least twenty-five (25) feet away from any block corner.

7.5.5 MISCELLANEOUS PROVISIONS (DT3)

1. *PARKING REQUIREMENTS (DT3)*

1.A. Where a parking structure is within forty (40) feet of any principle building, that portion of the structure shall not exceed the building's eave or parapet height.

1.B. All commercial parking that is visible from the street shall be screened by a fence or masonry wall at least four (4) feet in height, or a bermed, landscaped area at least three (3) feet high and five (5) feet deep of at least fifty (50) percent opacity. Height is measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent ground elevation once construction is complete.

1.C. A vehicle parking area on private property shall be at least eight (8) feet behind the RBL, except where parking is provided inside or below the building (these requirements are not applicable to on-street parking).

1.D. Shared driveways are encouraged to reduce impervious surfaces and disruptions of the building line.

2. *LANDSCAPING/SCREENING/BUFFERING (DT3)*

2.A. Privacy fences or a street wall no more than eight (8) feet in height may be constructed along that portion of a common lot line not otherwise occupied by a building.

3. *STREET SPACE SPECIFICATIONS (DT3)*

3.A. This *Ordinance* prohibits the vacation or closure of currently functioning alleyways and streets in the DT3 district. Alleys shall be developed within the rear setback as part of a redevelopment project and in accordance with the following:

(1) Alleys shall be constructed to meet the Village construction standards in order to be suitable for emergency and service vehicle access.

(2) The specific configuration of alleys may include shared parking areas and other uses so long as reasonable service access is relatively unimpeded.

(3) Where an alley does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to maintain the area within the rear setback by, at a minimum:

a) The placement of sod or seeding and provision of routine landscape maintenance to the area

b) Keeping the area clear of debris, stored materials, vehicles, and structures.

3.B. Proposed developments that create new streets shall place utility lines underground.

3.C. Where not already provided, the developer shall install sidewalks according to Village standards.

3.D. Street trees shall be included at the time of new development or redevelopment as follows:

(1) The tree planting zone is located immediately adjacent to the curb and shall be continuous. Standards

follow those as outlined in Section 5.6.6.8.

(2) This area may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as determined by the Planning Commission.

7.5.6 INCENTIVE PROVISIONS (DT3)

Buildings in the DT3 district may include a fourth story provided at least three (3) of the following incentive items are provided in the development:

1. At least forty (40) percent of the units are considered affordable (see definitions in Article 15).
2. All residential units meet current ADA standards for accessibility.
3. The building utilizes passive solar design and a super-insulated building envelope in all units.
4. The building utilizes solar hot water heating systems.
5. The building utilizes photovoltaic panels to provide a portion as renewable energy production.
6. All appliances meet Energy Star requirements.
7. All of the stormwater runoff is collected and recycled on-site utilizing approved biological systems.
8. The development provides an outdoor area receiving full solar access for the communal or individual growing of food in raised beds or containers.

SECTION 7.6 DOWNTOWN 2 (DT2)

7.6.1 INTENT AND GUIDING PRINCIPLES (DT2)

1. It is intended that this District will provide an appropriate gateway from the highway corridor to the Downtown and surrounding neighborhoods.
2. Standards are intended to preserve the traditional urban form and ensure future development compatibility in promoting a lively mix of uses.
3. The arrangement of buildings, landscaping, pedestrian/bicycle infrastructure, and parking areas should contribute to the view of streets as civic places. For example, streets are intended to be fronted by porches, balconies, and entries rather than parking lots, garage doors, and wide driveways.
4. Buildings are intended to frame the public space not in a regimented way, but in a coherent way. The front facade shall exist within a Required Building Zone defined by distance from the public right-of-way. This prescribed zone is based on the existing context of traditional urban form oriented to the pedestrian.
5. Buildings oversee the street-space with visually active fronts including transparency and gathering areas such as front porches or stoops. This overview of the street-space contributes to vital and safe public space and enhances the pedestrian environment.
6. As a mobility corridor, it is intended that this District shall promote a pedestrian-friendly environment with non-motorized mobility options.

7. It is intended that this area utilize compact development patterns and encourage infill mixed-use development to ensure greater neighborhood sustainability.
8. Streets are narrow to encourage traffic calming while accommodating on-street parking.
9. Parking standards are designed to enable convenient parking and access to a variety of uses through shared parking and the reduction of fragmented, uncoordinated, inefficient, single-purpose, and excessive reserved parking.
10. On-street parking is intended to be maximized whenever possible. This will help create a buffer between pedestrians and moving traffic, support businesses, and provide residential visitor parking.
11. It is intended that auto-dependent uses and infrastructure will not dominate the public space.
12. Whenever practical, bicycle accommodations should be added to streets to encourage multi-modal access.

7.6.2 USES AND DEVELOPMENT REQUIREMENTS (DT2)

Use standards for the Downtown 2 District are illustrated in Table 7-2. Uses not listed but of the same general character as those permitted will be interrupted by the Zoning Board of Appeals. Conditional and Special Land Uses are located in Article 9 and in Article 14.

Table 7-2 Permitted Uses in the Downtown 2 District, page 1 of 4

Downtown 2 Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Agricultural Service Establishments	Animal Services: Completely indoor facilities. Animal hospitals or shelters, commercial kennels, veterinary services.	Conditions: See Section 9	Animal Services: with unenclosed outdoor confinement. Animal hospitals or shelters, commercial kennels, veterinary services.	Special Use: See Section 9
Small Scale Food Production & Urban Agriculture	Accessory private gardens & orchards within any required yards; Accessory greenhouses or aquaculture systems; Farmer's Markets - Whole Food Stands	Permitted		
	Community gardens and urban gardens as principle use	Conditions: See Section 9.3.1.4.A		
Commercial & Commercial Services	Business Service Establishments	Permitted	Large Scale Retail Establishments, Building Materials Sales, Warehouse Store or mobile and manufactured home sales.	Special Use: See Section 9.3.2.2.A
	Convenience Retail Establishments	Permitted	Public swimming pool, swimming club, tennis clubs/courts, batting cages, skateboard parks, outdoor ice rinks.	Special Use: See Section 9.3.2.2.B
	Drive-Through and Food and Drink Establishments	Permitted	Amusement and water parks; themeparks, miniature golf facilities, amphitheaters , drive-in theater, zoos; transient amusement enterprises.	Special Use: See Section 9.3.2.2.B
	All General Retail Establishments EXCEPT Large Scale Retail Establishments , Building Materials Sales, Warehouse Store or mobile and manufactured home sales.	Permitted		
	Indoor Entertainment Establishments	Permitted		
	Bed and Breakfast Establishments	Permitted		

Table 7-2 Permitted Uses in the Downtown 2 District, page 2 of 4

Downtown 2 Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Commercial & Commercial Services	Organized camps and campgrounds for tents or recreational vehicles	Conditions: See Section 9.3.2.2.D	Large Hospitals	Special Use: See Section 9.3.2.2.E
	Hotels, Motels, Auto Courts, Residence Inns	Permitted	Medium Repair Services	Special Use: See Section 9.3.2.2.H
	Medical Service Establishments EXCEPT large: Hospitals.	Permitted		
	Mixed-Use Developments	Permitted		
	Office Establishments EXCEPT Home Occupations	Permitted		
	Home Occupations	Conditions: See Section 9.4.4	Marine sales and service, including short-term outdoor storage	Special Use: See Section 9.3.2.2.K
	All Personal Service Establishments EXCEPT Funeral Services/Crematoria and Marihuana Related Businesses.	Permitted		
	Funeral Services and Crematoria	Conditions: See Section 9.3.2.2.F		
	Light & Medium Repair Services	Permitted		
	Research & Development Establishments	Permitted		
	Tourist Service Establishments	Permitted		
	Sales or rental of new and used motorcycles, snowmobiles, ATV's and other small personal motorized sporting goods; Sales or rental of new and used automobiles, light and medium trucks ; motor homes; and recreational vehicles and trailers	Permitted		
Industrial &	Boatworks, Custom Building, Repair, Storage	Permitted		
	Light Industrial Services	Permitted		

Industrial & Warehousing	Medium Industrial Services	Conditions: See Section 9		
	Self Service Storage facilities, also known as mini-warehouses and rental storage units.	Conditions: See Section 9		

Table 7-2 Permitted Uses in the Downtown 2 District, page 3 of 4

Downtown 2 Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Institutional	Educational Institutions	Permitted		
	Religious Institutions	Permitted		
	Including military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large or CDL vehicles); institutions for higher education.	Permitted		
	Facilities to house charitable or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; auditoriums and other places for public assembly.	Conditions: See Article 9		
Public	Essential Services	Permitted	Trails, trail easements (motorized and non-motorized)	Special Use: See Article 9
	Libraries, museums, township hall, county courthouse, police station, fire station, public works, schools, publicly owned tourist information centers, and other public buildings similar to and compatible with the above uses, and any publicly-owned "Utility and Public Service Installations".	Permitted		
	Public Parks including Roadside Parks and playgrounds	Permitted		
	WECS towers up to 80 feet in height	Conditions: See Article 9	Light Utility and Public Service Installations (does not include heavy)	Special Use: See Article 9
Residential Services	Institutions for Human Care & Habitation	Permitted	Group Housing	Special Use: See Article 9
	Community Residential Care Facilities	Permitted	ECHO Unit	Special Use: See Article 9
	Multi-Family Dwellings	Conditions: See Article 9		
	Single Family Housing Types	Permitted		
	Temporary Dwellings	Conditions: See Article 9		

VILLAGE OF ONTONAGON HYBRID ZONING

Table 7-2 Permitted Uses in the Downtown 2 District, page 4 of 4

Downtown 2 Form District				
Uses				
Uses (See Article 4, Section 4.4)	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses(S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Residential Services	Child Care Center/Day Care Center with fewer than 7 children; Family Child Care Homes; Group Child Care Homes; Adult Foster Care Family Home; Adult Foster Care Small and Large Group Homes; Foster Family Home; Foster Family Group Home; State Licensed Residential Facility	Permitted		
	Two-Family Dwellings	Permitted		
Accessory Uses	Decks, Patios, Gazebos; Freestanding Flagpoles; Greenhouses and Aquaculture Systems; Garages or Carports; Outdoor fireplaces; Storage or Service Buildings or Sauna; Bus Shelters; Outdoor Display and Sales Area s; Outdoor Food & Beverage Service;	Permitted according to standards contained in Article 5 and District Standards	Accessory Dwelling Units	Special Land Use: See Article 9
	Amateur radio & TV Antennae	Conditions: See Article 5		
	Food Stands; Home Occupations; Outdoor Swimming Pools	Conditions: See Article 9		

7.6.3 BUILDING FORM STANDARDS (DT2)

1. *BUILDING HEIGHT (DT2)*

1.A. Each principle building shall be at least one (1) story in height, but no greater than two and a half (2.5) stories in height except as provided below. The entire structure shall not exceed thirty-five (35) feet in height.

1.B. If the building satisfies at least three (3) of the incentive provisions of Section 7.6.6, the principle building may have an additional story. The entire structure shall not exceed forty-two (42) feet in height.

1.C. An attic story shall not count against the maximum story height.

1.D. An additional tower story is allowed above the maximum building story height within the following parameters:

(1) The footprint of the tower shall not exceed three-hundred (300) square feet.

(2) No horizontal façade dimension of the tower shall exceed twenty (20) feet.

(3) No attic story is permitted above a tower story.

2. *ACCESSORY STRUCTURE HEIGHT (DT2)*

2.A. Accessory structures shall be no greater than one and a half (1.5) story or twenty-four (24) feet, and shall meet the setback requirements of Section 7.6.4.3. However, accessory structures with accessory dwelling units may be up to thirty-five (35) feet in height, provided that the structure is setback from all lot lines an additional foot for each foot in height over twenty-four (24) feet.

3. *INTERIOR HEIGHT (DT2)*

3.A. The minimum ground story clear interior height (floor to ceiling) shall be eight (8) feet. The maximum ground story clear interior height (floor to ceiling) is twelve (12) feet.

3.B. For stories other than ground stories, at least eighty (80) percent of each upper story shall have a minimum clear interior height (floor to ceiling) of eight (8) feet. The maximum clear interior height (floor to ceiling) is twelve (12) feet.

4. *PRINCIPLE BUILDING FEATURES (DT2)*

4.A. SNOW MANAGEMENT

All buildings shall be designed to minimize the shedding of snow and rain runoff into the public space.

4.B. FACADES

(1) The building façade shall be located parallel with the street and sidewalk.

(2) Blank lengths of wall exceeding twenty (20) linear feet are prohibited on all required building lines (RBL).

4.C. WINDOWS/TRANSPARENCY

(1) At least thirty (30) percent and no more than ninety (90) percent of ground story facades shall be transparent (as measured between floor levels).
(2) At least twenty (20) percent but no more than seventy-five (75) percent of the upper story facades shall be transparent (as measured between floor levels).

4.D. ENTRY FEATURES

At least one (1) functioning entry door shall be provided along the ground story façade of each building and at intervals not greater than sixty (60) linear feet.

4.E. ROOF TYPE

Where the roof is not hidden from the adjacent street space by a parapet wall, its pitch shall be between 4:12 and 12:12.

4.F. MEZZANINES

Mezzanines having a floor area greater than one-third (1/3) of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

4.G. PROJECTIONS

(1) Balconies, stoops, and porches shall not project closer than five (5) feet to a common lot line. At least five (5) feet of unobstructed space shall be provided between ground projections and the curb.
(2) No part of any building, except overhanging eaves, awnings, bay windows, and upper story projections such as balconies shall encroach into the public right-of-way. A projection shall be located no closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb).
(3) Awnings that project over the sidewalk portion of a street space shall maintain a clear height of at least ten (10) feet and shall be a minimum of six (6) feet wide. A public access easement at least five (5) feet wide must be provided between the nearest building projection and any support posts. Support posts shall not be located closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb).

4.H. BUILDING MATERIALS

Building materials shall be masonry, concrete, tile, stone, wood, or vinyl; glass curtain walls and reflective glass are prohibited due to the undesirable blinding effect compounded by snow.

4.I. DRIVE-THROUGH SERVICE WINDOWS

Drive-through service windows are permitted only where accessible from an alley or side entrance and/or exit.

7.6.4 SITE LAYOUT (DT2)

1. *BUILDABLE AREA (DT2)*

1.A. The minimum lot size in the DT2 district is four-thousand (4,000) square feet.
1.B. The minimum lot width in the DT2 district is forty (40) feet.
1.C. The maximum lot coverage in the DT2 district is eighty (80) percent.
1.D. The maximum impervious surface coverage in the DT2 district is ninety (90) percent.

2. *PRINCIPLE BUILDING PLACEMENT (DT2)*

2.A. The Required Building Line (RBL) is computed in one of two ways as follows:
(1) As the average of the front setbacks of existing principle buildings located on the adjacent two (2) lots on both sides of the lot in question (provided they are in the same district and provided their setback doesn't exceed thirty (30) feet from the right-of-way) or;
(2) On a line that lies between a distance of zero (0) to thirty (30) feet from the public right-of-way (within the Required Building Zone or RBZ).
2.B. A minimum of seventy-five (75) percent of the building façade must be located on the RBL, and the entire front façade must be located within the RBZ.
2.C. There are no side yard requirements for attached structures. Detached structures shall maintain a minimum side yard of five (5) feet, except for detached multiple family structures which shall maintain a minimum side yard of ten (10) feet.
2.D. The minimum rear yard is ten (10) feet except that zero yard is required with alley access.

3. *ACCESSORY BUILDING PLACEMENT (DT2)*

3.A. Accessory structures are not allowed in the front setback area. The front setback of accessory structures shall be at least eight (8) feet behind the front façade of the principle structure.
3.B. Accessory structures must be placed a minimum distance of five (5) feet from the side lot line.
3.C. Accessory structures must be placed a minimum distance of ten (10) feet from the rear lot line, except this distance may be reduced to a minimum of three (3) feet when the rear lot line is co-terminus with an alley.
3.D. Accessory structures shall be no closer than ten (10) feet from the principle building or one another.

3.E. Detached garages may be sited in one of three ways—in the rear accessed from an alley; in the rear accessed by a side drive; or to the side recessed behind the principle building façade by at least eight (8) feet.

3.F. An attached, front loaded garage with access from the primary street may be used when there is no alley access, however, garages shall comprise no more than fifty (50) percent of the total linear feet of the front facade of the principle building.

3.G. Garage entries or driveways shall be located at least twenty-five (25) feet away from any block corner.

3.H. Garage entries shall have a height no greater than fourteen (14) feet and a width no greater than sixteen (16) feet.

3.I. One (1) carport is permitted per residential dwelling unit. The carport shall not exceed four-hundred (400) square feet in roofed area or be higher than ten (10) feet. Carports shall maintain a side yard setback of five (5) feet from any property line.

7.6.5 MISCELLANEOUS PROVISIONS (DT2)

1. *PARKING REQUIREMENTS (DT2)*

1.A. Where a parking structure is within forty (40) feet of any principle building, that portion of the structure shall not exceed the building's eave or parapet height.

1.B. Vehicle parking area on private property shall be at least eight (8) feet behind the RBL, except where parking is provided inside or below the building (these requirements are not applicable to on-street parking).

1.C. Shared driveways are encouraged to reduce impervious surfaces and disruptions of the building line.

2. *STREET SPACE SPECIFICATIONS (DT2)*

2.A. Proposed developments that create new streets shall place utility lines underground.

2.B. Where not already provided, the developer shall install sidewalks according to Village standards.

2.C. Street trees may be included at the time of new development or redevelopment as determined by the Planning Commission:

(1) The tree planting zone is located immediately adjacent to the curb and shall be continuous. Standards follow those as outlined in Section 5.6.6.8.

(2) This area may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as determined by the Planning Commission.

7.6.6 INCENTIVE PROVISIONS (DT2)

Buildings in the DT2 district may include a third story provided at least three (3) of the following incentive items are provided in the development:

1. At least forty (40) percent of the units are considered affordable (see definitions in Article 15).
2. All residential units meet current ADA standards for accessibility.
3. The building utilizes passive solar design and a super-insulated building envelope in all units.
4. The building utilizes solar hot water heating systems.
5. The building utilizes photovoltaic panels to provide a portion as renewable energy production.
6. All appliances meet Energy Star requirements.
7. All of the stormwater runoff is collected and recycled on-site utilizing approved biological systems.
8. The development provides an outdoor area receiving full solar access for the communal or individual growing of food in raised beds or containers.

SECTION 7.7 GATEWAY CORRIDOR (GC)

7.7.1 INTENT AND GUIDING PRINCIPLES (GC)

1. It is intended that this District will provide an aesthetically pleasing entrance into the Village.
2. Standards are intended to ensure future development compatibility in promoting a lively mix of uses.
3. As a mobility corridor, it is intended that this District shall promote a pedestrian-friendly environment with non-motorized mobility options in addition to efficient vehicular access.
4. Because this is the gateway to the Village, motorized access will be carefully designed and more intense activities will be carefully screened to place emphasis on the main building entrances.
5. The standards shall reflect the community's desire to enhance the visual quality of the district while promoting amenities necessary to attract businesses, residents, and visitors.
6. Non-residential activity is intended to be organized into clusters at important intersections, and not to be formatted as placeless strip development.

7.7.2 USES & DEVELOPMENT REQUIREMENTS (GC)

Use standards for the Gateway Corridor District are illustrated in Table 7-3. Uses not listed but of the same general character as those permitted will be interrupted by the Zoning Board of Appeals. Conditional and Special Land Uses are located in Article 9 and in Article 14.

Table 7-3 Permitted Uses in the Gateway Corridor District, page 1 of 5

Gateway Corridor Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Agricultural Service Establishments	Farm Feed and small equipment sales; fertilizer, herbicide and pesticide sales (limited outdoor storage)	Permitted	Animal Services: with Unenclosed Outdoor Confinement	Special Use: See Article 9
	Animal Services: Completely Indoor Facilities	Conditions: See Article 9		
Small Scale Food Production & Urban Ag	All Small Scale Production and Urban Agriculture in Table 4-1 EXCEPT Community and Urban gardens	Permitted		
	Community gardens and Urban gardens as a principle use.	Conditions: See Article 5 and 9		
Commercial & Commercial Services	Business Service, Convenience Retail, Drive-Through, Food and Drink Establishments	Permitted	Resorts	Planned Unit Development - See Article 10
	All General Retail Establishments EXCEPT Large Scale Retail Establishments, Building Materials Sales, Warehouse Store or mobile and manufactured home sales.	Permitted	Large Scale Retail Establishments, Building Materials Sales, Warehouse Store or mobile and manufactured home sales.	Special Use: See Article 9
	Indoor Entertainment Establishments	Permitted	Fairgrounds; golf driving ranges; golf courses and country clubs; nordic ski resorts; playground; park; arboretum.	Special Use: See Article 9

Table 7-3 Permitted Uses in the Gateway Corridor District, page 2 of 5

Gateway Corridor Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Commercial & Commercial Services, continued	Bed & Breakfast Establishments and Tourist Homes	Permitted	Public swimming pool, swimming club, tennis clubs/courts, batting cages, skateboard parks, Outdoor ice rinks.	Special Use: See Article 9
	Organized Camps and Campgrounds	Conditions: See Article 9	Amusement and water parks; theme parks, miniature golf facilities, amphitheaters , drive-in theater, zoos; transient amusement enterprises	Special Use: See Article 9
	Hotels, Motels, Auto Courts, Residence Inn	Permitted	Animal racing; automobile, go-kart, snowmobile and motorcycle racing and events.	Special Use: See Article 9
	All Medical Service Establishments	Permitted	Marihuana Related Businesses	Special Use: See Article 9
	All Office Establishments EXCEPT Home Occupations	Permitted	Marine sales and service, including short term outdoor storage; Gasoline and auto service stations	Special Use: See Article 9
	Home Occupations	Conditions See Article 9		
	Personal Service (EXCEPT Marihuana Related Businesses), Repair Services, Research and Development, Tourist Service	Permitted		
	ALL Motorized Vehicle Sales and Service Establishments (EXECPT Marine sales and service or Gasoline and auto service stations)	Permitted		
Industrial Service Establishments	Boatworks, - Custom building/repair/ storage; Light and Medium Industrial Service Establishments (Not including Heavy)	Permitted		

Table 7-3 Permitted Uses in the Gateway Corridor District, page 3 of 5

Gateway Corridor Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4-1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Warehousing & Wholesale Trade Establishments	Self-service storage facilities, also known as mini-warehouses and rental storage units	Conditions: See Article 9		
Institutional	Educational Institutions	Permitted		
	Religious Institutions	Permitted		
	Social Institutions	Permitted		
Public	Essential Services	Permitted	Trails, trail easements (motorized and non-motorized)	Special Use: See Article 9
	Public Buildings & Related Facilities (EXCEPT Trails, trail easements (motorized and non-motorized))	Permitted		
	WECS towers up to 35 feet in height	Conditions: See Article 9	Light and Heavy Utility and Public Service Installations, Buried 345kv or larger overhead electric transmission lines.	Special Use: See Article 9

Table 7-3 Permitted Uses in the Gateway Corridor District, page 4 of 5

Gateway Corridor Form District				
Permitted By-Right, With Conditions, or as a Special Land Use				
Uses	**Uses by Right and with conditions (P) & (C) *As defined in Table 4- 1**	**Development Requirements**	**Special Land Uses (S) or (PUD) *As defined by Table 4-1**	**Development Requirements**
Residential Services	Institutions for Human Care & Habitation	Permitted	Group Housing	Special Use: See Article 9
	Community Residential Care Facilities	Permitted	Mobile Home Park & Manufactured Housing Community	Special Use: See Article 9
	Multi-Family Dwellings	Conditions: See Article 9	ECHO Units	Special Use: See Article 9
	Single Family Dwellings	Permitted	Planned Unit Development	Special Use: See Article 10
	Temporary Dwellings	Conditions: See Article 9		
	Child Care Center/Day Care Center with fewer than 7 children; Family Child Care Homes; Group Child Care Homes; Adult Foster Care Family Home; Adult Foster Care Small and Large Group Homes; Foster Family Home; Foster Family Group Home; State Licensed Residential Facility	Permitted	Open Space Preservation & Cluster Developments	Special Use: See Article 5, 9, and District Standards
	Tourist Homes/Bed & Breakfast Establishments	Permitted		
	Two-Family Dwellings	Permitted		
Accessory Uses	Bus Shelters; Decks, Patios, Gazebos; Freestanding Flagpoles; Garages or Carports; Home Greenhouses and Aquaculture Systems; Outdoor fireplaces; Outdoor Display and Sales Areas ; Outdoor Food & Beverage Service; Storage or Service Buildings or Sauna	Permitted according to standards contained in Article 5 and District Standards	Accessory Dwelling Units	Special Land Use: See Article 9
	Amateur radio & TV Antennae	Conditions: See Article 5		
	Food Stands; Home Occupations; Outdoor Swimming Pools; Shipping Containers for Storage	Conditions: See Article 9		

7.7.3 BUILDING FORM STANDARDS (GC)

1. *BUILDING HEIGHT (GC)*

1.A. Each principle building shall be at least one (1) story in height, but no greater than three (3) stories in height except as provided below. The entire structure shall not exceed forty-two (42) feet in height.

1.B. If the building satisfies at least four (4) of the incentive provisions of Section 7.7.6, the principle building may have an additional story provided that the façade located above the first three (3) stories is recessed a minimum of eight (8) feet behind the front façade of the lower stories for at least eighty (80) percent of the length of the façade. The entire structure shall not exceed forty-eight (48) feet in height.

1.C. An attic story shall not count against the maximum story height.

1.D. An additional tower story is allowed above the maximum building story height within the following parameters:

(1) The footprint of the tower shall not exceed three-hundred (300) square feet.

(2) No horizontal façade dimension of the tower shall exceed twenty (20) feet.

(3) No attic story is permitted above a tower story.

2. *ACCESSORY STRUCTURE HEIGHT (GC)*

2.A. Accessory structures shall be no greater than one and a half (1.5) story or twenty-four (24) feet, and shall meet the setback requirements of Section 7.7.4.3. However, accessory structures with accessory dwelling units may be up to thirty-five (35) feet in height, provided that the structure is setback from all lot lines an additional foot for each foot in height over twenty-four (24) feet.

3. *INTERIOR HEIGHT (GC)*

3.A. The minimum ground story clear interior height (floor to ceiling) shall be eight (8) feet.

3.B. For stories other than ground stories, at least eighty (80) percent of each upper story shall have a minimum clear interior height (floor to ceiling) of eight (8) feet.

4. *PRINCIPLE BUILDING FEATURES (GC)*

4.A. SNOW MANAGEMENT

All buildings shall be designed to minimize the shedding of snow and rain runoff into the public space.

4.B. FACADES

Blank lengths of wall exceeding thirty (30) linear feet are prohibited on all required building lines (RBL).

4.C. WINDOWS/TRANSPARENCY

(1) At least thirty (30) percent and no more than ninety (90) percent of ground story facades shall be transparent (as measured between floor levels).

(2) At least twenty (20) percent but no more than seventy-five (75) percent of the upper story facades shall be transparent (as measured between floor levels).

(3) The transparency requirement may also be satisfied by the substitution of visually distinct, artistic forms or design elements to enhance the façade and provide visual interest in the same proportions as above. Perennially maintained living "green" walls also qualify.

(4) Blank walls may also be mitigated by provision of outdoor public space amenities such as parks or plazas with seating, trees, landscaping, public art, or other amenities that provide visual interest and enhance the pedestrian or employee outdoor environment.

4.D. ENTRY FEATURES

At least one (1) functioning entry door shall be provided along the ground story façade of each building and at intervals not exceeding seventy-five (75) linear feet.

4.E. ROOF TYPE

Where the roof is not hidden from the adjacent street space by a parapet wall, its pitch shall be between 4:12 and 12:12.

4.F. MEZZANINES

Mezzanines having a floor area greater than one-third (1/3) of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

4.G. PROJECTIONS

No part of any building except overhanging eaves, balconies, bay windows, stoops and porches shall encroach beyond the Required Building Line. No projections shall encroach onto the public right-of-way.

7.7.4 SITE LAYOUT (GC)

1. *BUILDABLE AREA (GC)*

1.A. The minimum lot size in the GC district is ten-thousand (10,000) square feet on lots with public sewer

facilities, and twenty-three thousand five hundred (23,500) square feet on lots without public sewer facilities. This may reduced accordingly to accommodate a qualified Open Space Preservation Development (See Section 5.4.6 and Section 9.3.6.2.B).

1.B. Minimum lot width in the GC district varies according to use as below:

(1) Single-Family Residential and Duplexes – One-hundred (100) feet

(2) Multi-Family Residential – Three-hundred (300) feet

(3) Non-Residential or Mixed-Use – Three-hundred (300) feet

This may reduced accordingly to accommodate a qualified Open Space Preservation Development (See Section 5.4.6 and Section 9.3.6.2.B).

1.C. The maximum lot coverage in the GC district is seventy (70) percent.

1.D. The maximum impervious surface coverage in the GC district is eighty-five (85) percent.

2. *PRINCIPLE BUILDING PLACEMENT (GC)*

2.A. The Required Building Line (RBL) is computed in one of two ways as follows:

(1) As the average of the front setbacks of existing principle buildings located on the adjacent two (2) lots on both sides of the lot in question (provided they are in the same district) or;

(2) On a line that is setback a minimum of fifty (50) foot.

(3) This may reduced accordingly to accommodate a qualified Open Space Preservation Development (See Section 5.4.6 and Section 9.3.6.2.B) provided a fifty (50) foot front setback for new development shall be maintained from the state highway.

2.B. The minimum side yard is ten (10) feet. This may reduced accordingly to accommodate a qualified Open Space Preservation Development (See Section 5.4.6 and Section 9.3.6.2.B).

2.C. The minimum rear yard is twenty-five (25) feet.

3. *ACCESSORY BUILDING PLACEMENT (GC)*

3.A. Accessory structures are not allowed in the front setback area. The front setback of accessory structures shall be equal to or greater than that of the principle structure on the site.

3.B. Accessory structures must be placed a minimum distance of ten (10) feet from the side lot line.

3.C. Accessory structures must be placed a minimum distance of fifteen (15) feet from the rear lot line.

3.D. Accessory structures shall be no closer than ten (10) feet from the principle building or one another.

3.E. Garage entries or driveways shall be located at least fifty (50) feet away from any intersection.

3.F. Garage entries shall have a height no greater than fourteen (14) feet and a width no greater than sixteen (16) feet.

3.G. One (1) carport is permitted per residential dwelling unit. The carport shall not exceed four-hundred (400) square feet in roofed area or be higher than ten (10) feet. Carports shall maintain a side yard setback of five (5) feet from any property line.

7.7.5 MISCELLANEOUS PROVISIONS (GC)

1. *PARKING REQUIREMENTS (GC)*

1.A. The front setback of on-site parking shall be equal to or greater than that of the principle structure on the site (placed either to the side or rear of the principle structure.

1.B. Shared driveways are encouraged to reduce impervious surfaces and disruptions of the building line.

2. *STREET SPACE SPECIFICATIONS (GC)*

2.A. Proposed developments that create new streets shall place utility lines underground.

2.B. Where not already provided, the developer shall install sidewalks according to Village standards.

2.C. Abutting non-residential uses shall provide for vehicular and pedestrian circulation between their sites through parking lot or alley connections, hard surface walkways, and similar measures in order to reduce traffic and to allow customers to visit multiple establishments without moving their vehicles. Upon redevelopment of properties, connectors of this type shall be connected or stubbed in for future connection. Connectors for pedestrian use shall be at least 5 feet wide, and shall be separated from vehicles by a change in grade (4 inch minimum) or landscaping, and will be delineated by striping or contrasting pavement materials.

2.D. Street trees shall be included at the time of new development or redevelopment as determined by the Planning Commission:

(1) Street trees shall separate pedestrians from vehicular traffic. Standards follow those as outlined in Section 5.6.6.8.

(2) This area may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as determined by the Planning Commission.

7.7.6 INCENTIVE PROVISIONS (GC)

Buildings in the GC district may include a fourth story provided at least four (4) of the following incentive items are provided in the development:

1. At least forty (40) percent of the units are considered affordable (see definitions in Article 15).
2. All residential units meet current ADA standards for accessibility.
3. The building utilizes passive solar design and a super-insulated building envelope in all units.
4. The building utilizes solar hot water heating systems.
5. The building utilizes photovoltaic panels to provide a portion as renewable energy production.
6. All appliances meet Energy Star requirements.
7. All of the stormwater runoff is collected and recycled on-site utilizing approved biological systems.

8. The development provides an outdoor area receiving full solar access for the communal or individual growing of food in raised beds or containers.

ARTICLE 8: RESERVED FOR FUTURE USE

ARTICLE 9: CONDITIONAL AND SPECIAL LAND USE REGULATIONS

SECTION 9.1 BASIS FOR REGULATIONS

As provided in the *Michigan Zoning Enabling Act, PA 110 of 2006*, site plans for Conditional Land Uses, Special Land Uses, Planned Unit Developments, condominium projects, variances, or other discretionary decisions may be approved with reasonable conditions that are necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

- Be designed to protect the air, water and other 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 adjacent to the proposed land use or activity, and the community as a whole.
- Be related to the valid exercise of the police power, and to the proposed use or activity.
- Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in this *Ordinance* for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- Be in compliance with the conditions of any permits and approvals issued for the project by other jurisdictions or agencies.

SECTION 9.2 PURPOSE

The purpose of this Article is to establish criteria that shall be applied in the determination of requests for Conditional and Special Land Uses, as explained in Article 4 and identified in Tables 4-1 and 4-2. Application, review, and approval procedures can be found in Article 14. The criteria for decision and requirements set forth in this Article shall be in addition to those required elsewhere in this *Ordinance* applying to the use or location under consideration.

SECTION 9.3 STANDARDS FOR PRINCIPLE CONDITIONAL AND SPECIAL LAND USES

The following standards apply to Conditional and Special Land Uses permitted in this *Ordinance*, in addition to any other applicable standards or regulations, such as those in Article 5 and Article 14.

9.3.1 AGRICULTURAL USES

The purpose of these regulations includes supporting local food production for the purpose of enhanced food security, increased

sustainability of the local food supply, more resilient local economy, and improved health and safety of residents. These regulations help ensure the compatibility of agriculture with other uses. It is the intent of these regulations to encourage the use of public spaces such as residential front, side and rear yards; parks; church and school yards; rights-of-way; conservation easements; jointly owned spaces within developments; recreation areas; campuses; and vacant lots for local food production. This may be in the form of private gardens, fruit and nut trees, community gardens, edible landscaping, and limited small animal production. Development regulations seek to preserve solar access, control waste products, and mitigate potential nuisance impacts.

1. *ANIMAL SERVICES ESTABLISHMENTS*

Animal Services Establishments (with completely indoor facilities) permitted by Conditional Land Use Permit in the DT-2, GC, W-MU, and I-1 Districts, and Animal Services Establishments (with unenclosed, outdoor confinement) permitted by Special Land Use Permit in the DT-2, GC, R-1, W-MU, and I-1 Districts, shall meet the following requirements:

1.A. Odors or similar objectionable characteristics such as waste incident thereto shall not be discernible beyond the boundaries of the lot or premises.

1.B. The kennel facility shall have waste disposal systems adequate to handle all animal waste generated by the facility at its maximum capacity without utilizing outdoor storage of wastes.

1.C. The kennel facility shall be designed, constructed, operated, and maintained in such a manner as to at all times provide humane, clean, dry, and sanitary conditions for each animal kept on the premises, including sufficient square footage for each animal, in accordance with applicable state laws and regulations, and the recommendations of the U.S. Department of Agriculture and the American Kennel Club.

1.D. A fully-enclosed kennel facility without any outside animal runs shall be located at least fifty (50) feet from all boundary lines of any residential uses or districts.

1.E. Animal services facilities or kennels with outdoor (not fully enclosed) facilities must meet the following additional requirements:

(1) Must be located at least one-hundred (100) feet from all boundary lines of any residential uses or districts (other than the kennel owner or caretaker).

(2) Outside animal runs and/or outside dog exercise areas shall be sufficiently monitored such that any dog(s) engaging in repetitive barking shall be promptly brought inside.

(3) A privacy fence six (6) feet in height meeting the standards of Section 5.6.9 shall be installed to screen all the outdoor, unenclosed kennel facilities and exercise runs from view. This can be satisfied by a Buffer that includes a fence of this type as applied from Section 5.6.

2. *COMMERCIAL AGRICULTURE OR HORTICULTURE*

Refers to the commercial production, harvesting, and storage of farm products on a farm, and the farm operations typically attendant thereto, as “farm” is defined in the *Michigan Right to Farm Act*. Includes but is not limited to commercial nurseries, greenhouses, and aquaculture systems, etc. (Composting and industrial scale or intensive agricultural activities see Section

9.3.1.3) Commercial Agriculture and Horticulture operations permitted by Conditional Land Use Permit in the R-1, W-MU, I Districts shall meet the following requirements:

2.A. Generally accepted agricultural and management practices (GAAMPs) according to policy determined by the Michigan Commission of Agriculture per the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended.*

2.B. Applicable provisions of the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended.*

2.C. Applicable provisions of the *Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, MCL 324.101 to 324.90106.*

2.D. Applicable standards of the Health Department and MDNR/MDEQ.

2.E. No outdoor storage or loading activities shall be permitted within one hundred (100) feet of any lot line.

2.F. Site shall be designed and maintained so that all wastes shall not drain onto adjacent property.

3. COMPOSTING

Composting as a principle use of land (multiple users) and other industrial scale or intensive agricultural activity permitted by Special Land Use Permit in the I District shall meet the following requirements:

3.A. All Standards of Section 9.3.1.2 and the following as applicable;

3.B. The site shall be at least ten (10) acres and have access from a paved road or gravel road that is maintained in a high quality condition.

3.C. Compost piles shall be managed using contemporary best management practices that include measures to minimize odor, dust and windblown debris, rodents, and other nuisance animals.

3.D. No site shall be located closer than five hundred (500) feet to any dwelling unit, church, school, other public gathering space or residential district.

3.E. There shall be a plan for controlling water-ponding and runoff approved by the County Soil Erosion and Sedimentation Control officer.

4. *SMALL SCALE FOOD PRODUCTION AND URBAN AGRICULTURE*

4.A. COMMUNITY GARDENS AND URBAN GARDENS AS A PRINCIPLE USE

Community Gardens shall consist of land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Such land may include available public land. Community Gardens permitted by Conditional Land Use Permit in DT3, DT2, and GC districts, shall meet the following requirements:

(1) The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

(2) Site users shall use raised beds with new soil or provide a Phase 1 Environmental Site Assessment

(ESA). Any historical sources of contamination identified in the ESA must be tested to determine type and level of contamination; and appropriate remediation procedures must be undertaken to ensure that soil is suitable for gardening. Raised beds shall also be used if the ESA finds the proposed site to be contaminated.

(3) Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; and a garden coordinator to coordinate the management of the community gardens. Garden plots must be assigned in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Village.

(4) The site shall be designed and maintained so that water and fertilizer shall not drain onto adjacent property.

(5) There shall be no retail sales, except for produce grown on the site.

(6) The urban garden use shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.

(7) Structures incidental to the urban garden use, such as accessory storage or utility buildings, greenhouses, gazebos, trellis, or accessory greenhouse structures are permitted subject to compliance with all applicable accessory structure regulations in Section 5.3 and the applicable district standards. The combined area of all accessory buildings or structures shall not exceed fifteen (15) percent of the garden site lot areas.

(8) Other permitted accessory structures include the following:

a. Seasonal farm stands (DT3, DT2, GC, R-1, and W-MU districts only subject to the requirements of Section 9.5.1);
b. Fences meeting the requirements of Section 5.6.9;
c. Benches; bike racks; picnic tables; garden art; rain barrel systems; and children's play areas;
d. Raised/accessible planting beds;
e. Small compost piles or waste bins.

(9) Beekeeping is allowed as accessory to the urban garden use (R-1 and W-MU districts only) provided the requirements of Section 9.4.8 are met.

4.B. FARMER'S MARKETS

Farmer's Markets permitted by Conditional Land Use Permit in the R-1, and W-MU districts shall meet the following requirements:

(1) All Farmer's Markets and their vendors shall receive all required operating and health permits, and these permits (or copies) shall be in the possession of the Farmers' Market Manager or the vendor, as applicable, on the site of the Farmer's Market during all hours of operation.

(2) All Farmer's Markets shall meet all Health Department, MDNR/MDEQ, and public safety standards,

as applicable.

(3) All Farmer's Markets shall comply with the Generally Accepted Agricultural and Management Practices (GAAMPs) for Farm Markets established by the Michigan Department of Agriculture.

9.3.2 COMMERCIAL AND COMMERCIAL SERVICES USES

1. *AUTO-ORIENTED COMMERCIAL USES*

These uses are typically characterized by the dominance of motor vehicles in the landscape. Typical layouts of auto-oriented uses include large front parking or vehicular storage areas, gasoline canopies, and structures or lot layouts that are inconsistent with the scale, form, or function of a traditional neighborhood. There are typically few precedents or provisions for safe pedestrian or bicycle access. The following requirements are intended to fulfill the public and market needs for these uses while controlling the amount, spacing, and design of such uses so as to more effectively integrate them into the traditional fabric of the community. It is intended that these uses be located where such development most adequately serves the needs of the community's residents without creating excessive continuous strip development.

1.A. GASOLINE AND AUTO SERVICE STATION

Gasoline and Auto Service Stations permitted by Special Land Use Permit in the GC, and I districts shall meet the following requirements:

(1) All uses and services, except fuel dispensing, are conducted within a completely enclosed building.

(2) The service station building or buildings shall not be located closer than twenty-five (25) feet to any property line in a residential district.

(3) Buffer Type D1 as described in Section 5.6.5.4 shall apply along all adjacent property lines abutting a residential use or district and not abutting a public street. Buffer Type D2 as described in Section 5.6.5.4 shall apply along all other property lines including those abutting a public street.

(4) No more than two (2) driveways shall be permitted.

(5) Driveways shall be located as far from street intersections as practical, but no less than fifty (50) feet.

(6) Driveway widths shall not exceed thirty-six (36) feet measured at the property line.

(7) No driveway or curb cut for a driveway shall be located within fifteen (15) feet of an adjoining property line, unless it is a shared driveway.

(8) Canopies shall not exceed sixteen (16) feet in height.

(9) Exterior lighting shall be so arranged that light is down-shining and is deflected away from adjacent properties and roadways. Lighting that is part of the underside of the canopy shall be recessed so as not to protrude below the canopy ceiling surface.

2. *OTHER COMMERCIAL USES*

2.A. LARGE SCALE RETAIL DEVELOPMENT

This development is characterized by a free-standing structure of at least ten-thousand (10,000) square feet with primary use as a retail sales facility, whether with one or multiple tenants. The purpose of these regulations is to ensure the development of commercial areas that are safe, comfortable, and attractive to pedestrians that provide good connections between traffic corridors and neighborhoods, and between adjacent businesses along highway corridors so as to preserve good access and mobility. Standards address a basic level of design, scale, and layout to promote compatibility and to mitigate potential negative impacts. These standards are also intended to ensure that buildings incorporate architectural features and patterns that provide visual interest at the pedestrian scale and reduce the massive scale of large buildings which, without supplication of these standards, would be incompatible with the Village's traditional and desired character. Large scale retail development permitted by Special Land Use Permit in the DT2, GC, and W-MU Districts shall meet the following requirements:

(1) Any application for a large-scale retail development shall include a traffic assessment, a fiscal impact assessment, and an environmental impact assessment as required by the Planning Commission, along with the required permit application forms.

(2) All buildings subject to this section shall have their principle entrance opening to a street, square, plaza, or sidewalk, and not to the interior of blocks or to parking lots or garages so as to facilitate safe pedestrian access.

(3) Surface parking shall be oriented behind or to the side of a building, with access from shared driveways, service roads, or alleys when possible. Surface parking shall not be on street corners.

(4) Pedestrian access from the public sidewalk or street right-of-way to the principle structure shall be provided through an improved surface that is visually distinct from the surrounding surfaces and provides safe crossings of streets, drives, and parking areas.

(5) Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection.

(6) These facilities shall provide for multi-modal transportation facilities to link the use with the remainder of the community. Bus stops, and drop-off and pick-up points shall be integrated with traffic patterns on the site. Bicycle racks shall be provided near entrances.

(7) Whenever possible, on-site snow storage shall be accommodated in a number of smaller sites, rather than one large area, to speed up the melting process.

(8) Winter maintenance of pedestrian walkways and parking facilities shall be provided by the use.

(9) Ground floor uses shall be visible from and/or accessible to the street through the use of windows and doors on at least fifty (50) percent of the length of the first-floor street frontage. Where windows are used, they shall be transparent.

(10) Facades greater than one-hundred (100) feet in length shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one-hundred (100) horizontal feet.

(11) Smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels are prohibited as the predominant exterior building materials.
(12) The maximum setback requirements may be waived by the review body/official for an area not to exceed ninety (90) percent of the frontage in order to accommodate courtyards.
(13) Doors shall be recessed into the face of the building to provide a sense of entry, protection from the elements, and variety to the streetscape.
(14) Canopies, awnings, and similar appurtenances shall be constructed at the entrance to any building, subject to the criteria established in the building code, to create transition areas at building entrances for patrons to shed snow prior to entering the building.
(15) Buildings shall be designed to minimize the shedding of snow and rain runoff onto pedestrians utilizing proper building placement, design of roof pitch, placement of awnings or canopies, or the addition of roof elements directing wind beyond the pedestrian zone.
(16) Mechanical appurtenances shall be located within the structure, except that heating and air conditioning equipment may be located on the exterior portion of the structure as long as it is screened and finished to match the colors and materials of the adjacent structure.

2.B. ENTERTAINMENT AND RECREATION ORIENTED COMMERCIAL USE

Outdoor Commercial Entertainment and Recreation Establishments permitted by Special Land Use Permit in the DT3, DT2, GC, R-1, W-MU and I districts (refer to Table 4-1 for specific uses and districts) shall meet the following requirements:

(1) The property shall be of sufficient size to accommodate the activity with on-site auto stacking and on-site parking. Reinforced turf shall be used for overflow parking areas to reduce the amount of paved surfaces.
(2) No building shall be located closer than fifty (50) feet to any property line in a residential district.
(3) If the use is located within two-hundred (200) feet of a Residential Zone District, outdoor public address systems and all types of amplified music or sound devices are prohibited.
(4) Facilities which have a capacity for greater than two-hundred (200) people must have favorable letters of review from public safety, the Fire Chief, and the County Road Commission or MDOT (as applicable).
(5) Operating hours shall be determined by the Planning Commission based on the nature of the use.
(6) All archery, rifle, skeet, and trap shooting ranges shall be carefully designed to prevent safety or nuisance noise problems on abutting property. To that end, each application shall be accompanied with a written description of all the design characteristics and operational measures to be taken to ensure safety and prevent unwanted noise impacts on nearby property. Such measures shall be consistent with the most current MDNR and National Rifle Association guidelines as directly referenced in the application.

2.C. BED AND BREAKFAST ESTABLISHMENTS AND TOURIST HOMES

Bed & Breakfast establishments and Tourist Houses/Homes are permitted by Conditional Land Use Permit in the R-1 and R-2 Districts shall meet the following requirements:

(1) The applicant shall provide a scaled floor plan of the premises as part of the Tier 2 Conditional Land Use application.
(2) The exterior appearance of the structure shall be harmonious with the character of the surrounding District.
(3) A fire escape plan shall be developed and graphically displayed in each guest room.
(4) A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor, in a place readily accessible to guests.
(5) The establishment shall contain at least two (2) exits to the outdoors.
(6) There shall be a minimum of one (1) off street parking space per sleeping room, plus one additional space.
(7) No guest room shall be located in a basement or cellar.
(8) No transient occupant shall reside on the premises for more than ninety (90) days in any calendar year.
(9) Lavatories and bathing facilities shall be available to all persons using the premises.
(10) Guest/sleeping rooms shall have a minimum size of one-hundred (100) square feet for each two (2) occupants, excluding bathrooms, with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room.
(11) Bed and Breakfast must be the primary dwelling unit for the owner, who must operate and occupy the structure. The Bed and Breakfast facility may have up to six (6) bedrooms used for transient guests for compensation. No separate or additional kitchen facilities shall be provided for the guests. Meals shall not be served to the public at large but only to registered guests.
(12) Tourist Home shall not be rented to host receptions, private parties or other activities; except for those only involving registered guests.
(13) The maximum occupancy of a Tourist Home shall be determined by the capacity of the sleeping rooms.
(14) Occupancy of a Tourist Home shall be limited to one group of guests at a time.
(15) The owner, agent or designated responsible party for the Tourist Home shall reside within 50 miles. A Tourist Home shall graphically display Emergency Contact Information, the contact information of the owner, agent or designated responsible party for the property, the Rules of Use and other information in a place readily accessible and observable to guests.
(16) Retail sales are not permitted beyond those activities serving the registered overnight patrons.
(17) State of Michigan Use Tax collection is required.

2.D. ORGANIZED CAMPS AND CAMPGROUNDS

Organized camps and campgrounds for tents, recreational vehicles and tiny houses/homes are permitted by Conditional Land Use Permit in the DT2, GC, R-1, and W-MU districts shall meet the following requirements:

(1) Campgrounds of five (5) or more sites shall meet the following conditions:
   a. Campgrounds shall not be used as permanent residences except for the owner or manager and permanent maintenance personnel.
   b. Sites shall be a minimum of ten (10) acres.
   c. Developments shall comply with the provisions of the *Public Health Code, P.A. 368 of 1978, as amended*.
   d. Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in the districts in which trailer parks are allowed, provided that:
   e. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
   f. Such establishments shall be restricted in their use primarily to occupants of the park.
   g. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
   h. No space shall be so located that any part intended for occupancy is within one hundred (100) feet of a residential district.
   i. In addition to meeting the above requirements, the site plan shall be subject to the review and approval of the Health Department.

(2) Campgrounds of not more than four (4) sites shall meet the following conditions:
   a. Campground shall not be used for a permanent residence except for the owner or manager.
   b. Primitive campgrounds or tent camping is not permitted.
   c. Shall be located on a lot of not less than two (2) acres in size with a minimum lot width of 200 feet. Sites with an occupied permanent residence or dwelling unit shall require a minimum of five (5) acres with a minimum lot width of 300 feet.
   d. Shall provide each site with full hookup services to include electrical, water and sewage disposal.
   e. Camping sites shall be not less than fifty (50) feet from any property line.
   f. Accessory storage structures shall not exceed a cumulative 400 square feet in size.

2.E. LARGE MEDICAL SERVICE ESTABLISHMENTS

Large Medical service establishments such as Hospitals permitted by Special Land Use Permit in the DT2 and R-1 districts shall meet the following requirements:

(1) Surface parking shall be oriented behind or to the side of a building, with access from shared driveways, service roads, or alleys when possible. Surface parking shall not be on street corners.

(2) Pedestrian access from the public sidewalk or street right-of-way to the principle structure shall be provided through an improved surface that is visually distinct from the surrounding surfaces and provides safe crossings of streets, drives, and parking areas.

(3) Winter maintenance of pedestrian walkways and parking facilities shall be provided by the use.

(4) Buildings shall be designed to minimize the shedding of snow and rain runoff onto pedestrians utilizing proper building placement, design of roof pitch, placement of awnings or canopies, or the addition of roof elements directing wind beyond the pedestrian zone.

(5) Mechanical appurtenances shall be located within the structure, except that heating and air conditioning equipment may be located on the exterior portion of the structure as long as it is screened and finished to match the colors and materials of the adjacent building materials.

(6) Any dumpsters used by a medical office shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate so that it shall not be visible from lot lines. Any disposal of bio-hazardous waste shall be in conformance with state and local requirements.

2.F. CREMATORIA

Crematorium, defined as a facility for the burning of corpses, human or animal, to ashes either as a principle use or as an accessory use, permitted by Conditional Land Use Permit in the DT3 and DT2 districts shall meet the following requirements:

(1) Prior to the issuance of a Certificate of Zoning Compliance for any crematorium, the operator shall provide documentation to the Village that all applicable federal, state, and local permits have been obtained, and all manufacturer's specifications for construction, installation, operation, and maintenance shall have been provided to the appropriate review body/official.

(2) Crematoriums shall be constructed, installed, operated, and maintained in accordance with all manufacturers' specifications and all applicable federal, state, and local permits. The Village shall have the right to enter and inspect the operations of the crematoriums to determine compliance with this provision.

(3) Crematoriums shall be entirely within an enclosed building.

(4) Crematoriums shall be located such that the retort vents are no closer than five-hundred (500) feet to the nearest residence and shall be sited, using topography and landscaping, so that the retort vents and delivery entrance cannot be seen from any public right-of-way. If the building can be seen from any public right-of-way, crematoriums shall be incorporated into the design of buildings such as chapels and mausoleums so that the cremation aspect is not apparent.

2.G. MARIHUANA RELATED BUSINESSES

Marihuana Related Businesses are permitted by Special Land Use Permit in the GC and I districts shall meet the following requirements:

(1) No marihuana facility or business shall be established on a parcel within one thousand (1,000) feet of any dwelling unit, park, school, child care organization, or place of worship. The distance shall be measured in a straight line from the nearest property line upon which the proposed medical marijuana

dispensary is to be located to the nearest property line of the dwelling unit, park, school, child care organization, or place of worship.

(2) The proposed use must meet all applicable written and duly promulgated regulations of Village and or other governmental agencies having jurisdiction, including the *Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended*, or the Michigan Regulation and Taxation of Marihuana Act as amended, and must, to the extent required, have the approval of these governments and/or governmental agencies or be reasonably assured of such approval.

(3) The location shall be monitored at all times by closed circuit video recording system for security purposes. The camera and recording system must be of adequate quality, color rendition, and resolution to allow the ready identification of any individual committing a crime anywhere on the site, and recordings kept for at least thirty (30) days.

(4) The location shall have a centrally-monitored alarm system.

(5) Interior and exterior lighting must be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual committing a crime anywhere on the site at a distance of forty (40) feet.

(6) Windows and roof hatches shall be secured overnight with bars so as to prevent unauthorized entry, and be equipped with latches that may be released quickly from the inside to allow exit in the event of an emergency.

(7) No cultivated marijuana or dried marijuana product shall be visible from the building exterior.

(8) All marihuana facilities or businesses shall be licensed by the Michigan Marihuana Regulatory Agency and shall abide by all laws, rules, orders, and conditions imposed upon such facility or business.

(9) For medical marihuana facilities or businesses, no persons under the age of eighteen (18) shall be allowed on site, unless the individual is a qualified patient or person with a registry identification card and accompanied by his or her licensed attending physician, parent, or documented legal guardian.

(10) No marijuana facility or business shall provide medical marijuana to any persons other than qualified patients or persons with registry identification cards and designated primary caregivers legally authorized to possess marihuana pursuant to Michigan law.

(11) No cultivation of marihuana shall be visible with the naked eye from any public or other private property. No outdoor cultivation shall occur at a location unless it is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry.

(12) Dried marihuana shall be stored in fully enclosed and secured structures or a locked vault or safe bolted to the floor of the facility.

(13) Marihuana shall not be consumed on site.

(14) A marihuana facility or business licensed or proposed to be licensed, under the Michigan Regulation and Taxation of Marihuana Act as amended, shall not be granted a Special Use Permit if by public referendum or the lawful adoption of an ordinance by the Ontonagon Village Council, such facilities or businesses are expressly prohibited within the Village Limits.

2.H. MEDIUM REPAIR SERVICES

These services include repair of small engines and motors, snowmobiles, boat motors, ATVs, and trail groomers. These services permitted by Special Land Use Permit in the DT3 District shall meet the following requirements:

(1) All servicing and repair activities must either be carried on within an enclosed building or screened along any property line by Buffer Type D1 as specified in Section 5.6.5.4.
(2) Outdoor public address or loudspeaker systems are prohibited.
(3) The following activities and equipment are permitted only in the rear yard and at least fifty (50) feet from a residential use or district, or mixed-use district:
   a. Storage of vehicle parts and refuse
   b. Temporary storage of vehicles during repair and pending delivery to the customer
   c. Vacuuming, and cleaning
(4) The following activities and equipment are permitted only within an enclosed building:
   a. Lubrication equipment
   b. Motor vehicle washing equipment
   c. Hydraulic hoists and pits
(5) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30)-day period.
(6) Vehicles being serviced or stored for customers shall not be parked on streets, alleys, public sidewalks, or public rights-of-way.
(7) No building, structure, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential use or district, or mixed-use district.
(8) Body work and painting shall be conducted within fully enclosed buildings.
(9) All discarded parts and materials shall be deposited into a completely enclosed container concealed from adjacent properties.

2.I. SEXUALLY-ORIENTED BUSINESSES

Sexually-Oriented businesses, as defined in Article 15, permitted by Conditional Land Use permit in the I District, shall meet the following requirements:

(1) No person shall reside in or on, or permit a person to reside in or on, a building or property occupied by a sexually oriented business.
(2) No sexually oriented business shall be established on a parcel within one-thousand (1,000) feet of any of the following, as measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the use as follows:
   a. Dwelling unit;
   b. Any residential lot line;
   c. Any zoning district that permits residential uses;

d. Any residential planned unit development;
e. Licensed residential care facility;
f. Licensed foster family group home;
g. Nursing home;
h. School;
i. Child care organization;
j. Place of worship;
k. Public park;
l. Public library;
m. Other sexually oriented business.

(3) The proposed use shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.

(4) Any sign or signs proposed for the sexually oriented business (whether on-site or off-site) shall not include photographs, silhouettes, drawings, or pictorial representations of any type, and otherwise shall conform with the requirements in Section 5.7.

(5) Entrance signs 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 from the business, and using lettering no less than two (2) inches in height that say:
a. “Persons under the age of 18 are not permitted to enter the premises”, and
b. “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.”

(6) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjacent roadway or property.

(7) Hours of operation shall be limited to 10:00 AM to 11:00 PM., Monday through Saturday.

(8) All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one-half hour after the business closes, and shall conform with applicable regulations of Section 5.5.

(9) 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* shall:
a. Be handicap accessible to the extent required by the Americans With Disabilities Act;
b. Be unobstructed by any door, lock, or other entrance and exit control device;
c. Have at least one 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;
d. Be illuminated by a light bulb of wattage of no less than 25 watts;
e. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.

2.J. (Reserved)

2.K. VEHICLE SALES AND SERVICE ESTABLISHMENTS

Vehicle Sales and Service Establishments (except gasoline and auto service stations) permitted by Special Land Use Permit in the DT3, DT2, GC, and W-MU districts shall meet the following requirements:

(1) All automobile servicing and repair activities must either be carried on within an enclosed building or screened along any property line by Buffer Type D1 as specified in Section 5.6.5.4.
(2) Outdoor public address or loudspeaker systems are prohibited.
(3) The following activities and equipment are permitted only in the rear yard and at least fifty (50) feet from a residential use or district, or mixed-use district:
   a. Storage of vehicle parts and refuse
   b. Temporary storage of vehicles during repair and pending delivery to the customer
   c. Vacuuming, and cleaning
(4) The following activities and equipment are permitted only within an enclosed building:
   a. Lubrication equipment
   b. Motor vehicle washing equipment
   c. Hydraulic hoists and pits
(5) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30)-day period.
(6) Vehicles being serviced or stored for customers shall not be parked on streets, alleys, public sidewalks, or public rights-of-way.
(7) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential use or district, or mixed-use district.
(8) Body work and painting shall be conducted within fully enclosed buildings.
(9) All discarded parts and materials shall be deposited into a completely enclosed container concealed from adjacent properties.

9.3.3 INDUSTRIAL AND WAREHOUSING USES

1. BOAT WORKS

Boat works permitted by Special Land Use Permit in the DT3 District shall meet the following requirements:

1.A. All boat construction, servicing, and repair activities must either be carried on within an enclosed building or screened along any property line by Buffer Type D1 as specified in Section 5.6.5.2.

1.B. Use shall meet all applicable municipal, state, and federal laws.

1.C. No oils, lubricants, or other such fluids shall be disposed of on-site except in a MDEQ approved facility.

1.D. The Boat Works facility shall not emit noise in excess of sixty (60) decibels at any adjoining property line.

2. DANGEROUS CHEMICALS AND FUELS

Dangerous chemical and fuel manufacturing, storage, and distribution establishments permitted by Special Land Use Permit in the I District shall meet the following requirements:

2.A. Use shall meet all applicable municipal, state, and federal standards and all provisions of Section 5.10.1.7.A.

2.B. Minimum lot size shall be three (3) acres.

2.C. Facilities for the storage, manufacturing, and distribution of toxic and/or hazardous materials shall be located at least five-hundred (500) feet from a residential use or zone.

3. HEAVY INDUSTRIAL SERVICE ESTABLISHMENTS

Heavy Industrial Service Establishments permitted by Special Land Use Permit in the I District shall meet the following requirements:

3.A. All uses shall be established and maintained in accordance with all applicable State of Michigan and federal statutes.

3.B. The site shall be a minimum of ten (10) and a maximum of twenty (20) acres in size.

3.C. A solid uniformly finished fence or wall at least eight (8) feet in height shall be provided along the exposed sides of the site along with landscaping meeting the requirements of Buffer B1 as described in Section 5.6.5.2. The fence height shall be great enough to screen all materials from the road and abutting properties.

3.D. All activities, equipment, or material shall be confined within the fenced-in area and there shall be no stacking of material above the height of the fence, or wall.

3.E. All fenced-in areas shall be set back at least one hundred (100) feet from a public street or highway right-of-way line.

3.F. Whenever the installation abuts upon property within a residential or mixed-use district, a transition strip at least one hundred (100) feet in width shall be provided between the fence and the adjacent property. The prescribed landscaping shall occur within this area.

3.G. No oils, lubricants or other such fluids shall be disposed of on-site except in MDEQ approved facilities.

3.H. Burning of material shall conform to state regulations.

4. EXTRACTIVE INDUSTRIES

4.A. INTENT AND PURPOSE

The specific purpose and intent of these provisions are to:

(1) Protect the health, safety, and welfare of the citizens of the Village of Ontonagon;

(2) Protect the environment of the Village of Ontonagon and protect its residents from the harmful or hazardous effects of, or nuisances resulting from, substantial land alteration activities, quarrying, and sand or gravel excavation, including, but not limited to, degradation of air quality, stormwater run-off, ground and subsurface water quality, visual quality, erosion of soils, adverse noise and vibration, explosive hazards, adverse traffic and road conditions, and any adverse effects of processing materials;

(3) Protect the natural and scenic quality of the Village of Ontonagon, its natural landscapes, environment, wildlife, and wildlife habitat, and protect its residents from significant adverse effects of excavation activities;

(4) Ensure the compatibility of the proposed excavation activities with existing development and development anticipated in the future pursuant to the Village of Ontonagon's adopted Master Plan;

(5) Assure that the required reclamation of affected areas that are disturbed by excavation activities is sufficient to provide for short- and long-term development meeting all environmental, infrastructure, and aesthetic needs of the Village of Ontonagon and of surrounding properties and neighborhoods;

(6) Assure that necessary off-site maintenance and improvements to public roads or utilities required as a result of the on-site effects of excavation activities and the off-site effects of traffic and damage to properties are adequately and fully funded and implemented;

(7) Provide for a fair and efficient system for the engineering, planning, environmental regulation, and monitoring of excavation activities, both on- and off-site;

(8) Protect the long-term usefulness of adjacent properties for the permitted purposes as identified in the Village of Ontonagon Master Plan;

(9) Protect the tax base of the community;

(10) Protect the use and enjoyment of adjacent properties;

(11) Ensure the reasonable use of the limestone, sand, gravel, and other mineral resources excavated or extracted from the site or the excavation activities;

(12) Ensure that all permitted excavation activities are compatible with the Village of Ontonagon, regional, state, and federal water quality plans and stormwater management plans and adopted drainage or stormwater policies; and

(13) Ensure that all permitted excavation activities are compatible with all current and applicable municipal plans, public facility and utility plans, Village of Ontonagon policies, and the Village of Ontonagon budget and capital improvements program.

4.B. APPLICABILITY

Excavation activities include a broad range of land disturbance activities which may require a grading development approval and other local, state, and federal development approvals. This section applies to quarries, sand, or gravel excavation, and substantial land alteration activities. Substantial land alteration activities include:

(1) Land-disturbing activities designed to occur for more than three (3) months;
(2) The removal from a site of more than one-hundred (100) cubic yards of earth material per acre (gross) and less than one-thousand (1,000) cubic yards of material per acre;
(3) Results at any time during or following excavation in an exposed bedrock slope steeper than 2:1 and less than 3:1;
(4) A movement of one-hundred (100) cubic yards or more of earth that involves a change in natural or preexisting grades of five (5) or more vertical feet for any portion of a parcel; or
(5) Any movement of earth on the entire parcel in excess of one-thousand (1,000) cubic yards.

4.C. TRANSFER OF DEVELOPMENT APPROVALS

(1) Expansion of a site with previously approved, existing excavation activity requires a complete review meeting the requirements of the original permit. Of principle concern during this review shall be the additional and cumulative impacts that will be caused by the combined operations on factors such as the environment, traffic, safety, noise, air pollution, neighborhoods, and adjacent land uses.
(2) Contraction of the site on which the “excavation activity” has been approved will require a review in order to evaluate how the loss of the use will affect buffers, land-use compatibility, noise, reclamation, and reuse of the site.
(3) No permit shall be transferred to another party without review by the Village of Ontonagon Planning Commission to make sure all conditions, standards, and requirements imposed on the original applicant will continue to be met. It must also be determined that all security instruments remain in full effect and that the new owner agrees to comply in full and has the necessary financial security to hold the Village of Ontonagon harmless.
(4) If the property is sold, the permit and all of the conditions, standards, and requirements run with the land, and the new property owner is fully bound as if he/she were the original owner.

4.D. STANDARDS

Excavation activity permitted by Special Land Use Permit in the I District shall meet the following requirements:

(1) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
(2) The applicant may be required to file a cash bond, performance bond, or irrevocable letter of credit of sufficient amount, or other guarantees, to assure reclamation of the site following excavation. Failure to stabilize the site, failure to make necessary corrections and improvements to roadways impacted by the excavation activity, failure to reclaim the property as specified in the approved reclamation plan, and other inconsistencies between the approved operations and reclamation plans and actual activities

shall, at the discretion of the Village of Ontonagon, be cause for the Village of Ontonagon to redeem the financial assurance to make the necessary corrections.

(3) The minimum lot size shall be twenty (20) acres. No machinery shall be erected, maintained, or operated within two hundred (200) feet of any property line or right-of-way.

(4) All uses shall be enclosed by a fence six (6) feet or more in height or berm with suitable buffer plantings as prescribed in Section 5.6.5. No storage of equipment or materials may be located within the buffer area.

(5) The applicant shall submit a blasting plan to the Village of Ontonagon with proof of insurance in an amount and form as approved by the Village of Ontonagon attorney. Such activity shall be conducted only by licensed, insured individuals or entities and shall be in conformance with all applicable federal, state, and local regulations.

(6) The applicant shall submit a plan for controlling stormwater run-off, erosion, and sedimentation and a statement of compatibility with any adopted Village drainage or stormwater plans applicable to the area. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.

(7) In no case shall the height of a stockpile exceed fifty (50) feet for permanent stockpiles and (75) feet for temporary stockpiles.

(8) No building shall be erected on the premises except as temporary shelter for machinery or field office unless specifically approved as part of the Special Land Use Permit.

(9) Routes shall be established for truck movement to and from the site in order to minimize the wear on public roads and to prevent hazards and damage to properties in the Village of Ontonagon. That portion of access roads within the area of operation shall be constructed or treated to minimize dust if there are any dwelling units within one-half (1\2) mile.

(10) All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Village of Ontonagon in general.

(11) Proper measures shall be taken to minimize the nuisance of noise, vibration, and flying dust or rock. Such measures may include but is not limited to limitations upon the practice of stock-piling excavated materials on the site, dust control on roads, or limits on hours of operation.

(12) Final reclamation of each phase of the operation shall be completed within six (6) months of completion of each phase of the operation. No development approvals shall be issued on the property prior to completion of reclamation of the site.

(13) When excavation and removal operations are completed, the excavated area shall be graded according to an approved reclamation plan so that no gradients in disturbed earth shall be steeper than a slope of 3:1 in horizontal-vertical gradient. A layer of arable top soil shall be spread over the excavated area, in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial grass, or other native soil-holding material, and maintained by the applicant until the area is stabilized.

(14) Individual excavation areas shall not exceed three (3) acres in size before reclamation.

(15) Where water bodies are created, only free-form and natural-form water bodies will be allowed. All

water bodies shall include variation in shoreline and depth and shall include curvilinear shorelines. Where practical, the minimum size of water bodies fed by groundwater and not connected to streams shall be five (5) acres with a minimum average depth of twenty-four (24) to thirty (30) feet. Shallow water bodies may be considered where the applicant can provide evidence that such water body will not result in poor water quality and that it will not result in a nuisance to the area.

(16) No site shall exceed three (3) feet horizontal to one (1) foot vertical incline over a distance of thirty (30) feet. This angle of repose shall be modified to a flatter angle, but not a steeper angle, if it is shown that the site will be unstable at a 3:1 ratio or that vegetation cannot be established on the 3:1 slope.

(17) In addition to required seeding, the reclaimed site shall be landscaped. At least eight deciduous and eight evergreen trees from the Village's approved plant list are planted for each disturbed acre; and at least twenty-five (25) percent of required trees are planted near the perimeter of the site.

(18) All extraction areas in existence on the effective date of this *Ordinance* are considered nonconforming. Any expansion of any area is subject to the requirements of this *Ordinance*, including the preparation and implementation of an approved reclamation plan. Sites owned and maintained by the Village or County Road Commission are subject to these regulations, the same as any privately owned site.

5. MANUFACTURING ESTABLISHMENTS

Light and Heavy Manufacturing Establishments permitted by Special Land Use Permit in the W-MU and I-1 Districts and Heavy Manufacturing Districts. Establishments permitted by Special Land Use Permit in the I District shall meet the following requirements:

5.A. Except as otherwise provided in this *Ordinance*, all operations shall be conducted wholly within a completely enclosed building.

5.B. Surface parking shall be oriented behind or to the side of a building, with access from shared driveways, service roads, or alleys when possible. Surface parking shall not be on street corners.

5.C. Safe pedestrian access from the public right-of-way to the principle structure shall be provided through an improved surface that is visually distinct from the surrounding surfaces and provides safe crossings of roads, drives, and parking areas.

5.D. Winter maintenance of pedestrian walkways and parking facilities shall be provided by the use.

5.E. Buildings shall be designed to minimize the shedding of snow and rain runoff onto pedestrians utilizing proper building placement, design of roof pitch, placement of awnings or canopies, or the addition of roof elements directing wind beyond the pedestrian zone.

5.F. Mechanical appurtenances shall be located within the structure, except that heating and air conditioning equipment may be located on the exterior portion of the structure as long as it is screened and finished to match the colors and materials of the adjacent building materials.

6. SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES)

Self-service storage facilities, such as mini-warehouses and rental storage units, permitted by Conditional Land Use Permit in

the DT-2 and GC Districts and by Special Land Use Permit in the W-MU District shall meet the following requirements:

6.A. Mini-warehousing storage sites shall be no less than one (1) acre unless there is outdoor storage of boats or other recreational vehicles in which case the minimum lot size shall be five (5) acres, accessible by a year-round public maintained road.

6.B. Drives and access roads between buildings shall be a minimum width of thirty-five (35) feet if one-way with parking allowed, or forty-five (45) feet if two-way. Where no parking is allowed, the building separation need be only twenty-five (25) feet. Traffic direction and parking shall be prominently indicated.

6.C. No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted in mini-warehousing storage units. Storage of goods shall be limited to personal property with no commercial distribution allowed.

6.D. No storage of hazardous substances, toxic, or explosive materials shall be permitted at the facility.

7. SHIPPING CONTAINERS FOR STORAGE

7.A. Shipping containers are permitted as an accessory use for storage in the I District. Shipping containers shall be located in the side or rear yard areas and comply with set back requirements for accessory structures. Containers may not be located in a manner that reduces the minimum number of required parking spaces for the principal use of the property. Containers shall not occupy more than 25% of the area of the lot.

7.B. Shipping containers are permitted as a Special Land Use permit in the GC District shall meet the following requirements:

(1) Shall be located in the side or rear yard of the lot and comply with set back requirements.

(2) Shall not be located within 100 feet of a public street or right-of-way, unless screened subject to Section 5.6.

(3) Shall not be located in a manner that reduces the required minimum number of parking spaces for the principal use.

(4) Shall not be used for the storage of any hazardous materials subject to Section 5.10.7.A or other applicable State or Federal regulations.

(5) Shall be a temporary use, not to exceed one (1) year on the site.

(6) Not more than two (2) containers may be used for storage at any one time.

9.3.4 INSTITUTIONAL USES

1. EDUCATIONAL INSTITUTIONS

Educational Institutions permitted by Conditional Land Use Permit in the DT3, R-1, R-2 and W-MU Districts shall meet the same requirements as Public Buildings in Section 9.3.5.1, and no alcohol shall be served on premises.

2. RELIGIOUS INSTITUTIONS

Religious Institutions permitted by Conditional Land Use Permit in the DT3 and W-MU Districts shall meet the same requirements as Public Buildings in Section 9.3.5.1.

3. SOCIAL INSTITUTIONS

Social institutions permitted by Conditional Land Use Permit in the DT3, DT2, and R-1 districts shall meet the same requirements as Public Buildings in Section 9.3.5.1, and no alcohol shall be served on premises.

9.3.5 PUBLIC USES

1. PUBLIC BUILDINGS AND FACILITIES

Public buildings and facilities include libraries, museums, government buildings, police and fire facilities, public works, schools, publicly-owned tourist information centers, public boat launches/marinas, public utility and service installations, trails, and similar facilities. Public facilities permitted by Special Land Use permit in all districts shall meet the following requirements:

1.A. If located in a residential or mixed-use district, all buildings and structures shall be designed to be compatible with the character of the surrounding neighborhood.

1.B. All new buildings and facilities shall be in full compliance with all applicable requirements of the *Americans with Disabilities Act.*

1.C. All new or redeveloped buildings and facilities shall utilize the most up-to-date design and materials for water conservation and energy efficiency.

1.D. Surface parking shall be oriented behind or to the side of a building, with access from shared driveways, service roads, or alleys when possible. Surface parking shall not be on street corners.

1.E. Pedestrian access from the public sidewalk or street right-of-way to the principle structure shall be provided through an improved surface that is visually distinct from the surrounding surfaces and provides safe crossings of streets, drives, and parking areas.

1.F. Winter maintenance of pedestrian walkways and parking facilities shall be provided by the use.

1.G. Buildings shall be designed to minimize the shedding of snow and rain runoff onto pedestrians utilizing proper building placement, design of roof pitch, placement of awnings or canopies, or the addition of roof elements directing wind beyond the pedestrian zone.

1.H. Mechanical appurtenances shall be located within the structure, except that heating and air conditioning equipment may be located on the exterior portion of the structure as long as it is screened and finished to match the colors and materials of the adjacent building materials.

1.I. Trails for public use shall be owned and managed by a public entity, nonprofit land trust, nonprofit conservation organization, or a private entity approved by the Planning Commission.

1.J. Wherever feasible, trails shall be sited to minimize negative impacts on nearby residences, churches, and schools.

1.K. Trails shall be designed to avoid disturbance of habitat for threatened or endangered species.

1.L. Signs along the trail advertising products, services, or businesses shall not be visible from nearby roadways.

1.M. Trail management shall be guided by a plan prepared and adopted by the management entity. A current copy of such plan shall be filed with the Zoning Administrator.

2. UTILITY AND PUBLIC SERVICE INSTALLATIONS

2.A. LIGHT UTILITY AND PUBLIC SERVICE INSTALLATIONS

Light Utility and Public Service Installations such as electrical substations and gas regulator stations (this does not include those that qualify as transmitter or communication towers per Section 9.3.5.2.D) permitted by Special Land Use Permit in all districts shall meet the following requirements:

(1) Buildings, structures (except for flagpoles), and uses shall be located at least thirty (30) feet from all lot lines and public rights-of-way.

(2) All new and redeveloped structures shall utilize the most up-to-date design and materials for energy efficiency.

2.B. HEAVY UTILITY AND PUBLIC SERVICE INSTALLATIONS

Heavy Utility and Public Service Installations permitted by Special Land Use Permit in the GC, I Districts shall meet the following requirements:

(1) Buildings, structures (except for flagpoles), and uses shall be located at least thirty (30) feet from all lot lines and street lines.

(2) If located in a residential or mixed-use district, all buildings and structures shall be designed to be compatible with the character of the surrounding neighborhood.

(3) All new buildings and facilities shall be in full compliance with all applicable requirements of the *Americans with Disabilities Act.*

(4) All new or redeveloped buildings and facilities shall utilize the most up-to-date design and materials for energy efficiency.

(5) Mechanical appurtenances shall be located within the structure, except that heating and air conditioning equipment may be located on the exterior portion of the structure as long as it is screened and finished to match the colors and materials of the adjacent building materials.

2.C. (Reserved)

2.D. COMMUNICATION TOWERS

Communication towers permitted by Special Land Use Permit in all districts shall meet the following requirements:

(1) The location of a proposed communication tower shall not be approved unless the Zoning Administrator determines that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building located within the applicant's search radius of the proposed tower due to one or more of the following reasons:
   a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
   b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
   c. Existing or approved towers and buildings within the search area cannot accommodate the planned equipment at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.
   d. Other reasons that make it infeasible to locate the planned equipment upon an existing or approved tower or building, including but not limited to documented proof that the owner of such tower or building will not lease space to the applicant, that there is insufficient ground, building, roof or tower area on which equipment may be installed, existing towers or buildings would not provide required setback distances, etc.

(2) Subject to the setback and other requirements of this *Ordinance*, a communication tower shall be located on a parcel of land so as to provide a fall zone of not less than one hundred ten percent (110%) of the height in the tower to any lot line. This fall zone shall be maintained throughout the existence of the communication tower. No land division shall be approved which would violate this provision.

(3) Communication towers shall be of a monopole or self-supporting lattice design, unless the Ontonagon Village Council finds that an alternative design will not adversely impact the surrounding area.

(4) Proposed wireless telecommunication towers of the guyed or self-supporting lattice type shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Proposed monopole wireless telecommunication towers shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(5) The base of the tower and wire/cable supports shall be fenced with a minimum six foot (6') climb-resistant fence.

(6) Discontinuance and Abandonment: The holder of a Special Land Use Permit for a wireless telecommunications tower shall remove all discontinued communication towers and give notice of

discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than three-hundred sixty-five (365) consecutive days, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first-class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within one-hundred twenty (120) days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the Village may contract to remove the tower and assess all cost on the property taxes of the owner of the tower or file a lawsuit to collect the costs plus reasonable attorney fees.

(7) Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). If required to be lighted, all options for lighting shall be presented to the Village Planning Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.

(8) There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.

2.E. ELECTRICAL TRANSMISSION LINES

345 kv overhead electric transmission lines or larger are prohibited in Village. Buried 345 kv or larger electric transmission lines permitted by Special Land Use Permit in GC, I districts shall meet the following requirements:

(1) Siting shall conform with the requirements of the *Electric Transmission Line Certification Act, PA 30 of 1995, (MCL 460.561-460.575)*.

(2) All 345 kv or larger electric transmission lines shall be within a right-of-way or easement which is at least six hundred-sixty (660) feet from any residential district, existing dwelling unit, church, school, or other public gathering place.

2.F. RESERVED FOR FUTURE USE

2.G. WIND ENERGY CONVERSION SYSTEMS

Wind Energy Conversion Systems (WECS) under thirty-five (35) feet in height permitted by Conditional Land Use Permit in the DT-2, GC, W-MU and I districts; permitted by Special Land Use Permit in the R-1 District; and WECS between thirty-five (35) feet and eighty (80) feet in height permitted by Conditional Land Use Permit in the DT2, GC, W-MU, and I districts; permitted by Special Land Use Permit in the R-1 District; and WECS over eighty (80) feet in height permitted by Special Land Use Permit in the I District, shall meet the following requirements:

(1) In addition to the requirements of this section, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied buildings within

three-hundred (300) feet of the WECS.

(2) Each application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include all the following:
   a. A standard foundation and anchor design or specifications for normal soil conditions;
   b. A detailed parts list;
   c. Clearly written detailed instructions for the assembly, installation, check-out, operation and maintenance of the WECS on site;
   d. The list of warning labels required by this section;
   e. Grounding and lightning procedures protection which follow the National Electrical Code Articles 250 (Grounding) and 280 (Lightning Arresters) or any subsequent, superseding regulations;
   f. Underwriters label;
   g. Proof of insurance;
   h. Results of avian and bat mortality analysis and measures to be taken to reduce negative impacts on birds and bats;
   i. Analysis of minimum, mean, and maximum noise analysis at each property line;
   j. Analysis of ice throw under minimum, mean, and maximum wind conditions.

(3) The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR Parts 15 (including subparts A and F) and 18 (including subparts A,D. and H) or any subsequent, superseding regulations.

(4) The maximum level of noise permitted to be generated by any WECS shall be sixty (60) decibels, as measured on the dBA scale, and measured at the property line nearest the WECS. The WECS shall not cause human detectible vibrations at the property line.

(5) Setbacks: No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines or property lines than the total distance equal to the height of the tower and rotor combined. If the ice throw distance is greater than this distance, and if there are any principle or accessory structures within reach of ice throws, then the WECS location shall be adjusted to prevent ice throw impact on all abutting property. The lowest point of the arc created by rotating blades shall be at least fifteen (15) feet above ground level.

(6) Labeling: The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
   a. Equipment weight of the tower subsystem;
   b. Manufacturer's name and address;
   c. Model number;
   d. Serial number;
   e. The following tower warning label or equivalent warning, “Installation and maintenance of this product near power lines is a danger. For your safety follow the installation and maintenance

instructions."

(7) WECS shall be sited and constructed of materials which use the best available technology at the time, with special consideration to minimizing noise and threats to birds and bats.

(8) WECS shall require the applicant to make application to the Federal Aviation Administration to apply for lighting standards that:
   a. Are the lowest intensity allowable;
   b. Avoid strobe lighting or other intermittent white lighting fixtures;
   c. May be a green or red top light that does not pulsate or blink;
   d. Are in compliance with legal minimums per FAA requirements.
   e. A written FAA report shall be submitted to verify lighting requirements.

(9) WECS shall be secured or protected to prohibit access by unauthorized persons, and a security fence may be required if determined to be in the best interest of the community.

9.3.6 RESIDENTIAL USES

1. DWELLINGS

1.A. MULTIPLE-FAMILY DWELLINGS`

A building for multiple family dwellings permitted by Conditional Land Use Permit in the DT3, DT2, GC, R-2, W-MU and I-1 Districts shall meet the following requirements:

(1) The ingress and egress drives or roadways shall be paved to the parking lot, and shall be at least twenty-four (24) feet wide.

(2) Multi-family developments of more than ten (10) units shall include common open space for the use of all tenants in the amount of nine-hundred (900) square feet per dwelling unit. This requirement may be waived if all units are within one-thousand (1,000) feet of a public park or trail system. This does not apply to multifamily developments that area second-floor units above first-floor non-residential units.

(3) Sidewalks meeting Village standards shall be constructed to link residential buildings with other destinations such as parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or trails, and on-site amenities.

(4) Design shall avoid monotonous "barracks" style buildings with no variation in roof lines and setbacks. Design shall include multi-faceted exterior form with articulated facades and detailing.

(5) Buildings shall not exceed one-hundred (100) feet in length.

(6) Facades greater than fifty (50) feet in length shall incorporate wall plane projections or recesses.

(7) Ground-floor facades that face public streets shall have arcades, windows, entry areas, awnings, or

other such features for at least sixty (60) percent of their horizontal length.

(8) Buildings shall be arranged so that they are aligned parallel to a sidewalk or around common open space.

(9) Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot.

1.B. (Reserved)

2. RESIDENTIAL DEVELOPMENTS

2.A. CONDOMINIUM SUBDIVISIONS

All condominium subdivisions shall meet the following requirements in addition to all other applicable district provisions, and shall be approved pursuant to the requirements of Article 10, Planned Unit Development Regulations.

(1) **General Provisions**

a. A condominium unit, including single-family detached units, shall comply with the applicable site development standards contained in the district in which it is located unless those standards are waived as part of a PUD approval pursuant to the requirements of Article 10.

b. A condominium subdivision shall comply with the requirements of the Michigan Department of Environmental Quality and the District Health Department pertaining to potable water supply and waste disposal facilities.

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

d. All provisions of the condominium subdivision plan which are approved by the Village Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Planning Commission as an amendment to a PUD, subject to the procedures of Article 10.

e. All streets within a condominium subdivision shall be public and shall be constructed in compliance with the construction standards of this *Ordinance* or as otherwise required by the Village of Ontonagon.

(2) **Design and Construction**

a. In addition to the materials required by Section 14.5, Site Plan Review Procedures, and other requirements of Article 10, Planned Unit Development Regulations, a PUD permit application for a

condominium subdivision shall include a condominium subdivision plan containing the following information:

1. A site plan showing the location, size, shape, area, and width of all condominium units.
2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
3. Proposed use and occupancy restrictions as will be contained in the master deed.

b. All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one half (1/2) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one half (1/2) inch in diameter or other approved markers.

2.B. OPEN SPACE PRESERVATION AND CLUSTER DEVELOPMENT

An Open Space Preservation or Cluster Development option permitted by Special Land Use Permit in the GC, R-1, I-1, and W-MU districts shall meet the following requirements: (See also Section 5.4.6 and the appropriate District Standards)

(1) Density shall be as established in the district.

(2) For a development involving multiple lots, the applicant shall prepare a drawing to scale that divides the site into the maximum number of lots permitted under this *Ordinance* without clustering. That

means dividing the total area of the site by the minimum lot area requirements per lot, while still conforming to minimum lot width or frontage requirements, and ensuring that each lot has sufficient area to meet District Health Department requirements for septic waste disposal, unless the site is served by public sewer, and ensuring that adequate right-of-way for a public road meeting Ontonagon County Road Commission standards is provided, and ensuring that no parcel so created for a dwelling unit violates state or federal wetland, floodplain, sand dune, or high risk erosion regulations. No existing or proposed easement shall be counted as available for development. The whole number of lots that results from this calculation is the maximum number of lots or dwelling units that may be clustered on the site, assuming all other *Ordinance* standards are met.

(3) At least twenty (20) percent of the buildable area of the lot in the GC, R-1, and I-1 districts, and forty (40) percent of the buildable area of the lot in the W-MU district shall be retained permanently in an undeveloped state as below:

a. The proposed open space shall be clearly depicted on the site plan and differentiated from the land proposed for clustering the dwelling units.
b. Specific uses for the proposed open space shall be clearly indicated on the site plan and described in appropriate detail in the accompanying application. Land in an undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
c. Open space is encouraged around the perimeter of a site to screen and buffer the clustered units from abutting property.
d. New development should be separated by at least one hundred (100) feet from wetlands, surface waters, or other sensitive open space.
e. Open space shall be reasonably shaped and contiguous, and located for convenient use by residents of the development.
f. The open space shall be permanently protected by recording the use restriction with the County Register of Deeds in a form approved by the Village Attorney such as by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that keeps the open space undeveloped in perpetuity.
g. The open space may be retained by the original landowner or held in common by one or more of the new landowners in the open space and cluster development.
h. Up to twenty (20) percent of the useable common open space may be used for septic drainfields for individual dwelling units, provided a homeowners association assumes liability for any problems, and if the method is approved by the District Health Department and the Michigan Department of Environmental Quality. No part of the preserved open space shall be used for an access road.

2.C. MOBILE HOME PARK

A development of three (3) or more mobile homes, either on individual privately owned lots or on private elements within a condominium project, comprise a mobile home park. Mobile Home Parks permitted by Special Land Use Permit in the GC, R-1 and W-MU Districts shall meet the following requirements:

(1) All Mobile Home Parks and Subdivisions shall conform *to P.A. 96 of 1987, as amended.*
(2) A ten (10) acre site accessible to a major thoroughfare is required as the minimum park size.
(3) The mobile home park shall be located so that all ingress and egress driveways or roadways within the mobile home park development are connected to a major thoroughfare, except for restricted emergency exits.
(4) All mobile home park developments with more than thirty (30) mobile homes shall provide at least two (2) points of entrance or exit from the park located no closer than two hundred (200) feet from the intersection of any two (2) public roads. The ingress and egress drives or roadways within the park shall be paved, and for a distance of at least one hundred (100) feet from the public roads, the ingress and egress routes shall be no less than twenty-four (24) feet wide.

3. RESIDENTIAL SERVICES USES

3.A. INTENT

(1) To develop zoning regulations applicable to housing for special populations that are humane, equitable and enforceable;
(2) To support and reinforce the viability and continuation of neighborhoods and communities that provide healthy environments for all their residents;
(3) To prevent the “institutionalization” of residential neighborhoods by concentrating residential care uses and to allow all residents, including the special populations, to reap the benefits of residential surroundings;
(4) To increase location opportunities for critically needed residential care facilities, thereby helping to integrate special populations into the mainstream of society;
(5) To comply with the principles, policies, and regulations of federal and state fair housing legislation;
(6) To establish an ongoing, effective process of communication between local neighborhood residents, the operators of residential services facilities, and agencies which regulate such facilities;
(7) To promote the dispersing of facilities and beds for special populations thereby preventing individuals from being forced into neighborhoods with concentrations of treatment facilities and beds and thus perpetuating isolation resulting from institutionalization.

3.B. GROUP HOUSING

Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of “family” but often share a common situation, with tenancy usually arranged on a monthly or

longer basis, although it may be a form of transient lodging. There is usually a common eating area for residents. This includes such uses as a monastery, seminary or convent, boarding or rooming house, fraternity or sorority, and other similar housing. Group housing does not include prisons or correctional facilities, community residential care facilities, or institutions for human care and habitation. Group housing permitted by Special Land Use Permit in the DT2 and GC Districts shall meet the following requirements:

(1) There shall be at least fifty (50) feet between buildings with dwelling units or sleeping space and abutting single-family dwellings.
(2) There shall be a written fire safety and emergency escape plan.
(3) Must conform to all other applicable Village, county, state, and federal requirements.
(4) Adequate provision shall be made for access by emergency medical and fire vehicles.

3.C. INSTITUTIONS FOR HUMAN CARE AND HABITATION

Institutions for Human Care and Habitation include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation, or training or persons who may be developmentally dependent, ill, physically disabled, mentally retarded, emotionally disturbed, or drug or alcohol dependent, such as nursing or convalescent homes, homes for the aged, assisted living facilities, orphanages, sanitariums, and halfway houses. It also includes facilities designed to meet the temporary housing needs of special populations such as the homeless or abused spouses. It does not include correctional facilities. Institutions for Human Care and Habitation permitted by Conditional Land Use Permit in the DT3 and W-MU districts shall meet the following requirements:

(1) As part of the permit review, the Planning Commission shall determine if the proposed use will generate any traffic problems, will create any undue concentration of these uses, or will in any way be incompatible with adjoining uses. The Planning Commission may approve the application, provided a finding is made that the proposed use will not adversely affect the appropriate use of adjacent property or create an undue concentration of such uses within a specific neighborhood area so as to negatively impact the residential character of the neighborhood.

(2) There shall be at least fifty (50) feet between buildings with dwelling units or sleeping space and abutting single-unit dwellings.
(3) There shall be a written fire safety and emergency escape plan.
(4) The facility must conform to all other applicable, county, state, and federal requirements.
(5) The applicant and the operator shall provide adequate measures for safeguarding the public and the facility residents. Such measures shall be appropriate to the special population including intake screening, supervision, and security.
(6) The proposed use shall not substantially or permanently injure the appropriate use of nearby conforming property.
(7) All facilities shall be in full compliance with all applicable requirements of the *Americans with Disabilities Act.*
(8) Adequate provision shall be made for access by emergency medical and fire vehicles.
(9) Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.
(10) The following standards apply to *Homeless Shelters* only:
   a. Number of Beds: The number of beds in the shelter shall not exceed one-hundred (100).
   b. Overnight sleeping accommodations shall be in undivided sleeping space, offered for little or no financial compensation, and shall be operated in a manner that encourages short-term occupancy by residents.
   c. Such facility may include accessory support services but shall not be operated in such a manner that changes its primary function to a use classified as follows: community corrections facility, hospital, assisted living facility, nursing home, rehabilitation center for the handicapped, or residence for older adults.
   d. Proposed shelters for the homeless shall be located more than five hundred (500) feet from a public school.
   e. Prior to opening a temporary shelter in buildings owned by a church, non-profit corporation, or governmental entity, the operator of the temporary shelter shall submit to the Planning Commission evidence (A) that the Department of Human Services is involved in the proposed temporary shelter; (B) that a public meeting relating to opening the temporary shelter was held; (C) that at least seven (7) days prior to the public meeting, notice of such public meeting was given to adjacent property owners within three hundred (300) feet of the proposed use, (D) that a community oversight committee has been created, consisting of the council member in whose district the proposed temporary shelter is located and at least two (2) persons who reside within six hundred (600) feet of the proposed temporary shelter, to address neighborhood issues relating to the ongoing operations of the temporary shelter.
   f. The Zoning Administrator has the authority to suspend the terms of this Section's standards for shelters for the homeless in emergency, life threatening situations as determined by the Zoning

Administrator in consultation with the Manager.

3.D. LARGE COMMUNITY RESIDENTIAL CARE FACILITIES

These state-regulated facilities provide shelter and care for individuals with special needs in facilities or single-family dwellings for more than six persons. This includes large child/day care centers with over 6 children, Child Caring Institutions, Children's Therapeutic Group Homes, Adult Foster Care Facilities, and Adult Foster Care Congregate Facilities, as defined in Article 15. Large Community Residential Care Facilities permitted by Conditional Land Use Permit in the DT3 and W-MU districts shall meet the following requirements:

(1) The applicant is the owner or has written approval of the owner of the property.

(2) Prior to the issuance of any permit to operate a community residential care facility, and no later than December 31 of each subsequent year, the applicant or operator shall submit to the Zoning Administrator a photocopy of a valid and current license issued by the State of Michigan. Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation.

(3) The program and operational plan has been or will be approved by a licensing agency appropriate to the special population being served in the facility.

(4) The number of beds in the proposed facility, in combination with the number of existing correctional institution and residential care use beds within the affected neighborhood, regardless of compliance with the spacing and density requirements set forth in this subsection, shall not substantially or permanently injure the neighborhood or shall not cause or add to the institutionalization of residential neighborhoods which would prevent all residents, including the special populations, from being able to reap the benefits of residential surroundings.

(5) There shall be a written fire safety and emergency escape plan.

(6) The facility must conform with all other applicable Village, county, state, and federal requirements.

(7) The size and architectural style of new structures or additions to existing structures located in a residential zone shall not be substantially dissimilar from other structures in the surrounding residential neighborhood and shall comply with all other requirements of the district in which it is located.

(8) The applicant and the operator shall adequately maintain the building and grounds.

(9) Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.

(10) All facilities shall be in full compliance with all applicable requirements of the *Americans with Disabilities Act.*

(11) Adequate provision shall be made for access by emergency medical and fire vehicles.

(12) For any child care center there shall be provided and maintained an outdoor area suitable for play activity and containing a minimum of two-thousand (2,000) square feet. The outdoor play area shall be immediately contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or fence.

(13) Spacing, density, site and other standards: All proposed large residential care uses shall satisfy the following minimum requirements unless specifically exempt by other provisions herein. Provided, however, that the Planning Commission may approve the permit for a large residential care use in a location in violation of the spacing and density regulations of this subsection upon a determination that the spacing violation is less than ten (10) percent of the required spacing and that locating the proposed use will not substantially or permanently injure the neighborhood. Provided, further, that the Planning Commission may require up to two-hundred (200) feet of additional spacing between large residential care uses in neighborhoods with a greater than average concentration of such uses as determined by the Planning Commission.

a. A large residential care use shall be a minimum of two-thousand 2,000 feet from another such use;
b. No more than two (2) other such uses shall exist within a four-thousand (4,000) foot radius measured from the proposed use.
c. The proposed use shall have a minimum lot size of six-thousand (6,000) square feet and a minimum lot width of fifty (50) feet.

4. (Reserved)

SECTION 9.4 STANDARDS FOR ACCESSORY CONDITIONAL AND SPECIAL LAND USES

9.4.1 ACCESSORY DWELLING UNITS (ECHO HOUSING)

Dwelling Units that are accessory to a principle residential use permitted by Special Land Use permit in the DT2, GC, R-1, R-2, and W-MU districts shall meet the following requirements:

1. The ECHO Unit may be an expansion or alteration of the principle dwelling unit or garage, or a new separate building. If a separate building, the ECHO Unit shall comply with all setback requirements and lot coverage requirements as a principle building, and shall be located not less than ten (10) feet from the existing single-family residential structure.
2. The property owner may reside in either the accessory (ECHO) Dwelling Unit or the principle dwelling unit.
3. Potable water and wastewater disposal shall be provided, as required by the District Health Department.
4. The ECHO Dwelling Unit shall provide adequate access for emergency vehicles.
5. The ECHO Dwelling Unit shall meet all applicable construction codes for a dwelling.
6. One (1) additional off-street parking space shall be provided.
7. Separate sale or ownership of the ECHO Dwelling Unit from the primary dwelling on a lot or parcel is prohibited. No person who is not a relative of the property owner shall be permitted to reside in the ECHO Unit, except for a caregiver of the ECHO Unit occupant.
8. If the ECHO Unit is a separate removable structure like a manufactured home, the ECHO Unit must be removed from the property within six (6) months of the ECHO Use ceasing. If the ECHO Unit is an expansion or alteration of

a single-family structure, upon cessation of the ECHO use, the ECHO Unit shall no longer be considered a separate living unit and shall be considered to be incorporated into the single-family structure.

9.4.2 BUS SHELTERS

The purpose of these regulations is to ensure that bus shelters do not disrupt vehicular or pedestrian traffic flow; and that advertising on bus shelters conveys advertisers' messages while being harmonious in character with the surrounding neighborhood and not contributing to visual clutter. Bus shelters permitted by Conditional Land Use permit in the R-1, R-2 and W-MU districts shall meet the following requirements:

1. Pertaining to advertising on the bus shelter:
   - 1.A. Flashing, rotating, and intermittent lighting are prohibited.
   - 1.B. Lighting shall be directed downward, shielded from view, focused on the sign, and of minimal wattage to avoid stray lighting.
   - 1.C. Audio advertising is prohibited.
   - 1.D. Advertising panels must be designed so as not to physically or visually obscure or impede the functionality or compromise public safety.
2. Pertaining to bus shelter design:
   - 2.A. The shelter shall not be placed in the clear vision area as defined in Section 5.4.5.3 and illustrated in Figure 15-5 of Article 15.
   - 2.B. Lighting of the facility should be of a minimum wattage so as not to impair the vision of drivers or reflect on adjacent properties.
   - 2.C. Shall provide adequate protection from precipitation, wind, and sun.
   - 2.D. Shall provide clear view of the street and surrounding area.
   - 2.E. Shall meet all requirements of the *Americans with Disabilities Act*.
   - 2.F. All components shall be fabricated of high quality, durable, vandal- and graffiti-resistant materials.
   - 2.G. The use of solar power sources is highly encouraged.

9.4.3 GREENHOUSES AND AQUACULTURE SYSTEMS (ACCESSORY)

Greenhouses and aquaculture systems that are an accessory use permitted by Conditional Land Use Permit in the DT3 District shall meet the following requirements:

1. Shall meet generally accepted agricultural and management practices according to policy determined by the Michigan Commission of Agriculture per the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended.*
2. Subject to applicable provisions of the *Natural Resources and Environmental Protection Act, P.A. 451 of 1994, MCL 324.101 to 324.90106, as amended.*
3. Shall meet all Health Department and MDEQ standards, as applicable.

4. Site shall be designed and maintained so that all wastes will not drain onto adjacent property.

9.4.4 HOME OCCUPATIONS (ACCESSORY)

Home Occupation are entrepreneurial activities that provide products, goods or services to customers or clients, whether for profit or not. Examples include but are not limited to, internet sales, home based offices, tax preparation, and arts and crafts for sale off site. Advertising the home occupation is permitted, provided there are no signs, banners or exterior evidence of the services or products offered on site. Home Occupations that are accessory to a principle residential use permitted by right or by a Conditional Land Use Permit in the DT3, DT2, GC, R-1, R-2, W-MU, and I-1 districts shall meet the following requirements:

1. *Uses Allowed:* Uses that comply with all of the standards of this subsection and are permitted within the district shall be allowed as home occupations unless they are specifically prohibited. The home occupation must be clearly subordinate and incidental to the use of the dwelling as a dwelling unit, and no more than one home occupation is permitted in a dwelling.
2. *Size:* A home occupation may not occupy more than twenty-five percent (25%) of the gross area of any structure used for the home occupation.
3. *Resident Operator:* The operator of a home occupation must be a full-time resident of the subject dwelling unit and be on the premises during the hours of operation of the home occupation.
4. *Location:* All work areas and activities associated with home occupations must be conducted and located inside the principle dwelling unit, or in accessory buildings or garages. If in a detached accessory structure, the space allocated to the home occupation shall not exceed four hundred (400) square feet.
5. *Exterior Appearance:* There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except there may be one (1) non-illuminated under canopy, freestanding ground, projecting, or wall sign no larger than four (4) square feet in area per parcel. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting or signs.
6. *Operational Impacts:* No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage, or light beyond that customary for residential uses that are perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.
7. *Retail Storage, Sales and Display:* No stock-in-trade may be stored, produced, or sold upon the premises other than within the allowed area used for the home occupation.
8. *Deliveries:* Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. Tractor-trailers or semi-trucks are expressly prohibited.
9. *Traffic:* No traffic shall be generated by any home occupation in greater volume than would normally be expected in a residential neighborhood.

10. *Prohibited Uses:* The following uses are prohibited as home occupations in all districts.

10.A. Vehicle and Large Equipment Storage/Repair: Any type of repair, assembly or storage of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to motor vehicles and their parts.

10.B. Restaurants are prohibited as home occupations in all districts.

10.C. Commercial kennels and stables are prohibited as home occupations in all districts.

10.D. Contractors equipment, commercial mowers, logging equipment, job trailers, tool trailers, heavy equipment, low boy trailers, dump trucks, semi-trucks and trailers shall not be parked, stored or maintained at a residential lot or lot of a dwelling unit.

11. Conditional Use Permit Required: The Planning Commission, upon holding a public hearing, may grant a Conditional Use Permit to for a home occupation for specific activities and practices associated with them. One or more of the listed activities and practices may be permitted by Conditional Use Permit:

11.A. One non-resident employee working on site.

11.B. One non-illuminated exterior sign, limited to not more than four (4) square feet, attached to the dwelling.

11.C. Any activity that requires customers or clients be present on site, including pickup and drop-off activities.

11.D. Catering, baking, cake decorating and bulk food preparation for delivery to customers. This activity may require a Health Department permit or license.

11.E. Teaching, tutoring, or art/music instruction lessons to individuals on site.

11.F. Any home occupation that requires building alterations, including but not limited to designated entrances for customers, fire walls, specialized plumbing, electrical or mechanical modifications to the dwelling or accessory structures to support the home occupation.

11.G. Services provided to customers or clients by appointment only on site.

11.H. The outdoor parking and storage of not more than one job trailer or utility trailer associated with a home occupation. The trailer may not exceed 16 feet in length.

9.4.5 OUTDOOR DISPLAY AND SALES (ACCESSORY OR TEMPORARY)

Outdoor Display and Sales of merchandise as an accessory use to a principle nonresidential use or as a temporary use permitted by Conditional Land Use Permit in the DT3, and W-MU districts shall meet the following requirements:

1. Shall occupy no greater than one-quarter (¼) the gross floor area of the use.
2. Shall be located at least twenty-five (25) feet from any residential use or district (a property shall not be considered residentially used if the first floor is occupied by a nonresidential use).
3. Any area proposed to be used for outdoor sales and display in accordance with this Section shall be accurately

delineated on applicable site or development plans.

4. No outdoor sales and display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading areas.
5. Outdoor sales and display items, including newspaper boxes, vending machines, and ice machines, may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency, and shall count toward the total outdoor sales and display area permitted by this Section. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a five (5) foot minimum width is maintained.
6. No outdoor sales, storage, or display areas shall be located in the clear vision area as defined in Section 5.4.5.3 and illustrated in Figure 15-5 of Article 15, or be located in a manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.

9.4.6 OUTDOOR FOOD AND BEVERAGE SERVICE (ACCESSORY OR TEMPORARY)

Outdoor Food and Beverage Service as an accessory use to a principle nonresidential use or as a temporary use permitted by Conditional Land Use Permit in the DT3, DT2 and GC districts shall meet the following requirements:

1. Any area proposed to be used for outdoor food and beverage service in accordance with this Section shall be accurately delineated on applicable site or development plans, including detail of the locations and sizes for all proposed furnishings such as tables, chairs, trash containers, umbrellas, awnings, planters, landscaping, and lighting. The outdoor food and beverage service area shall be contiguous to the eating and drinking establishment to which it is accessory.
2. The proprietor shall be responsible for ensuring five (5) feet clearance for pedestrians at all times through the property on the public sidewalk if applicable, including the removal of bicycles, wheeled carts, and other items placed by patrons which obstruct this path.
3. All activities and furnishings must be located at least twenty-five (25) feet from an intersection, measured from the curb, and at least two (2) feet from the edge of the curb.
4. Any enclosure delimiting the area shall be no more than forty-two (42) inches tall, except that temporary canvas awnings or umbrellas may serve as sun shades.
5. Tables, chairs, and all other furnishings or accessories may be left in place overnight during seasonal operation, but shall be removed whenever outdoor dining is not in seasonal operation. It shall be the responsibility of the licensee to secure furnishings and accessories that are left in place overnight.
6. Service is prohibited between 11 pm and 7 am.
7. Furniture shall be weatherproof and in good repair at all times, and must be removable (temporary).
8. Outdoor heaters, busing stations, trash receptacles, food preparation stations, and music shall not be permitted in the outdoor dining facility.
9. Carpeting, artificial turf, and platforms shall not be permitted at any time.

10. The licensee is responsible for keeping the premises clean at all times, including the public sidewalk (if within the outdoor service area) and outdoor furnishings. At no time should trash or debris be blown, swept, or otherwise deposited into the street. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited.

9.4.7 SWIMMING POOLS

Swimming Pools as an accessory use permitted by Conditional Land Use Permit in the DT3, DT2, GC, R-1, R-2, and W-MU districts shall meet the following requirements:

1. Pools used for swimming or bathing and all fencing, gates, or other barriers around them shall be in conformity with the *Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972,* as amended, being *MCL 125.1501, et seq.*
2. Shall comply with the yard setback requirements as required for accessory uses and structures in this *Ordinance*.
3. Shall not be located over a septic system, drain field, or on any area designated by the District Health Department as reserved for a replacement drain field unless approved by the District Health Department.
4. No lights shall be erected, operated, or maintained in connection with a swimming pool in such a manner as to create a nuisance or hazard to nearby properties.
5. Service drop conductors and any other open overhead wiring shall not be located above a swimming pool.
6. No swimming pool shall be used unless adequate public health measures are periodically taken to ensure that use of the pool will not cause the spread of disease.
7. All swimming pools shall be enclosed by a fence meeting the requirements of Section 5.6.9, and including a self-latching gate capable of being securely locked.
8. Water shall not be allowed to drain on adjacent properties.

9.4.8 APIARY (ACCESSORY)

Because honey bees are essential to local food production; and domestic strains of honey bees have been selectively bred for desirable traits such as gentleness, reduced swarming, pollination attributes, and honey production; the Village of Ontonagon supports the maintenance of honey bees in reasonable densities that shall not cause a nuisance provided they comply with appropriate regulations. An apiary as an accessory use permitted by Conditional Land Use Permit in the GC, R-1 and I-1 districts shall meet the following requirements:

1. Allo*wed Densities:* The number of colonies shall be limited as follows:
   - 1.A. Lot of one half (1/2) acre or less, limit two (2) colonies
   - 1.B. Lot of more than one half (1/2) but less than one (1) acre, limit four (4) colonies
   - 1.C. More than one (1) acre, limit six (6) colonies
2. *Location of Structure:* Any structure used for apiculture shall comply with the following yard and setback

requirements:

2.A. Be located in a side or rear yard;

2.B. Be located at least ten (10) feet from any property line, subject to Section 9.4.9.5 below;

2.C. In the absence of a principle structure, must be located behind the setback or Required Building Zone as defined in the District standards;

2.D. If the total area of structures used for apiculture exceeds sixty-five (65) square feet, the structures are considered accessory buildings and must comply with all standards for accessory buildings in this *Ordinance*.

3. *Registration:* The hive shall be kept on the same premises as the owner of the parcel and shall be identified and kept per the requirements of the State of Michigan Apiary Inspection Law. If the beekeeper is a person other than the owner of the parcel, the Village shall be provided with a written statement authorizing that person to maintain the colony or colonies, along with their name, address, and telephone number.

4. *Hive type:* All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.

5. *Fencing of Flyways:* In each instance in which any colony is situated within twenty-five (25) feet of the property boundary line, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier in the following manner so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. This flyway barrier shall be a fence six (6) feet in height complying with all standards of Section 5.6.9 of this *Ordinance,* and shall be of solid wall, fence, or dense vegetation materials or a combination thereof; and is parallel to the property line; and extends ten (10) feet beyond the colony in each direction along the property line.

6. *Water:* Each beekeeper shall ensure that a convenient source of water is available to the bees at all times on the property during the year so that the bees are less likely to congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.

7. *General Maintenance*: Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

8. *Queens:* In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

9. *Compliance:* Upon receipt of information that any colony situated within the Village is not being kept in compliance with this Section, the Zoning Administrator shall issue a minor civil infraction to the beekeepers/owner of the parcel. Such infraction may be issued once a day until such time as the bees are destroyed, removed, or the problem corrected. The provisions of this Section shall not prevent the Village from destroying bees or a bee colony in the event that there is an immediate need to protect the public safety. Such circumstances will occur when there is, (1) bee colony not residing in a hive structure intended for beekeeping, or (2) a dangerous swarm of bees that poses an immediate risk to the safety of humans, or (3) a colony residing in a standard or man-made hive

which, by virtue of its condition, has obviously been abandoned by the beekeeper.

9. POLE BARNS

9.1. Pole barns permitted by Conditional Land Use Permit, as accessory structures, in the R-1 and W-MU districts shall meet the following requirements:

9.2. The maximum permitted height of a pole barn in the R-1 and W-MU districts is twenty-four (24) feet with the minimum setbacks as listed in Section 6.1.3.3.B. However, an accessory structure with an accessory dwelling unit in the R-1 District may be up to thirty-five (35) feet in height, provided that the structure is setback from all lot lines is an additional foot for each foot in height over twenty-four (24) feet.

9.3. Minimum Setbacks from Lot Lines:

9.3.A. Front Lot Line – Structures are not allowed in the front setback area. The front setback of pole barns, as accessory structures, must be equal to or greater than that of the principal structure on the site.

9.3.B. Side Lot Line – Structures must be placed a minimum distance of twenty (20) feet from the side lot line.

9.3.C. Rear Lot Line – Structures must be placed a minimum distance of twenty (20) feet from the rear lot line.

9.4. The maximum permitted floor area of a pole barn shall not be more than 1.5 times the floor area of the principal structure.

SECTION 9.5 STANDARDS FOR TEMPORARY CONDITIONAL AND SPECIAL LAND USES

9.5.1 FOOD STANDS

Food stands selling homegrown products permitted by Conditional Land Use Permit in the DT3, DT2, GC, R-1, W-MU and I-1 districts shall meet the following requirements:

1. Shall furnish space for customer vehicles outside the road right-of-way in the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area, with a minimum of three (3) off-street parking spaces.
2. Shall be located at least twenty-five (25) feet from the edge of the road and any property line.
3. Shall be seasonally erected and removed when sales are not in progress.

9.5.2 SAWMILLS

Temporary sawmills permitted by Special Land Use Permit in the I-1 district shall meet the following requirements:

1. Buffer type C as defined in Section 5.6.5.3 shall be installed to screen the perimeter of the entire outside storage area from view of the public right-of-way and structures on abutting properties.
2. The hours and days of operations shall be reviewed by the Village Planning Commission to minimize any impact on adjacent residential properties.

3. Sawmills shall not emit noise in excess of sixty (60) decibels at any adjoining property line.

9.5.3 TRANSIENT AMUSEMENT ENTERPRISES

Transient Amusement Enterprises, such as circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people, permitted by Special Land Use Permit in DT3, DT2, GC, R-1, and W-MU districts, shall meet the following requirements:

1. Shall be approved by the Planning Commission upon the finding by the Planning Commission that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare.
2. The Planning Commission may require conditions, or the posting of a bond, or other acceptable security payable to the Village of Ontonagon in an amount sufficient to hold the Village free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

ARTICLE 10: PLANNED UNIT DEVELOPMENT (PUD)

SECTION 10.1 INTENT

The Planned Unit Development (PUD) is a zoning district intended to accommodate innovative and compatible land use developments with mixed or varied uses, sites with unusual topography or unique settings within the community, or land which exhibits difficult or costly development problems, and shall not be allowed where Planned Unit Development approval is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated objectives below.

The purpose of this Article is to permit innovation and variety in land use, design, and layout of property in order to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and address opportunities suited specifically to the needs of the residents of the Village of Ontonagon, provided such opportunities have complimentary economic, social, and environmental impacts on surrounding land uses.

The Planned Unit Development (PUD) is intended to permit and control the development of preplanned areas for various compatible uses. The PUD provides a procedure by which the Village Council can hold pre-application conferences with the applicant before submission of preliminary site plans, saving resources by reducing the need for expensive design re-iterations. The procedure entails a discretionary review and approval procedure that results in approval if all standards of this Article are met and denial if they are not. The Zoning District does not change if a PUD is approved, but like a Special Use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are satisfied and the approved use continues. This process involves meeting eligibility criteria and established standards for approval through a site plan review procedure.

SECTION 10.2 PURPOSE

The applicant shall demonstrate that approval of the PUD would result in a recognizable and substantial benefit to the community that could not be achieved under the normal regulations of the District, satisfying one or more of the following objectives:

- To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, river and lake shorelines, floodplains, hills, and similar natural assets.
- To encourage the provision of open space and the development of recreational and other common facilities within reasonable distance of all seasonal and permanent dwelling units.
- The long-term protection or preservation of natural resources, natural features, historical elements, scenic vistas, or architectural features of a significant quantity or quality.
- Modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the Zoning District in which it is situated.
- The provision of additional amenities which would not otherwise be provided in a conventional development, including

but not limited to more usable open space, community gardens, orchards, or alternative energy systems.

- To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses, and utilities.
- To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
- To more effectively accommodate the needs of diverse populations including but not limited to the needs of the aging population (through Universal Design), or low- to moderate-income residents (or single households) with affordable units.
- To permit more flexibility and innovation in the design, layout and type of development provided the development is consistent with the intent of the *Village of Ontonagon Zoning Ordinance* and the provisions of the *Village of Ontonagon Master Plan.*

SECTION 10.3 GENERAL PROVISIONS

10.3.1 RELATIONSHIP OF PUDS TO ZONING DISTRICTS

Except as otherwise provided in other Sections of this Article, while PUDs are permitted in all Zoning Districts, the underlying Zoning District that applies to a particular parcel establishes the permitted uses and densities, as well as the basic limitations on height, bulk, setback, yard area, and related requirements. Yet, the PUD process does allow for some flexibility in land uses, densities, height, bulk, setbacks, parking, signage, and related standards, allowing some standards to be waived or reduced as a part of the Site Plan Review and approval process for a PUD, provided such actions are within the parameters detailed in the remainder of this Article. Property subject to an approved PUD shall be labeled PDD on the zoning map.

10.3.2 ELIGIBILITY REQUIREMENTS

No PUD shall be approved unless the applicant demonstrates, through written submittal, that the land use and development substantially advances objectives described in Section 10.2, and meets the eligibility requirements and the standards set forth in this *Ordinance*, and in addition that:

1. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the Village of Ontonagon. Such benefit must otherwise be unfeasible or unlikely to be achieved under the standards of a single Zoning District.
2. The PUD shall remain under the control or authority of a single individual, corporate, or organizational owner who is authorized to administer the PUD.
3. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

10.3.3 CALCULATING DENSITY

The permitted density on a specific parcel or parcels subject to a PUD application is first established by applying the minimum lot size in the underlying district to the buildable portion of the parcel or parcels and then applying a density bonus of not more than fifteen (15) percent as the design warrants and in the complete discretion of the Village Council with the recommendation of the Planning Commission. This density is achieved either by reducing the minimum lot size of the underlying district, or by clustering lots, or both, and is calculated as follows:

1. CALCULATING BASE DENSITY

The applicant shall prepare a drawing to scale that divides the site into the maximum number of lots permitted under this *Ordinance* without a bonus or clustering. The whole number of lots that results from this calculation is the maximum number of lots or dwelling units that may be clustered on the site under this Section before any bonus is applied. This is calculated as follows:

A. Divide the total area of the site by the minimum lot area requirements per lot, while still conforming to minimum lot width or frontage requirements.

B. Ensure that each lot has sufficient area to meet District Health Department requirements for septic waste disposal, unless the site is served by public sewer.

C. Ensure that adequate right-of-way for a public road meeting Village of Ontonagon standards is provided.

D. Ensure that no parcel so created for a dwelling unit violates state or federal wetland, floodplain, sand dune or high risk erosion regulations.

E. No existing or proposed easement shall be counted as available for development.

2. CALCULATING DENSITY INCREASES

To increase density, the site shall have direct access to a County/local road or state highway via a new public road built to Ontonagon County Road Commission or MDOT standards. The increase will be determined in the following manner:

A. Permitted density in terms of dwelling units per acre may be increased in a PUD up to fifteen (15) percent when the design of PUD demonstrates complete conformance with the requirements of this Article. No intensity increase is permitted for a PUD overlying a DT3 or DT2 district.

B. The applicant shall receive a 5% bonus density for each of the following up to a maximum of fifteen (15) percent:

(1) Fifteen (15) percent more usable, common open space (not wetland) than the minimum required in Table 10-1.

(2) A design that blends well with the natural environment and abutting lands and utilizes alternative energy technology, or enhances community food production.

(3) A design that is aesthetically pleasing and compatible with structures on abutting property.

(4) A design that creates diversity of housing types with attention to Universal or affordable housing design.

10.3.4 PERMITTED USES

1. The following uses may be permitted within a residential planned unit development:
   1.A. All uses permitted by right, by Conditional Land Use Permit, or by Special Land Use Permit in the district in which the property is located and subject to all restrictions specified for that district except as modified by a PUD Permit.
   1.B. Recreation and open space, provided that the following uses may be set aside as common land for open space or recreation use under the provisions of this Section:
      (1) Private recreational facilities such as golf courses, swimming pools, ski resorts, or other recreational facilities which may or may not be limited to the use of the owners or occupants of the lots located within the PUD, depending on what is permitted in the underlying District.
      (2) Historic sites, parks, greenways, extensive areas with tree cover, lowlands along streams, or areas of rough terrain when such areas have natural features worthy of scenic preservation.
2. The following uses may be permitted within a nonresidential planned unit development: All uses permitted by right, by Conditional Land Use Permit, or by Special Land Use Permit in the District in which the property is located and subject to all restrictions specified for that District except as modified by a PUD Permit. Limited permanent dwelling units may be permitted, especially if above ground floor commercial uses. All nonresidential PUDs shall have direct access to a paved public road.

10.3.5 LOT REQUIREMENTS

1. The site shall be not less than five (5) acres in area.
2. Minimum yard restrictions of the Zoning District in which the project is located shall be maintained around the perimeter of the project.

10.3.6 DEVELOPMENT REQUIREMENTS

1. In the case of a mixed-use PUD which includes a use permitted by right in the Zoning District, a building devoted primarily to such a permitted use must be built before or concurrently with any building devoted primarily to any use not permitted by right.
2. New development should be separated by at least one hundred (100) feet from wetlands, surface waters or other sensitive open space.
3. Dwelling units shall be separated from nearby farm structures by at least five-hundred (500) feet.
4. The PUD design shall protect roadside character and improve public safety and preserve vehicular carrying capacity by not fronting lots along an existing county road or state highway.

10.3.7 OPEN SPACE REQUIREMENTS

1. Required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open spaces shall remain open.
2. If requested by the landowner, the Village Council may approve a PUD with open space that is not contiguous with the rest of the PUD if other benefits to the public are sufficiently great to warrant such consideration.
3. The proposed open space shall be clearly depicted on the site plan and differentiated from the land proposed for clustering the single family dwelling units.
4. Specific uses for the proposed open space shall be clearly indicated on the site plan and described in appropriate detail in the accompanying application.
5. Open space is encouraged around the perimeter of a site to screen and buffer the clustered units from abutting property.
6. Open space shall be designed and located for convenient use by residents of the development.
7. The open space may be retained by the original landowner or held in common by one or more of the new landowners.

8. Up to twenty (20) percent of the useable common open space may be used for septic drain-fields for individual dwelling units, provided a homeowners association assumes liability for any problems, and if the method is approved by the District Health Department and the Michigan Department of Environmental Quality. No part of the preserved open space shall be used for an access road.

9. The minimum amount of permanent common open space that shall be provided for each PUD by underlying District is listed in Table 10-1. Permanent common open space and maximum open space that is wetlands or open water in columns two and three of Table 10-1 respectively, shall be measured as a percentage of the total acreage of the land that makes up the PUD, except as otherwise provided in this Article.

Table 10-1
Minimum Permanent Common Open Space

Underlying District	Minimum Open Space	Maximum Open Space that is Wetlands or Open Water
R-1	65%	45%
W-MU	65%	35%
R-2	55%	25%
All Other Districts	Per max. lot coverage in underlying district standard	None

10. All land designated and approved as common open space in a PUD shall remain as permanently protected open space. All open space, tree cover, recreational area, scenic vista, or other approved open land areas shall be either set aside as common land for the sole benefit, use, and enjoyment of present and future lot owners or residents within the PUD, or at the initiative of the applicant and acceptance by the appropriate public body, may be dedicated to the public as park land for the use of the general public. The Planning Commission shall determine which is most appropriate based on the following considerations:

10.A. That open space land shall be legally conveyed from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that permanent arrangements have been made for the maintenance of the land and any buildings thereon, and that an open space easement for said land may be conveyed to the public to assure that open space land shall remain open.

10.B. That open space land may be voluntarily dedicated to the public for park or recreational purposes by the tract owner or owners, provided that the location and extent of the land conforms to the *Village of Ontonagon Master Plan*, that the land has appropriate characteristics and location such that it will be readily available to and desirable for public use, development, and maintenance, releasing the developer from further improvements.

10.C. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is reviewed and approved by the Village Attorney, such as: recorded deed restrictions, covenants that run with the land, transfer to a nonprofit land trust, a recorded conservation easement such as that provided in the *State of Michigan Conservation and Historic Preservation Easement Act, P.A. 197 of 1980, as amended (MCL 399.251)* or dedication to and acceptance of the open space by the Village or other public entity. Such conveyance shall assure, unless the land is dedicated to the Village and accepted by it, that the Village will not be liable for any uses or activities occurring within the dedicated open space and that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use unless mutually agreed by the written consent of the Village Council and the property owner or homeowners association. Such conveyance shall also:

(1) Indicate the proposed allowable use(s) of the dedicated open space.

(2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space in the manner specified in the PUD approval.

(3) Provide standards for scheduled maintenance of the open space.

(4) Provide for maintenance to be undertaken by the Village in the event that the dedicated open space is inadequately maintained, or is determined by the Village to be a public nuisance, with the assessment of costs upon the property owners.

(5) Bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Village and the land uses continue as approved in the planned unit development.

SECTION 10.4 APPLICATION, REVIEW, AND APPROVAL PROCESS

10.4.1 APPLICATION PROCESS

1. *SITE PLAN*

The application shall be accompanied by a Site Plan that conforms to the requirements of Section 14.3.2 for a Tier 3 Review of a Major Site Plan.

2. *PRE-APPLICATION CONFERENCE*

A pre-application conference between the applicant, the site designer, the chairperson of the Planning Commission, the Zoning Administrator, and any planning consultant retained by the Village shall be held prior to submittal or review of any site plan

for a PUD. A site visit may be scheduled as a part of the pre-application conference. The purpose of the pre-application conference is to review *Ordinance* requirements as they apply to the site before the applicant investments in preliminary site designs.

3. APPLICATION

An application for PUD shall be accompanied by the following documents and information:

3.A. A PUD application form supplied by the Zoning Administrator, completed in full and accompanied by the appropriate fee.

3.B. A Major Site Plan satisfying the requirements of Tier 3 Review per Section 14.3.4.6.

3.C. A statement of compliance with the objectives, eligibility requirements, and other requirements contained in this Article and applicable standards in Article 5, General Provisions.

4. APPROVAL PROCEDURES

4.A. The Zoning Administrator shall review each application pursuant to the requirements of Section 14.3.2.2.D, and when it is determined to be complete, schedule it for a public hearing at a regular Planning Commission meeting, unless the applicant pays all of the costs for a special meeting.

4.B. A notice of the public hearing shall be given pursuant to Section 14.4, and the first public hearing shall be conducted by the Planning Commission pursuant to the requirements of Section 14.4.B.

4.C. The Planning Commission and Village Council, in their respective meetings, shall review the application, comments, the Site Plan, and other pertinent information received and shall make a determination in accordance with the criteria described in this Article, and such other standards contained in the *Ordinance* which relate to the PUD under consideration.

4.D. The Planning Commission's recommendation shall be forwarded to the Village Council for final action.

4.E. Prior to action on the request, the Village Council shall also conduct a public hearing, preceded by notice in the same manner as for the public hearing by the Planning Commission.

4.F. The Village Council may, by majority vote of its members, deny, approve, or approve with conditions the application for PUD approval. Its decision shall be incorporated in a statement of conclusions relative to the PUD under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which is in compliance with *Ordinance* standards, other applicable ordinances, and state and federal statutes shall be approved.

4.G. Upon the approval, or approval with conditions by the Village Council, the Zoning Administrator shall prepare and issue a permit to the applicant incorporating the conditions, if any, imposed by the Village Council.

4.H. An appeal of a decision by the Village Council to approve, deny, or approve with conditions a PUD Permit application may be taken to Circuit Court, and may not first be appealed to the Board of Appeals.

4.I. The zoning map shall have the notation "PDD" written on any parcel for which PUD approval has been granted and remains in effect.

5. *BASIS OF DETERMINATION*

The Planning Commission and the Village Council, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this *Ordinance*:

5.A. The PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

5.B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent Village residents.

5.C. The PUD shall be consistent with the intent of the *Village of Ontonagon Master Plan.*

5.D. The PUD shall not change the essential character of the surrounding area.

5.E. The PUD shall not be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.

5.F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned improvements have already been scheduled for completion.

5.G. The PUD site plan shall demonstrate a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, that are efficiently integrated into off-site potable water and wastewater public improvement plans, where public off-site facilities are available.

5.H. Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection, and roads are planned and programmed for the development proposed in the PUD site plan, and the development is appropriately located in relation to schools, police protection and other emergency services.

5.I. The PUD shall be designed to preserve public vistas and existing important natural, historical, scenic, and architectural features of significance within the development.

5.J. The PUD shall be designed so that its pedestrian, non-motorized, and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems.

5.K. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient, and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.

5.L. The PUD shall not result in any greater stormwater runoff to adjacent property after development than before.

5.M. The design of the PUD shall exhibit a reasonable harmonious relationship between the locations of

buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

5.N. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

5.O. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

5.P. The PUD shall conform to all applicable Village, County, State, and Federal requirements for that use.

5.Q. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under this *Ordinance*.

5.R. All signs in a PUD shall comply with the requirements of Section 5.7, except that the Village Council may approve different signage if a comprehensive sign plan for the proposed PUD is submitted that does not result in greater total sign area, or sign height, even though more signs are used, and is otherwise consistent with the intent and purpose of the sign regulations as determined by the Planning Commission.

5.S. The Planning Commission shall find that review of the Site Plan for the Planned Unit Development provides safe and convenient vehicular and pedestrian traffic within the site and that the proposed parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. All parking shall comply with the requirements of this *Ordinance*, except that where the overall integrity of the PUD would be improved with a waiver of parking design standards that do not undermine the intent and purpose of the parking regulations, then the Village Council may grant such waiver, however, the total number of required parking spaces cannot be reduced below that necessary to meet anticipated need.

5.T. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment. All landscaping shall comply with the requirements of this *Ordinance*, except that the Village Council may approve different landscaping if a comprehensive landscape plan for the proposed PUD is submitted that would result in a comparable or better design that is also consistent with the intent and purpose of the landscape regulations.

6. *WAIVER OF PLANNED UNIT DEVELOPMENT STANDARDS*

The Village Council, following the recommendation of the Planning Commission, may waive partially or wholly any of the standards for a PUD contained in this Article or other relevant standard in this *Ordinance* where all of the following findings are documented along with the rationale for the decision:

6.A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.

6.B. The spirit and intent of the PUD provisions will still be achieved and there will be no increase in density or intensity of use of more than five (5) percent above what is otherwise allowed in this Article, or of mass of buildings or structures, or of traffic that will be generated (beyond the amount that would be permitted without this waiver).

6.C. No nuisance will be created.

7. *REQUIREMENT OF CONDITIONS*

The Planning Commission may recommend, and the Village Council may impose, conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this *Ordinance*. Such conditions shall be considered an integral part of the PUD approval and shall conform with the requirements for Conditional Approvals and Performance Guarantees/Bonding in Article 14.

SECTION 10.5 PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS

A PUD approved by the Village of Ontonagon prior to the adoption or amendment of this *Ordinance* may be amended only through the filing and approval of a new application under this Article. The application shall be considered under the current standards of this *Ordinance*, rather than the standards in effect at the time of the original approval. If the application is denied, the previously approved PUD shall remain valid even if the underlying district has been changed.

SECTION 10.6 PERMIT DETAILS

10.6.1 PERMIT VALIDITY

A Zoning Permit authorizing a PUD (hereafter referred to as a PUD Permit) shall be valid for a period of one (1) year from the date of issuance, unless another, longer, time period is set by the Village Council as a condition of approval. If the use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the Village unless an extension is granted pursuant to Section 14.3.3.2.B.

10.6.2 PERMIT REVOCATION

In the event the Village Council believes the holder of a PUD Permit has failed to comply with one or more of the terms or conditions of the permit or of this *Ordinance*, the Village Council may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than fifteen (15) days from the date of the notice. The notice of hearing shall include a written statement of the reasons for the possible revocation. The permit holder shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the Village Council decides to revoke the permit, the use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this *Ordinance*.

10.6.3 PERMIT TRANSFERABILITY

A PUD Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A PUD permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes for which the PUD was granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new owner registers his intent to continue the PUD with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable *Ordinance* requirements that apply to the property and any special conditions imposed upon the PUD when the transfer form is submitted.

10.6.4 TERMINATION OF A PUD IF THE USE CHANGES

If there is a change in the use of a property for which a PUD was issued, the PUD shall automatically terminate and the property shall only be used for a use permitted in the underlying District in which the property is located. A PUD including a seasonal use is also subject to termination, if the season passes in which the seasonal use would normally occur and a different use is in place instead.

10.6.5 RECORDING WITH REGISTER OF DEEDS

A PUD Permit, or expiration, revocation, or termination of a PUD permit, shall be recorded at the Ontonagon County Register of Deeds.

10.6.6 ADHERENCE TO APPROVED SITE PLAN

Any property owner who fails to develop and maintain an approved PUD according to the approved Site Plan shall be deemed in violation of the provisions of this *Ordinance* and shall be subject to the penalties for same.

10.6.7 AMENDMENTS

Amendments to an approved Site Plan for a PUD shall be processed according to the procedures in Article 14.

10.6.8 SCHEDULED PHASING

1. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to

fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

2. Each phase of the project shall be commenced within the schedule set forth on the approved Site Plan. One phase must be completed before beginning work on the next unless explicitly authorized during Site Plan approval. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Village Council.

10.6.9 REAPPLICATION

No application for a PUD Permit which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence, or a falsehood previously relied upon by the Village which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator. A reapplication shall be processed as a new application.

SECTION 10.7 HARDSHIP PUD (ALTERNATIVE TO USE VARIANCE)

10.7.1 INTENT AND PURPOSE

It is the intent of this section to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the Village Council that (1) the applicant's property cannot be used for the purposes permitted in the Zoning District, (2) the plight is due to the unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

If and when a property owner meets the above four-part threshold burden of proof, it is not intended that any use may then be approved. Rather, this section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable use of property on the particular site, which is compatible to the extent possible with the uses of adjacent properties.

In order to satisfy the finality requirement dictated by the Michigan Supreme Court in *Paragon Properties Company v. County of Novi, 452 Mich 568 (1996),* a property owner shall not be required to seek variance relief at the Zoning Board of Appeals if relief is sought and denied under this Section.

10.7.2 APPLICATION

1. In addition to the information required for other variance requests, an application for a Hardship Planned Unit

Development shall include a Site Plan and a summary of the facts which support each of the following conclusions:

1.A. Applicant's property cannot be used for the purposes permitted in the Zoning District.

1.B. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.

1.C. Applicant's suggested use would not alter the essential character of the area.

1.D. Applicant's problem has not been self-created.

2. At the end of each statement (a through d in Subsection 1 above) identify all persons who will appear at the hearing with respect to each of the facts, and, separately, identify all persons who will appear at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

10.7.3 APPROVAL PROCEDURES

1. *PRE-HEARING CONFERENCE*

1.A. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and shall proceed in as expeditious manner as possible after satisfying all the information needs.

1.B. The purposes of the pre-hearing conference shall be to:

(1) Review the procedure for the hearing and identify all persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the applicant.

(2) Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
(3) Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals.
(4) Discuss the need, desirability, and the terms of providing a verbatim record of the hearing.

2. *HEARING*

2.A. Village staff or representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the Zoning District, and any planning, engineering, financial, environmental, or other considerations which are generally relevant within the Zoning District and/or in the general area of the property at issue.

2.B. The applicant shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four factors set forth in Section 10.7.2.1, subsections a through d. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions.

2.C. The Village Council may require the presence of any witness who has offered testimony to permit members of the Village Council to ask questions of these witnesses.

2.D. At the conclusion of the applicant's presentation, hearing attendees shall be provided with the opportunity to present testimony and evidence in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.

2.E. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the Village Council for consideration as it relates to the specific application presented.

2.F. The applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives, with the same procedure as provided above for the applicant's principle presentation.

2.G. If a hearing is not completed at a given meeting within the time period allowed by the Village Council, the Council shall adjourn the hearing to a date certain for continuation.

2.H. At the conclusion of the hearing, the Village Council may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.

2.I. If the Village Council determines to grant a Hardship Planned Unit Development, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law. A motion to grant a Hardship PUD may be made as a tentative grant of relief, subject to review by the Planning

Commission, Zoning Administrator, Village Engineer, or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the Village Council, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

ARTICLE 11: RESERVED FOR FUTURE

USE ARTICLE 12: RESERVED FOR

FUTURE USE

ARTICLE 13: NONCONFORMING LOTS, BUILDINGS, STRUCTURES, AND USES

SECTION 13.1 INTENT & PURPOSE

It is the intent of this Article to permit legal nonconforming lots, structures, or uses to continue until they are removed or terminated, but not to encourage their survival.

SECTION 13.2 APPLICABILITY

1. *Legal Nonconforming:* An existing lot, structure, building, sign, development, or use of an existing lot or structure is deemed nonconforming when it fails to conform to one or more of the regulations currently applicable to the zoning district in which the lot, structure, building, sign, development, or use is located, but which was conforming (lawful) prior to the enactment of this *Ordinance* and became non-conforming on the effective date of adoption of this *Ordinance*, or an *Ordinance* text amendment or rezoning.
2. *Legal Nonconforming:* The provisions of this Section shall also apply to any existing uses that become nonconforming as a result of zoning district boundary changes.
3. *Illegal Nonconforming:* Nonconforming uses of structures or land existing at the effective date of this *Ordinance* that were established without zoning approval or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this *Ordinance,* shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.
4. *Illegal Nonconforming:* Lots or parcels which were established after the effective date of this *Ordinance* and are substandard in area, width, or depth are illegal lots of record and are not entitled to the status and rights accorded legally established nonconforming lots.

SECTION 13.3 ADMINISTRATION

13.3.1 NONCONFORMING LOTS

1. In any District permitting residences, a single-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record that was recorded in the office of the County Register of Deeds before the effective date of this *Ordinance*, or before an amendment to this *Ordinance,* which made the lot nonconforming, provided such lots meet the requirements of Sections 13.3.1.2 and 13.3.1.3 below. No use of any nonconforming lot of record which was divided after the effective date of this *Ordinance* shall be permitted which created a lot with a width, depth, or area less than the requirements stated in this *Ordinance*.
2. Where two or more vacant nonconforming lots were in common ownership on the effective date of this *Ordinance*,

and have remained in common ownership since then, and were contiguous to one another alongside lot lines, such lots shall be considered as a single lot of record for purposes of this *Ordinance*, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this *Ordinance*, nor shall they be transferred or sold except in blocks that equal the original ownership interest, or in a combination of lots that meets the minimum requirements of the District in which they are located.

3. Provided that adequate potable water and proper and safe septic or sewerage disposal can be provided, as determined by the District Health Department, the Zoning Administrator shall permit single lots of record or combinations of single lots of record (those in Section 13.3.1.2 above) that are nonconforming because they are substandard in area, width, or depth to be built on without variances provided the requirements for yards, width, depth, and area is no less than seventy-five (75%) percent of that required by the terms of this *Ordinance*.

13.3.2 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this *Ordinance* that could not be built under the terms of this *Ordinance* by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or location on the lot, such structure may continue so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the District in which it is located, provided that all such changes are also in conformance with the requirements of the District in which it is located. Furthermore, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
2. Should such structure be destroyed by any means it shall not be reconstructed except in conformity with the provisions of this *Ordinance*, unless it is impractical to do so, in which case it shall be rebuilt on not more than the building footprint at the time of destruction.
3. Should such structure be moved for any reason for any distance whatever on the same or a different lot or parcel, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. Any structure, or structure and land in combination, in which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the District in which such structure is located and the nonconforming use may not thereafter be resumed.

13.3.3 NONCONFORMING USES

Where, at the effective date of adoption or amendment of this *Ordinance*, lawful use of land exists that is made no longer permissible under the terms of this *Ordinance* as enacted or amended, such use may be continued in the same manner and to the same extent as it existed when it became nonconforming, and so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land, nor a greater height, than was occupied at the effective date of adoption or amendment of this *Ordinance*.
2. Except in the case of gravel extraction operations, existing holes may be worked and enlarged on the land which constituted the lot or parcel on which operations were conducted at the time of becoming nonconforming. However, no new holes shall be established unless a Special Use Permit is obtained pursuant to the procedures of Article 14 and the applicable standards of Article 9.3.3.4.
3. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article, nor to any other lot or parcel, unless reestablished in conformance with the requirements of this *Ordinance*.

13.3.4 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage of this *Ordinance* or an amendment to it shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

13.3.5 CHANGE OF TENANCY OR OWNERSHIP

A nonconforming building, structure, use, or lot may be sold or a tenant may change with the nonconforming use right intact, provided that the physical dimensions of the nonconforming lot or the use of the nonconforming structure or lot do not result in a change contrary to the requirements of this Article.

13.3.6 CHANGE OF STATUS

In the event that any nonconforming use of land or use of a structure is occupied at any time during the nonconforming status by a conforming use, the nonconforming status shall discontinue. Any subsequent use shall conform to the uses permitted in the District in which the premises are located. Vacancy of the property alone does not discontinue nonconforming status.

13.3.7 ELIMINATION OF NONCONFORMING USES

Property owners are strongly encouraged to make changes to their property over time, which bring it into conformance with this

Ordinance. The Village may eliminate any and all nonconforming uses it deems necessary to advance the public health and safety interests of the citizens of the Village by whatever means are provided by law in such cases.

ARTICLE 14: ZONING ADMINISTRATION

SECTION 14.1 OVERVIEW, INTENT, AND PURPOSE

This Article sets forth the provisions and the requirements for submittal, review and approval of applications under this *Ordinance* and for addressing complaints, suspending and revoking permits. These provisions are intended to clearly describe administrative duties and responsibilities, permit procedures and conditions to improve citizen and property owner understanding and to ensure efficiency in the administration of the *Ordinance*.

SECTION 14.2 DUTIES AND PROCEDURES

The provisions of this *Ordinance* shall be administered by the Village Council, the Village Planning Commission, Village Zoning Administrator, the Zoning Board of Appeals, and the Village Attorney in accordance with the *Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended*, and the delegation of responsibility assigned by this *Ordinance*.

14.2.1 VILLAGE COUNCIL

The Village Council shall have the primary responsibility for supervision of the administration and enforcement of the *Ordinance*. In order to carry out this responsibility, the Village Council may adopt and file rules, guidelines, and forms to assist the Zoning Administrator and the Village Planning Commission in administering and enforcing this *Ordinance*. Until such rules or guidelines are adopted, any existing rules, guidelines, the *Zoning Ordinance*, and the *Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended,* shall guide the administration of this *Ordinance*.

1. PROVISIONS PERTAINING TO VILLAGE COUNCIL PROCESS

A majority vote of the entire membership of the Village Council is required to adopt a proposed *Ordinance* or *Ordinance* amendment. A 2/3 majority vote of the entire membership of the Village Council is required to approve an amendment to the *Ordinance* if a qualified protest petition is filed in accordance with provision 125.3403 of the *Michigan Zoning Enabling Act Public Act 110 of 2006, as amended*.

2. PROVISIONS PERTAINING TO VILLAGE COUNCIL DUTIES

This Section shall not be construed to diminish the Village Council's authority and duties imposed by other laws or regulations.

2.A. REQUIRED DUTIES

The Village Council *shall* perform the following duties in relation to this *Ordinance*:

(1) Shall consider and vote upon the adoption of a zoning ordinance (with or without amendments) or proposed amendments to the zoning text and zoning map.
(2) Grant a hearing on a proposed *Ordinance* provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the Village Council.
(3) Set the amount of permit fees.
(4) Appoint members to the Planning Commission.
(5) Establish the terms of employment and rate of compensation for the Zoning Administrator.

2.B. OPTIONAL DUTIES

The Village Council *may* perform the following duties in relation to this *Ordinance*:

(1) Hold additional public hearings.
(2) Refer suggested *Ordinance* changes back to the Planning Commission for further information or discussion.
(3) Determine compensation for members of the Planning Commission.
(4) Approve the engagement of the services of a planning expert to assist the Planning Commission and pay for those services.

14.2.2 PLANNING COMMISSION

1. PROVISIONS PERTAINING TO PLANNING COMMISSION MEMBERSHIP

The Commission shall consist of five (5) members appointed by the Village President and approved by a majority vote of the Village Council.

1.A. QUALIFICATIONS

To be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:

(1) Shall be a qualified elector of the Village of Ontonagon, except two non-qualified elector(s) may be member(s) of the commission;
(2) Shall meet the conditions provided for each individual member in this section of this *Ordinance*, except the geographical location of the individual's residency may be considered optional.
(3) An elected officer or employee of the Village of Ontonagon is not eligible to be a member of the Planning Commission, except that the Village Manager, or a person designated by the Village Manager, or the Village President, or one member of the Village Council may be appointed to the Planning Commission

as an ex officio member.

(4) An ex-officio member shall not be chair of the Planning Commission.

(5) Within twelve (12) months after an individual's first appointment and before reappointment, members shall attend Planning Commission training as approved by the Village Council.

1.B. REPRESENTATION

(1) The membership shall be representative of the important segments of the community (two or more interests may be combined into one seat), such as the economic, governmental, educational, and social development of Village of Ontonagon, as follows:

a) Agriculture;
b) Natural resources;
c) Recreation;
d) Education;
e) Public health;
f) Government;
g) Transportation;
h) Industry;
i) Commerce;
j) Renewable energy and energy conservation;

(2) The membership shall also be representative of the entire geography of the Village of Ontonagon to the extent practicable, and as a secondary consideration to the representation of the major interests.

(3) The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Village of Ontonagon officials ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons shall include:

a) Village Manager
b) Village Attorney
c) Village of County Department Heads or staff
d) Public Safety Officials

1.C. APPOINTMENT AND TERMS

(1) Members shall be appointed to three-year terms such that, as nearly as possible, the terms of one-third of all commission members will expire each year.

(2) In January of each year the Village Clerk shall determine which members' terms of office shall expire and the Village Council will make the appropriate appointments. A member shall hold office until his or her successor is appointed.

(3) If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third of all commission members continue to expire each year.

(4) The term of the Ex Officio Member shall coincide with their elected term of office or the term of office of the elected official who appointed them.

1.D. REMOVAL FROM OFFICE

The Village Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Repeated failures to attend Commission meetings shall be considered nonfeasance in office. The Chair of the Planning Commission shall report any member who has missed three (unexcused) regular meetings in a row to the Village Council.

2. PROVISIONS PERTAINING TO PLANNING COMMISSION PROCESS

2.A. COMPENSATION

Compensation of Planning Commission members will be at the discretion of the Village Council.

2.B. MEETINGS

(1) The Commission shall meet as necessary but no less than four (4) times annually.

(2) A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission. All questions which shall arise at their meetings shall be determined by a majority vote of the Planning Commission members. The affirmative vote of two-thirds of the total number of seats for the Commission, regardless of vacancies or absences, shall be necessary for the adoption, or recommendation for adoption, of any plan/ordinance or amendment to a plan/ordinance.

(3) Member(s) shall not be absent for more than three (3) consecutive regular meetings unless excused by the Chairperson. In the case of three consecutive unexcused absences, the Chair of the Planning Commission shall notify the Village Council by letter of the non-compliance with attendance criteria. The Village Council may recommend the removal of said member from the Planning Commission. In the case of extenuating circumstances such as a serious or chronic health condition or family illness, the Planning Commission may, by motion and simple majority vote, approve continued absences without removal of the member.

(4) The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the *Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275, as amended.* Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

(5) A writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the *Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as amended*.

2.C. STAFF

Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

3. PROVISIONS PERTAINING TO PLANNING COMMISSION DUTIES

This Section shall not be construed to diminish the Planning Commission's authority and duties imposed by the *Michigan Planning Enabling Act, Public Act 33 of 2008, as amended,* or by other laws or regulations.

3.A. REQUIRED DUTIES

The Planning Commission *shall* perform the following duties:

(1) Adopt Bylaws for the transaction of business including the election of officers and rules of procedure consistent with the *Michigan Planning Enabling Act, Public Act 33 of 2008, as amended*.

(2) Elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. The term of office of each officer shall be one year with the opportunity for reelection as specified in the By-Laws.

(3) Keep a public record of its resolutions, transactions, findings, and determinations.

(4) Make an annual written report to the Village Council concerning its operations and the status of planning activities, including administration and enforcement of the *Ordinance* and recommendations for amendments or supplements to the *Ordinance.*

(5) Prepare forms, rules, procedures, and guidelines for the proper administration and enforcement of the *Ordinance* which are to be forwarded to the Village Council for action prior to implementation.

(6) Conduct public hearings on matters requiring a public hearing, or which in the Planning Commission's discretion warrant a public hearing, prior to action.

(7) Shall make and approve a master plan as a guide for development within the Village, or areas outside the Village boundaries that in the Planning Commission's judgment are related to the planning of the Village as provided for in the *Michigan Planning Enabling Act, Public Act 33 of 2008, as amended*.

(8) Make a comprehensive review and recommend changes to the *Master Plan* and/or *Zoning Ordinance* as deemed necessary but at least once every five (5) years.

(9) Annually prepare a capital improvements program of public structures and improvements subject to approval by the Village Council.

(10) Review and take appropriate action on all proposed public improvements.

(11) Review and take appropriate action on all applications for zoning text change, rezoning, conditional rezoning, special land use permits, subdivision plats, and PUD permits.

(12) Review and advise the Village Council on all applications for amendments to the *Ordinance* and on any amendments proposed by the Planning Commission.

(13) Advise and make recommendations to the Village Council concerning future amendments, changes,

additions, or departures from the *Ordinance*.

(14) Review and make recommendations on plats before action by the Village Council under section 112 of the *Land Division Act, 1967 PS 288, MCL 560.105, as amended.*

3.B. OPTIONAL DUTIES

The Planning Commission may perform the following duties:

(1) May hold additional public hearings.
(2) May prepare and adopt functional plans or subplans for portions of the community.
(3) After preparing the annual report, may prepare a detailed Planning Commission budget and submit the budget to the Village Council for approval or disapproval.
(4) May appoint advisory committees whose members are not members of the Planning Commission.
(5) May recommend to the Village Council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the *Land Division Act, 1967 PS 288, MCL 560.105, as amended*.
(6) May engage the services of a planning expert subject to approval by the Village Council.

14.2.3 ZONING ADMINISTRATOR

1. PROVISIONS PERTAINING TO ZONING ADMINISTRATOR EMPLOYMENT

The Village Council shall employ a Zoning Administrator (who may be the Village Manager) to act as its officer to effect the proper and consistent administration and enforcement of this *Ordinance*. The terms of employment and rate of compensation shall be established by the Village Council.

2. PROVISIONS PERTAINING TO ZONING ADMINISTRATOR PROCESS

2.A. TRAINING

Each Zoning Administrator shall successfully complete training on the roles and responsibilities of the office and how to perform all basic tasks within twelve (12) months of appointment as Zoning Administrator.

2.B. RELIEF FROM PERSONAL RESPONSIBILITY

The Zoning Administrator, officer or employee charged with the enforcement of this Ordinance, while lawfully acting for the Village, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any lawful act required or permitted in the discharge of his or her official duties. Any suit instituted against the Zoning Administrator, or any officer or employee acting on behalf of the office of the Zoning Administrator, because of a lawful act performed by the employee in the lawful discharge of his or her duties and under the provisions of the *Ordinance* shall be defended by the Village Attorney, or other legal representative of the Village, until the final termination of the proceedings. In no case shall the Zoning Administrator or any of his or her subordinates be

liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the *Ordinance*; and the Zoning Administrator, any officer or employee acting on behalf of the Zoning Administrator acting in good faith and without malice, shall be free from liability for lawful acts performed under any of its provisions or by reason of any act or omission in the lawful performance of his or her official duties in connection herewith.

3. PROVISIONS PERTAINING TO ZONING ADMINISTRATOR DUTIES

It shall be the responsibility of the Zoning Administrator and his or her employees to be thoroughly versed in the provisions of this *Ordinance* and to enforce the provisions of this *Ordinance*. The Zoning Administrator shall have all administrative powers in connection with the administration of the *Ordinance*, which are not specifically assigned to some other officer or body. The Zoning Administrator or his or her deputized agents shall have the power of a police officer, whose jurisdiction is the enforcement of the *Ordinance*. The Zoning Administrator shall have no power to vary or waive *Ordinance* requirements.

3.A. REQUIRED DUTIES

The Zoning Administrator shall, among other responsibilities, be empowered to perform the following duties:

(1) **Attend Meetings:** The Zoning Administrator shall attend Planning Commission, Zoning Board of Appeals, and such other meetings related to administration of this *Ordinance* as necessary or when requested.

(2) **Assist citizens:** Help citizens determine what zoning forms and procedures apply to proposed zoning requests and land use changes, and aid them in completing required permit application forms. Help citizens with an alternate procedure if the request is not in compliance.

(3) **Review Applications:** Receive and review all permit application forms to determine level of completion and level of compliance with the provisions of the *Ordinance*.

(4) **Reports and Recommendations:** Review all requests for administrative or legislative action and forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.

(5) **Issue Permits:** For permits requiring only administrative approval, the Zoning Administrator shall be authorized to issue the appropriate Zoning Permits provided the request complies with all applicable provisions of this *Ordinance*. The issuance of permits includes the authority to impose any condition authorized by this *Ordinance*. For permits requiring Planning Commission approval, the Zoning Administrator shall refer all complete applications to that body for review.

(6) **File Applications:** The Zoning Administrator shall maintain files of all applications for zoning approval and for all Certificates of Zoning Compliance and shall keep records of all permit approvals and denials. Such files and records shall be open to public inspection. Copies shall be furnished upon request at a cost established by the Village Council.

(7) **Inspections:** The Zoning Administrator, or authorized deputy, shall make as many inspections of buildings or premises as necessary in order to properly carry out the enforcement of this *Ordinance* or

any permit, approval, or condition of a permit or approval, or order under this *Ordinance*. At a minimum the property shall be inspected upon staking for any building, and prior to occupancy.

(8) **Non-Conforming Uses:** The Zoning Administrator shall identify, monitor, and control changes in nonconforming uses.

(9) **Enforce the Zoning Ordinance:** The Zoning Administrator shall be the principle *Ordinance* enforcement officer. He/she shall ensure conformance with issued permits, investigate alleged *Ordinance* violations, including the conditions of permits or approvals, issue tickets and violation notices, appear in court or other jurisdictional proceedings, and undertake such other enforcement activities as may be delegated by the Village Council or Village Planning Commission. Other individuals may be hired for this purpose, or the task may be delegated to others who work under the supervision of the Zoning Administrator. Once a case is shifted to the Village Attorney or other legal representative retained for such purpose, the Zoning Administrator and Village Attorney or other legal representative shall share enforcement responsibility.

(10) **Investigate Violations:** The Zoning Administrator shall issue violation notices and appearance summons, and work with the Village Attorney to seek the issuance of warrants for the arrest of alleged violators, or to enforce appropriate civil action for violation.

(11) **Record of Complaints:** Keep a record of every complaint of a violation of any of the provisions of this *Ordinance* as a public record.

(12) **Report to Village Council:** On behalf of the Planning Commission, the Zoning Administrator shall report to the Village Council periodically; and once a year, shall summarize for the period since the last previous report, the number of requests for zoning approval or enforcement, including the number of requests approved, approved with conditions, and denied, by type of request, including, zoning text changes, rezonings, conditional rezonings, zoning permits, conditional land use permits, special land use permits, PUD permits, all minor design modifications, administrative waivers, all complaints of violations, all interpretations made, and appeals and variances granted by the Zoning Board of Appeals. The Zoning Administrator shall include any recommendations regarding zoning changes or proposed amendments which would improve the content and/or enforcement of the *Zoning Ordinance*.

(13) **Prepare Record of Decisions:** The Zoning Administrator shall establish notebooks or other records for listing each decision, waiver, interpretation, or enforcement action made under this *Ordinance*. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions.

(14) **Prepare Forms, Manuals and Guidelines:** The Zoning Administrator with the assistance of the Planning Commission shall periodically prepare or update forms, procedure manuals, and guidelines for the smooth administration of the *Zoning Ordinance*. All such forms, manuals and guidelines shall be reviewed and approved by the Planning Commission and approved by the Village Council. A form, procedure or guideline may be implemented by the Zoning Administrator for not more than sixty (60) days after being established without Planning Commission or Village Council approval.

14.2.4 ZONING BOARD OF APPEALS

It is the intent that all questions of interpretation and enforcement of the *Ordinance* shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Zoning Board of Appeals (also known as the Board of Appeals or ZBA) only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the ZBA shall be to the Circuit Court as provided by law. However, questions of interpretation of permitted uses within districts will be reviewed by the Zoning Board of Appeals. The Zoning Board of Appeals shall perform its duties and exercise its powers so that the health, safety and welfare of the public may be secured; and that substantial justice be done.

1. PROVISIONS PERTAINING TO ZONING BOARD OF APPEALS MEMBERSHIP

1.A. MEMBERSHIP

(1) The seven (7) members of the Village Council shall serve as the Zoning Board of Appeals for the Village of Ontonagon.

(2) There shall also be an alternate member, selected from the electors of the Village of Ontonagon and residing within the zoning jurisdiction of the Village, serving the same term as regular members.

1.B. TERMS

The term of the members of the Zoning Board of Appeals shall coincide with their elected term of office.

2. PROVISIONS PERTAINING TO ZONING BOARD OF APPEALS PROCESS

2.A. OFFICERS

The Board of Appeals shall select a Chairperson and a Vice-Chairperson from among the membership.

2.B. ALTERNATE MEMBERS

An alternate member may be called to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Board of Appeals has the same voting rights as a regular member.

2.C. ATTENDANCE

Since regular attendance is required for optimal function of the Board of Appeals, members of the Board are appointed subject to the following attendance criteria:

(1) Member(s) shall be expected to notify the Chairperson or his/her designee of his/her expected absence prior to a meeting. For an alternate to be called, the regular member must notify the Chair of the ZBA two weeks prior to the meeting which he/she cannot attend. The secretary shall request that an alternate member attend the meeting.

(2) Member(s), unless excused by the Chair, shall not be absent for more than two (2) consecutive meetings, irrespective of calendar year.

(3) The Board of Appeals secretary shall be responsible to report the non-compliance of attendance criteria of any Board of Appeals member to the Chair.

(4) The Chair of the Board of Appeals shall notify the entire Village Council (ZBA) in writing of any non-compliance with attendance criteria, including recommended action.

(5) Under extenuating circumstances, such as a serious or chronic health condition, or family illness, the Board of Appeals may, by motion and majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.

2.D. MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chair, and at other times as the Board in its rules of procedure may specify. There shall be a fixed place for each meeting, and all meetings shall be open to the public.

2.E. CONDUCTING BUSINESS

A Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.

2.F. VOTING

(1) All members of the Board of Appeals present at a meeting shall vote on every matter unless a member of the Board has a conflict of interest. A member of the Board of Appeals shall abstain from a vote in which the member has a conflict of interest, and the member shall state the nature of the conflict of interest prior to participating in a hearing on the matter.

(2) The concurring vote of a majority of all the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the administrative official or body, or to decide in favor of the applicant on a matter upon which they are required to pass under the *Zoning Ordinance*, or to grant a variance in the *Zoning Ordinance.*

(3) A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

2.G. KEEPING OF RECORDS

(1) Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case together with the votes of the members and final disposition of each case. Such minutes shall be filed in the Office of the Zoning Administrator, and shall be available to the public. The record of proceedings shall be contained in a file with the following information:

a. The application (for a permit, variance, interpretation, exception).
b. Any reports, plans, surveys, or photos.
c. Notice of Public Hearing to affected parties in newspaper.
d. Letter from Zoning Administrator granting or denying the application or referring it to the Board of Appeals and all other relevant records related to the case.
e. Affidavit of publication of Notice of Hearing.
f. Record of testimony heard and evidence presented.
g. A copy of the zoning Article(s) and Section(s) in question.
h. Briefs, correspondence or other communications made to or from the Board of Appeals, including any from the Village Attorney or other attorneys.
i. Statement of facts found by Board of its knowledge regarding the request including any information gained from personal inspection.
j. Decision of the Board as specifically related to the Findings of Fact.
k. A copy of any other correspondence to the appellant regarding the request.

(2) At its discretion, the Board of Appeals may file its decision relative to a particular property with the Register of Deeds to run as a permanent record with the property which was the subject of the decision by the Board of Appeals.

2.H. REMOVAL FROM OFFICE AND CONFLICT OF INTEREST

(1) Members of the Board of Appeals shall be removable by the Village Council for nonfeasance, including nonperformance of duty, or misfeasance, including misconduct in office, or for malfeasance upon written charges and after public hearing.

(2) A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute malfeasance in office. A conflict of interest may include, but is not limited to considering property or adjoining property a Board of Appeals member owns or has a legal or financial interest in, or considering a request by a party with whom a Board member has close ties, such a family member, relative or close friend.

3. SCOPE OF POWERS ZONING BOARD OF APPEALS

The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all the powers of the office or body from whom the appeal was taken, but no more. The Board of Appeals may issue or direct the issuance of a permit if, following a review of the facts, the relevant *Ordinance* requirements, and the prior decision of the Zoning Administrator or Planning Commission,

the Board of Appeals concludes the *Ordinance* requirements were not properly applied. The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this *Ordinance* may be equitably achieved in order that there shall be uniform interpretation and flexibility in the enforcement of this *Ordinance* or to fulfill any other responsibilities bestowed upon the Board of Appeals by this *Ordinance*. At the same time, the Board of Appeals shall be aware that this responsibility does not extend to creating regulations, only to applying regulations, which is a narrow quasi-judicial responsibility, and not a legislative one. The power to adopt land use regulations rests solely with the Village Council, per the appropriate process. For example, the Board of Appeals shall not have the power (except within their capacity as Village Council members) to alter or change the zoning district classification of any property or to authorize any use of land not expressly permitted in the district, nor to make any change in the terms or intent of this *Ordinance*; these powers are reserved to the Village Council.

4. PROVISIONS PERTAINING TO ZONING BOARD OF APPEALS DUTIES

4.A. REQUIRED DUTIES

The Zoning Board of Appeals *shall* perform the following duties:

(1) Adopt rules of procedure or Bylaws to govern its procedures on such matters as officers, voting, conduct of meetings, and related matters as it may consider necessary or advisable.

(2) Choose a Chair person, and in his or her absence, an Acting Chair person who may administer oaths and compel the attendance of witnesses.

(3) Maintain a record of its proceedings which shall be filed in the office of the Village Clerk.

(4) Hear and decide on matters referred to the Board of Appeals or upon which the Board of Appeals has been given authority under this *Ordinance*.

(5) Hear and decide appeals from and review any administrative order, requirement, decision, or determination made by the Zoning Administrator or Planning Commission in enforcing this *Ordinance* where it is alleged there is error made in the enforcement of the *Ordinance*.

(6) Interpret, upon request, the provisions of this *Ordinance* in such a way as to carry out the intent and purpose of this *Ordinance*.

(7) The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with procedures detailed in Article 14.

(8) Review Site Plan Review appeals per procedures detailed in Article 14.

(9) The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation for essential services, in any permitted district to a greater height or of larger or smaller area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service. The Board of Appeals may also impose setbacks, specify the location or character of fences, buffering or landscaping requirements as a condition of approval pursuant to standards in this *Ordinance* as may be reasonably necessary to protect abutting property from the potential nuisance

effects of such essential services.

(10) The Board of Appeals may retain legal counsel for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the Village Council.

5. PROVISIONS PERTAINING TO THE APPEALS PROCEDURE

The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this *Ordinance*. An appeal may be taken by a person aggrieved, or by an officer, department, board, or bureau of the State of Michigan or the Village of Ontonagon. In addition, a variance in the *Zoning Ordinance* may be applied for and granted under section 4 of the *Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, as amended,* and as provided under the *Michigan Zoning Enabling Act, 2006 PA 110*. The procedure for appealing to the Zoning Board of Appeals, or requesting a variance, *ordinance* interpretation, or filing any other request is as follows:

5.A. GENERAL APPEALS PROCEDURES

(1) The appeal shall be taken within such time as prescribed by this *Ordinance* or the Rules of Procedure of the Zoning Board of Appeals.

(2) A fee, prescribed by the Village Council, shall be submitted to the Zoning Administrator at the time of the filing of the application form, before an appeal is processed.

(3) The person, firm, agent, or attorney representing the appellant shall file an appeal by completing and signing the application form provided by the Zoning Administrator. The application shall state the grounds for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal.

(4) All persons not licensed to practice law in the State of Michigan shall file a written statement signed by the principle stating the agent's right to act upon their behalf.

(5) An application that does not fully comply with the submittal requirements shall be returned to the applicant.

(6) Upon determining that an application is in compliance, the Zoning Administrator shall transmit the application and all papers constituting the record from which the appeal was taken to the Zoning Board of Appeals Secretary.

(7) An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies (after the notice of appeal is filed) that, by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life and property, proceedings may be stayed only by a restraining order issued by the Board of Appeals or a circuit court.

(8) A public hearing shall be held on each action that is brought before the ZBA. When a properly executed application form has been filed, the secretary of the Zoning Board of Appeals, upon consultation with the chair person for the Zoning Board of Appeals, shall schedule the matter for a public hearing and give notice as follows:

a. If the appeal is not regarding a specific parcel of property, notice of the hearing shall be published in a newspaper of general circulation in Ontonagon not less than 15 days before the date of the hearing.
b. If the appeal regards a specific piece of property, notice shall be given to the owners of property that is the subject of the request, and also to all persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request, and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. (Notice shall go to one occupant per structure, or if it is a multi-unit structure, one occupant per unit, unless the structure has over four dwellings units, then notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance).
c. Notice shall include the nature of the request, identification of the property that is the subject of the request, listing of all street addresses within the property or other identification, place and time of the hearing, where and when written comments will be received.
d. When a variance request is made for any property located in a designated High Risk Erosion Area, designated Sand Dune, wetland documented by the DNR, or within a one-hundred (100) year floodplain, the Michigan Department of Natural Resources shall also receive notice.

(9) Any interested party may appear and be heard at such hearing in person or by agent or attorney. The applicant shall have the burden of presenting to the Board sufficient evidence and argument to justify the requested order or decision. If an applicant fails to appear at the hearing, in person or through an agent or attorney, the Board of Appeals shall conduct the hearing and issue its decision based on the information available at the hearing.

(10) Upon the date for hearing any application or appeal, the Board of Appeals may adjourn the hearing in order to obtain additional information, or to cause service of such further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of the hearing, provided the hearing is continued within thirty-six (36) hours, pursuant to Section 15.265(5) of the *Open Meetings Act, Public Act 276 of 1976.*

(11) Once all the necessary information has been received, the Board of Appeals shall return a decision on a case in a timely manner, or if time frames are included within its rules of procedure, then within the time specified in the rules of procedure. The Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. The Board of Appeals shall grant no variance or make any determination on an appeal, *Ordinance* interpretation, or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this *Ordinance* have been met.

(12) No rehearing on an application denied by the Board of Appeals shall be conducted except upon the grounds of newly discovered evidence or a falsehood previously relied upon by the Board of Appeal, which, through the exercise of normal diligence, could not have been discovered before the hearing, as

determined by the Zoning Administrator. A rehearing shall be processed in the same manner as the original application and a new fee shall be paid. A request for rehearing shall be made within eight (8) days of the decision of the Board of Appeals.

(13) No decision of the Zoning Board of Appeals shall be presumed final until after eight (8) days following the meeting at which the decision was made. No Zoning Permit shall be issued by the Zoning Administrator based on a decision of the Board of Appeals before eight (8) days have expired.

(14) The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Ontonagon County Circuit Court within thirty (30) days of the decision. The Circuit Court shall review the record and decision to ensure that the decision meets all of the following requirements:
   a. Complies with the constitution and laws of the State.
   b. Is based on proper procedure.
   c. Is supported by competent, material, and substantial evidence on the record.
   d. Represents the reasonable exercise of discretion granted by law to the Board of Appeals.

(15) If the court finds the record inadequate make the review required by this section, or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

5.B. SPECIFIC APPEALS PROCEDURES

(1) **Procedures for Interpretations**

The Zoning Board of Appeals shall:

a. Determine the precise location of the boundary lines between zoning districts when there is confusion or a dispute concerning the Zoning Map.
b. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. The classification of the unmentioned use does not automatically permit the use, it only identifies the district in which it may be located and the zoning regulations with which it must conform.
c. Determine the signage, landscaping, buffering, off-street parking and loading space requirements of any use not specifically mentioned in this *Ordinance*, by applying the most comparable provisions for other similar uses.
d. When making an interpretation, the Board of Appeals shall carefully consider the definitions in Article 15, the meaning of all the relevant sections in the *Ordinance*, past decisions of the Board of Appeals on similar matters, research and any conclusions by the Zoning Administrator, consultant, Village Attorney, or outside attorney hired by the Village, and shall make a decision on the

narrowest grounds feasible so as not to upset the meaning and application of this *Ordinance.*

(2) **Determination of a Lot of Record**

a. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this *Ordinance*, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" as defined in Article 15 of this *Ordinance*.

b. The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this *Ordinance*. In making its determination, the Board is authorized to consider all matters it deems relevant, including but not limited to, the tax roll of the Village, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his or her witnesses.

c. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this *Ordinance*.

(3) **Granting Variances**

If there are *practical difficulties* for **nonuse variances** or *unnecessary hardship* for **use variances** in the way of carrying out the strict letter of the *Ordinance*, as provided in the *Michigan Zoning Enabling Act, 2006 PA 110,* the Board of Appeals may grant a variance so that the spirit of the *Ordinance* is observed, public safety secured, and substantial justice done. The following rules shall be applied in the granting of a variance:

a. In granting a variance, the Board of Appeals may impose specific conditions as are reasonably necessary for the furtherance of the intent and spirit of this *Ordinance*. The Board of Appeals shall specify, in writing, such conditions regarding the character, location, and other features which will, in its judgment, ensure the protection of the public interest and abutting properties, provided there is an applicable standard in this *Ordinance* to serve as the basis for such condition. The breach of such condition shall automatically invalidate the permit granted. To ensure compliance with such conditions, the Board of Appeals may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond per the requirements of Section 14.3.3.1. The Board may also require as a condition of approval that its decision be recorded with the Ontonagon County Register of Deeds.

b. Each variance granted under the provisions of this *Ordinance* shall become null and void unless the construction authorized has been commenced within one (1) year after the hearing date when the variance was granted.

c. The Board of Appeals shall have the authority to grant **nonuse variances** relating to the construction, structural changes, or alteration of buildings or structures related to the dimensional requirements of the *Ordinance* or to any other nonuse-related standard in the *Ordinance*, provided the applicant has proven a *practical difficulty* by demonstrating as follows:

1. That strict compliance with the *Ordinance* would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome;
2. That the problem is due to a unique circumstance of the property;
3. That the specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to this *Ordinance*, instead of a variance;
4. The property problem was not created by the action of the applicant;
5. That the granting of the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located;
6. That granting of the variance will not increase the hazard from fire, flood, or similar dangers, or increase traffic congestion;
7. That the requested variance will relate only to the property under the control of the applicant;
8. That the non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance;
9. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located;
10. That the proposed use of the premises is in accord with this *Ordinance*;
11. That the variance would do substantial justice to the applicant as well as to other property owners in the district;
12. That the granting of the variance will ensure that the spirit, intent and purpose of the *Ordinance* is observed, public safety secured and substantial justice applied;
13. That the requested variance shall not amend the permitted uses of the zoning district in which it is located.

d. The proper procedure for an individual desiring a **use variance** is to file an application for amendment of the text of this *Ordinance* or the Zoning Map pursuant to Section 14.7.4. A use variance shall only be granted under exceptional circumstances where the current zoning district is clearly unreasonable as applied to a specific parcel. The Board of Appeals shall have the authority to grant use variances provided the applicant has proven an *unnecessary hardship* exists that can only be resolved by grant of a use variance and that:
   1. The property in question cannot be put to a reasonable use if permitted to be used only for uses allowed in the district in which it is located;
   2. The plight of the owner is due to unique circumstances peculiar to the property and not to general neighborhood conditions;
   3. The use variance, if granted, would not alter the essential character of the area;
   4. The problem is not created by the appellant.
   5. Two-thirds vote of the members of the Zoning Board of Appeals is necessary to approve a use variance based on *unnecessary hardship*.

(4) **Site Plan Review, Special Land Use, and PUD Appeals**

a. Any applicant for Site Plan Review that feels aggrieved by the decision of the Zoning Administrator or Planning Commission may appeal the decision to the Zoning Board of Appeals within twenty-one (21) calendar days of receipt of the decision.

b. The Zoning Board of Appeals shall review the decision of the Zoning Administrator or Planning Commission to ensure that it is consistent with the standards contained in this *Ordinance* and rules established by agencies responsible for site plan review.

c. The Zoning Board of Appeals shall give written justification for their decision.

d. The Zoning Board of Appeals may not grant a variance to any element of a site plan unless an application for a variance has been filed; any such variance request shall be reviewed relative to the requirements of this Article and the variance standards.

e. An applicant for a Special Land Use or Planned Unit Development may not appeal a decision to approve, approve with conditions, or deny the decision thereon to the Board of Appeals. Such an appeal may only be taken to Circuit Court. The determination on the number of permitted lots, dwelling units, or building sites in a PUD pursuant to Article 10 may be appealed to the Zoning Board of Appeals pursuant to the procedures in this Article.

14.2.5 SECRETARY

There shall be a Secretary on the Planning Commission and Zoning Board of Appeals for the purposes of preparing a public record of minutes, resolutions, transactions, findings and determinations. The Secretary may perform other duties related to the conduct of the Planning Commission or Board of Appeals business as may be required from time to time by the officers of the Planning Commission or Board of Appeals, provided the Secretary of the respective Commission and Board is solely responsible for the accuracy of such duties, and all documents prepared by the recording secretary shall be signed by the official secretary of the Planning Commission or official secretary of the Board of Appeals. The Secretary shall be a member of the Planning Commission or Zoning Board of Appeals unless the Village Council authorizes funds to hire a recording secretary, if the task is not delegated to a Village employee. The Village Clerk shall maintain one official copy of a current *Zoning Ordinance* and Zoning District Map.

SECTION 14.3 GENERAL PERMIT, REVIEW & APPROVAL PROCEDURES

14.3.1 TYPES OF PERMITS

No clearing, grading, excavation, or filling of land for a building or structure shall be commenced; no erection, addition to, alteration of, or moving of any building or structure shall be undertaken, nor shall any land be changed to a different use under this *Ordinance*, nor to any different use group under the *Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, being MCL 125.1501, et seq.,* except in accordance with and pursuant to one of the following permits or approvals.

1. CERTIFICATE OF ZONING COMPLIANCE

A Certificate of Zoning Compliance is a document signed by the Zoning Administrator acknowledging that, after having completed the appropriate review and approval process, and been approved for all other applicable permits, a use, structure, building, or lot either complies with or is legally nonconforming to the provisions of this *Ordinance*, or is an authorized variance or modification. A Certificate of Zoning Compliance shall be issued before either a Building Permit or Occupancy Permit shall be issued. The Zoning Administrator shall perform inspections prior to issuance of a Certificate of Zoning Compliance, and at such other times as is necessary to ensure conformance with this *Ordinance* and the conditions of any permit or approval until an Occupancy Permit is issued. A Temporary Certificate of Zoning Compliance may be issued for temporary buildings, structures, and uses that conform with requirements.

2. CONDITIONAL LAND USE PERMIT

A Conditional Land Use Permit is the documented evidence of authority that a proposed Conditional Land Use has gone through the proper Tier 2 application (Section 14.3.2.2.C) and review (Section 14.3.4.5) procedures and can be commenced subject to compliance with all the terms and conditions contained in the permit in conformance with Section 14.5.6 and Article 9 of the *Ordinance* after having subsequently been issued a Certificate of Zoning Compliance and a Building Permit.

3. SPECIAL LAND USE PERMIT

A Special Land Use Permit is the documented evidence of authority that a proposed Special Land Use has gone through the proper Tier 3 application (Section 14.3.2.2.D) and review (Section 14.3.4.6) procedures and can be commenced subject to compliance with all the terms and conditions contained in the permit in conformance with Section 14.5.6 and Article 9 of the *Ordinance* after having subsequently been issued a Certificate of Zoning Compliance and a Building Permit.

4. PUD APPROVAL

A PUD approval is the documented evidence of authority that a proposed Planned Unit Development has undergone the proper review per Article 10 and Tier 3 review procedures and can be commenced subject to compliance with all the terms and conditions contained in the approval in conformance with the appropriate sections of the *Ordinance* after having subsequently been issued a Certificate of Zoning Compliance and a Building Permit.

5. BUILDING PERMIT

No building permit shall be issued without first having obtained a Certificate of Zoning Compliance and all other applicable permits. All building permits shall indicate by the signature of the Zoning Administrator that required zoning compliance has been verified. If such verification is not present, the building permit shall not be valid and no construction activity may commence.

6. CERTIFICATE OF OCCUPANCY

The Certificate of Occupancy is a document allowing the occupancy or use of a building or structure after certification that the

building/structure has been constructed and will be used in compliance with all applicable municipal codes and ordinances. All Certificates of Occupancy shall indicate by the signature of the Zoning Administrator that required zoning compliance has been verified. If such verification is not present, the Certificate of Occupancy shall not be valid and no occupancy may commence.

14.3.2 APPLICATION PROCESS

The general provisions of this section shall apply to all applications for development approval and procedures under this *Ordinance*, unless otherwise stated. The application requirements specific to Planned Unit Developments are found in Article 10. Petition requirements related to zoning text amendments, rezoning, zoning map changes, and conditional rezoning are found in Section 14.7. Application requirements related to variances, appeals, and ordinance interpretations are found in Article 14.

1. AUTHORITY TO FILE APPLICATIONS

Applications shall be submitted to the Zoning Administrator by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

1.A. APPLICANT IS NOT OWNER

If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted.

1.B. APPLICANT IS NOT SOLE OWNER

If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing the owners consenting to or joining in the application shall be submitted.

2. APPLICATION CONTENTS

Applications required under the *Ordinance* shall be submitted on forms approved by the Planning Commission. The application shall also include all other supporting documents as required under this *Ordinance*, such as site plans. Waivers of information requirements may be granted upon a written finding that the information is not necessary to achieve the purpose and intent of the site plan review requirements specifically and the *Ordinance* standards generally, and that public health, safety, and general welfare will not be compromised by a waiver. All waivers shall be recorded in a log maintained by the Zoning Administrator listing the applicant, application number, and the information waived.

2.A. SUBMISSION REQUIREMENTS FOR A PRE-APPLICATION CONFERENCE (PRELIMINARY SKETCHES)

Preliminary sketches of proposed site plans may be submitted for review in a pre-application conference with the Zoning Administrator or the Planning Commission prior to submission of Tier 1, Tier 2, or Tier 3 applications for final approval. Submission of preliminary sketch plans shall be made no later than six (6) days prior to the meeting at which the pre-application conference is scheduled to take place. The Zoning Administrator shall determine the number of plans to be submitted. Sketch plans should include, at minimum, the requirements as identified in Table 14-1, Required Elements for Site Plan Completeness.

2.B. SUBMISSION REQUIREMENTS FOR TIER 1 REVIEW (APPLICATIONS NOT REQUIRING SITE PLAN REVIEW)

All applications for a Certificate of Zoning Compliance shall require the following minimum submissions, unless waived by the Zoning Administrator:

(1) A fully completed Zoning Permit application on a form supplied by the Zoning Administrator.
(2) A basic site plan, satisfying the requirements of Tier 1 review as shown in Table 14-1, *Required Elements for Site Plan Completeness*, and any other information deemed necessary by the Zoning Administrator to properly administer the *Ordinance* (unless a waiver is granted by the Zoning Administrator for the number of copies or required information). The Zoning Administrator will determine the number of required copies of the basic site plan.
(3) A list of any permits that will be required for the development or use from federal, state, county, or local agencies.
(4) A copy of the deed or proof of equitable title for any new principle or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of the *Ordinance*, to protect easements from encroachment, and to assure conformance with the *Land Division Act, Public Act 288 of 1967, as amended*. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.

2.C. SUBMISSION REQUIREMENTS FOR TIER 2 REVIEW (CONDITIONAL LAND USE PERMITS)

All applications for a Conditional Land Use Permit shall require the following minimum submissions, unless waived by the Zoning Administrator:

(1) A fully completed Conditional Land Use Permit application on a form supplied by the Zoning Administrator.
(2) Twelve (12) copies of a minor site plan, satisfying the requirements of Tier 2 review as shown in Table 14-1, *Required Elements for Site Plan Completeness*, and any other information deemed necessary by the Zoning Administrator to properly administer this *Ordinance* (unless a waiver is granted by the Zoning Administrator for the number of copies or required information).
(3) A list of any permits that will be required for the development or use from federal, state, county, or local agencies.
(4) A copy of the deed or proof of equitable title for any new principle or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this *Ordinance*, to protect easements from encroachment, and to assure conformance with the *Land Division Act, Public Act 288 of 1967, as amended*. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.
(5) A statement of compliance with the standards required for approval in Section 14.5.6 and other

standards imposed by Article 9 and other sections of this *Ordinance* affecting the conditional land use under consideration.

2.D. SUBMISSION REQUIREMENTS FOR TIER 3 REVIEW (SPECIAL LAND USE PERMITS)

All applications for a Special Land Use Permit shall require the following minimum submissions, unless waived by the Zoning Administrator:

(1) A fully completed Special Land Use Permit application on a form supplied by the Zoning Administrator.
(2) Twelve (12) copies of a Major Site Plan, satisfying the requirements of Tier 3 review as shown in Table 14-1, *Required Elements for Site Plan Completeness*, and any other information deemed necessary by the Zoning Administrator to properly administer this *Ordinance* (unless a waiver is granted by the Zoning Administrator for the number of copies or required information).
(3) A list of any permits that will be required for the development or use from federal, state, county, or local agencies.
(4) A copy of the deed or proof of equitable title for any new principle or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this *Ordinance,* to protect easements from encroachment, and to assure conformance with the *Land Division Act, Public Act 288 of 1967, as amended*. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.
(5) A statement of compliance with the standards required for approval in Section 14.5.6 and other standards imposed by Article 9 and other sections of this *Ordinance* affecting the Special Land Use under consideration.
(6) If required, an Impact Assessment including the information as detailed in Section 14.3.2.2.E.

2.E. SUBMISSION REQUIREMENTS FOR IMPACT ASSESSMENTS

With each application for a major site plan, and for all PUD, subdivision plat, and condominium projects, a written impact assessment shall be submitted with the following information:

(1) Name(s) and address(es) of person(s) responsible for preparation of the impact statement.
(2) General description of existing and proposed deed restrictions, if any.
(3) A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.
(4) Existing and proposed future uses and other man-made facilities.
(5) The number of residents, workers, visitors, or patrons and vehicular and pedestrian traffic.
(6) Phasing of the project including ultimate development proposals.
(7) Natural features which will be retained, removed, and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife, and water. The description of the areas to be changed shall include their effect on the site and on adjacent properties. An aerial photo may be used to

delineate the areas of change.

(8) The method to be used to serve the development with water and sanitary sewer facilities.

(9) The method to be used to control drainage on the site and from the site.

(10) If public sewers are not available to the site, the applicant shall submit a current approval from the District Health Department or the Department of Environmental Quality indicating approval of plans for sewage treatment.

(11) 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.

(12) Description of measures to control soil erosion, sedimentation and stormwater runoff during grading and construction operations and until a permanent ground cover is established.

(13) Type, direction and intensity of outside lighting.

(14) An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.

(15) The "environmental protection provisions" of Section 5.10 shall be addressed when applicable.

2.F. SUBMISSION REQUIREMENTS FOR TEMPORARY CERTIFICATES OF ZONING COMPLIANCE

All applications for a Temporary Certificate of Zoning Compliance shall require the following minimum submissions, unless waived by the Zoning Administrator:

(1) A fully completed Temporary Zoning Permit application on a form supplied by the Zoning Administrator, including at minimum the applicant's name and the location and effective dates of all permitted temporary buildings, structures, or uses.

(2) Any other information deemed necessary by the Zoning Administrator to properly administer this *Ordinance*, such as:

a) Use and placement of signs
b) Provision for security and safety measures
c) Control of nuisance factors
d) Elements of a performance guarantee

Required Elements for Site Plan Completeness	Required Elements (X) and those that may be waived (in comments) by Zoning Administrator			
	Prelim. Sketch	Tier 1	Tier 2: Minor Site Plans	Tier 3: Major Site Plans
Project Identification				
Project Identification: Applicant/property owner name, address, phone number; development name; property address; date of preparation and any revisions; directional arrow; project location map.	X	X	X	X
Detailed Project Identification: Preparer's name and address, and professional seal of architect, engineer, surveyor, or landscape architect indicating Michigan license (if applicable); complete, current legal description of the property; existing or proposed deed restrictions or previous zoning approval limiting the property; and, in the case of a condominium development, the proposed master deed; proposed variances (if applicable).			X	X
A plan scale drawing (engineer scale) at no smaller than 1" = 50' (1" = 20' for land under 20 acres) with the scale proportional to the size of the project showing maximum detail on one or more sheets of paper measuring not more than 24 inches by 36 inches. Plan for commercial interior remodeling shall be drawn to a scale of not less than 1:480 (1 inch to 40 feet) and shall be certified by a professional engineer or architect. Include scale, descriptive legend; north arrow.		X Can change scale	X Can change scale	X
A surrounding area scale drawing (engineer scale) at no smaller than 1" = 100' with the scale proportional to the size of the project showing maximum detail on one or more sheets of paper measuring not more than 24 inches by 36 inches. Include scale, descriptive legend; north arrow.			X Can change scale	X
Existing Features				
Existing Property Features: Property lines and dimensions including angles drawn to scale of subject property and all properties within 100 feet; total site acreage; zoning and current land use of applicant's property, all abutting properties, and properties located across any public or private street; location and size of existing principal and accessory structures (larger than 100 square feet) on the property and within 100 feet of the site's property lines, including closest distance to lot lines; existing roads or easements on or adjacent to site.	X	X	X	X
Existing Natural Features: Location of significant and sensitive on-site natural features such as water features, wetlands, bluffs, beaches, and rock outcrops.	X	X	X	X

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Required Elements for Site Plan	Required Elements (X) and those that may be waived (in comments) by Zoning Administrator

Required Elements for Site Plan Completeness	Prelim. Sketch	Tier 1	Tier 2: Minor Site Plans	Tier 3: Major Site Plans
Existing Features				
Existing Natural Features in Detail: Topography at a minimum of 2 foot contour intervals; water bodies and water courses on the property and within five-hundred feet; all areas within the 100-year floodplain; regulated wetlands, sand dunes, or high-risk erosion areas on to the site; surface drainage; location of individual trees with a caliper of 12 inches or greater and stands of trees with an indication as to which shall be retained or removed or altered.			X	X
Existing Public Features: Location and dimensions of all roads and driveways within 200 feet of the parcel; location of access points on both sides of the street within 100 feet of the proposed site access.	X	X	X	X
Proposed Features				
Proposed Construction: Building footprints and setbacks for all proposed structures, including relationship to each other if multiple buildings; location of parking spaces; location of exterior lighting; general site circulation and access including indication of street right-of-way, pavement widths, access points (including distance from driveways and intersecting streets), and location and material of private pedestrian paths; location of all proposed outdoor storage, including snow storage, and the manner in which it is to be screened and accessed; fence or wall location and height.	X	X	X	X
Proposed Construction in Detail: Building dimensions, proposed changes to the existing ground contours; elevations showing exterior architectural design features and height for all proposed structures; floor area or acreage allotted to each use; eave size; dimensions of parking and other paved surfaces such as driveways and sidewalks; lot coverage; size, area, height, location, illumination, and detail of all signs, including handicapped signs; location and design of exterior lighting.		As required	X Finished floor elevation may be waived	X
Proposed Construction as Required by District/Standards: Dimensions and number of proposed lots or condominium units; separation distance (as required between buildings and between uses); floor area; transparency; number of dwelling units; number of occupants or employees.		As required	As required	As required

VILLAGE OF ONTONAGON HYBRID ZONING

Required Elements for Ou...	Required Fl...			
	Prelim	Tier 1	Tier 2:	Tier 3:
	Propos			
Proposed Natural	X	X	X	X
Proposed Natural and Open Features in Detail: Proposed topography (max. 2 foot contour intervals) with a site			X 2 foot cont	X
Proposed Natural and Open Features as			As r	As r
Public features in relation to proposed development: Locations, width, and name of abutting	X	X	X	X

Proposed Service Infrastructure: Location of water supply; fire hydrants; location and design of wastewater systems and solid waste	X	2 foot inter	X	2 foot inter X

Table 14-1, page 3 of 4

| Required Element | Req | | |

3. SIMULTANEOUS PROCESSING OF APPLICATIONS

Whenever two or more forms of review and approval are required under this *Ordinance* (e.g., a Special Land Use Permit and a Variance), the applications for those development approvals may, at the option of the Zoning Administrator, be processed simultaneously, so long as all applicable requirements are satisfied for both applications.

4. FEES

4.A. DETERMINATION OF FEES

The Village may charge reasonable fees sufficient to cover the costs of administration of this *Ordinance*. The Village Council may from time to time adopt by resolution a fee schedule to accompany all applications submitted under this *Ordinance*. Fees shall be based on actual direct costs of inspection and supervision or consultation with qualified professionals (where reasonably necessary), resulting from the enforcement of this *Ordinance*, including the enforcement of conditions of a permit or approval, and may include the cost of filing approvals with other entities, such as with the Zoning Administrator. Such fees may also include but are not limited to all costs associated with conducting a public hearing or inspection, including publishing the newspaper notice and any map, sending required notices to property owners and renters, photocopying, staff time, Planning Commission, Village Council and/or Zoning Board of Appeals meeting time, mileage and any costs associated with reviews by qualified professional planners, engineers, scientists, and/or other professionals. The fee schedule and any amendments shall be available at the Village Clerk's office following adoption by the Village Council.

4.B. FEES TO BE PAID

No application shall be processed until the established fee has been paid; except that the Village Council in the resolution establishing zoning fees, may exempt Village projects or the projects of other governmental agencies from all or part of the fees. The Office of Zoning Administrator shall keep accurate records of all fees and payments. Such records are public records open for public inspection.

4.C. ADDITIONAL COSTS AND FEES FOR PROFESSIONAL REVIEWS

(1) If the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that the basic zoning fees will not cover the actual costs of application review or appeal, or that the participation of a qualified professional engineer, planner, attorney or other qualified professional is necessary, then the applicant shall deposit with the Village Treasurer additional fees as determined by the Zoning Administrator to equal the estimated amount of additional costs. The additional fees shall be held in escrow in the applicant's name and shall be used solely to pay for additional costs. Failure of the applicant to make any escrow deposit required under this *Ordinance* shall render the application incomplete or the appeal procedurally deficient, thereby justifying the denial of the application or the

dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following the final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal. Failure of the applicant to make timely payment of any balance due will entitle the Village to place a lien on the subject property for the unpaid balance.

(2) Professional review shall include a report indicating the extent of conformance or nonconformance with this *Ordinance* and identifying any problems which may create a threat to public health, safety, or the general welfare or to the quality of the air, water, or natural resources of the Village. Mitigation measures, alterations, or alternatives to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review and a copy of the statement of expenses for the professional services rendered.

4.D. REFUND OF FEES

Application fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment shall be refunded to the applicant.

5. AFFIDAVIT OF COMPLIANCE

5.A. APPLICABILITY

Each application for a Certificate of Zoning Compliance or a conditional rezoning shall contain a signed and notarized affidavit stating that the applicant understands, and agrees to comply with the following laws when applicable to the lot, tract, or parcel in question. The applicant shall further affirm that said lot, tract, or parcel is not currently, and that the proposed use or construction shall not be, in violation of the following laws. The Affidavit of Compliance shall be deemed part of and a condition to the permit or approval.

5.B. APPLICABLE LAWS

(1) *The Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq.,* or the *Condominium Act, Public Act 591of 1978 as amended, being MCL 559.101 et seq.*

(2) The *District Health Department Sanitary Code*.

(3) The Flood Plain regulations of the *Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 31, as amended.*

(4) *Michigan Public Health Code, Public Act 368 of 1978, as amended, being MCL 333.12751, et seq.*

(5) Farmland and Open Space Preservation provisions of the *Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 361, as amended, being MCL 399.201, et seq.*

(6) Wetlands Protection provisions of the *Natural Resources and Environmental Protection Act, Public*

Act 451 of 1994, Part 303, Section 324.30301 et. seq., as amended.

(7) Inland Lakes and Streams provisions of the *Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 301, Section 324.30141, et.seq., as amended.*

(8) *"Miss Dig Law", Act 53, as amended.*

(9) *Airport Zoning Act, Public Act 23 of 1950, as amended, being MCL 259.431, et seq.*

(10) *Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, being MCL 125.1501, et seq.,* and all of its associated codes related to building, plumbing, electrical, etc.

(11) Michigan Department of Environmental Quality rules for Land Divisions, as amended.

(12) The High Risk Erosion provisions of the *Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 323, as amended, being MCL 324.32305, et seq.*

(13) Any Michigan Department of Transportation driveway or access management regulations under *Public Act 200 of 1969, as amended, being MCL 247.321.*

(14) All other State, Federal or local laws, rules, or regulations known to be applicable to the proposed building, structure or use of the property.

6. DETERMINATION OF SUFFICIENCY

6.A. COMPLETE APPLICATION

All applications for a Certificate of Zoning Compliance, Conditional Land Use Permit, Special Land Use Permit, PUD approval, subdivision plat, variance, appeal, text amendment, rezoning, or conditional rezoning or other authorization requested under this *Ordinance* must be complete before the permit issuing authority or approving body or official is required to consider the application.

6.B. SUFFICIENCY REVIEW

Within fourteen (14) calendar days following receipt of the application, the Zoning Administrator shall determine if the application is complete, meets all relevant threshold requirements, and includes data in sufficient detail to evaluate the application to determine whether it complies with the requirements of this *Ordinance*. An application not reviewed for sufficiency within fourteen (14) calendar days, shall be considered complete and shall be processed as such. When the application is determined sufficient, it shall be reviewed pursuant to the appropriate procedures and standards of this *Ordinance*. If the Zoning Administrator determines the application is not sufficient, written notice shall be provided to the applicant specifying the application's deficiencies. If the applicant fails to correct the deficiencies within sixty (60) days, the application shall be considered withdrawn.

14.3.3 PERMIT DETAILS

1. PERFORMANCE GUARANTEES FOR COMPLIANCE

1.A. PURPOSES

In authorizing any Certificate of Zoning Compliance, Temporary Certificate of Zoning Compliance, Conditional Land Use Permit, Special Land Use Permit, Planned Unit Development approval, platted subdivision, site plan approval, conditional rezoning, or variance, the approval body or official, as designated by this *Ordinance*, may require that a performance guarantee be furnished for the following purposes:

(1) To ensure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance;
(2) To provide sufficient resources for the Village to complete required improvements or conditions in the event the permit holder does not; or
(3) To ensure the discontinuance of a temporary use by a stipulated time.

1.B. IMPROVEMENTS COVERED

Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project that are deemed necessary to protect the health, safety, and welfare of the Village resources and future users or inhabitants of the proposed project. The term “improvements” does not include improvements for which a performance guarantee has been deposited pursuant to the *Land Division Act, Public Act 288 of 1967, as amended.* The performance guarantee shall meet the following requirements:

(1) **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Village Treasurer, which names the property owner as the obligor and the Village as the obligee.
(2) **Time when Required:** The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Village shall deposit the funds in an interest bearing account in a financial institution with which the Village regularly conducts business.
(3) **Amount and Type:** The amount and type of the performance guarantee shall be determined by the body or official making the decision to approve the request, or if they have not done so, by the Zoning Administrator. The amount of the performance guarantee should be sufficient to cover the estimated cost of the improvements or conditions. The performance guarantee shall be reasonable, appropriate, and commensurate with the scope of the project. Additional guidelines for establishing the amount of a performance guarantee may be prescribed by resolution of the Village Council.

1.C. RETURN OF PERFORMANCE GUARANTEE

(1) The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination (after an inspection) that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in proportion to the work completed on the applicable improvement or condition, and may be written as an element of the conditions surrounding the approval of the project.

(2) After the inspection, the Zoning Administrator shall transmit a recommendation to the Planning Commission indicating approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

(3) The Planning Commission shall approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

(4) Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Village may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee. Any unused balance remaining would be returned to the applicant; any excess expense would be recorded as a lien on the property.

1.D. RECORD OF PERFORMANCE GUARANTEE

A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

2. GENERAL PERMIT DETAILS

2.A. EXPIRATION

Certificates of Zoning Compliance, Conditional Land Use Permits, Special Land Use Permits, and Planned Unit Development approvals shall expire automatically, if, within one (1) year after the issuance of such permits, significant actual construction has not commenced (or the use has not commenced where no actual construction is required). Significant means more than one-third of the estimated expense of the development. Multi-phase PUDs shall conform with the requirements of Article 10.

2.B. EXTENSIONS

The permit-issuing authority may extend a permit for a period of up to six (6) months from the date when a permit would otherwise expire if it concludes that:

(1) The permit recipient has proceeded with due diligence and in good faith, and

(2) Conditions have not changed so substantially as to warrant a new application. One successive extension may be granted for a period of up to six (6) months upon the same findings. All extensions may be granted without resort to the formal application and review processes. Fees required for an extension shall be according to the Village fee schedule.

2.C. WITHHOLDING PERMITS

The Zoning Administrator may withhold any Certificate of Zoning Compliance, Temporary Certificate of Zoning Compliance, Conditional Land Use Permit, Special Land Use Permit, or PUD approval pending verification that an applicant has received required Village, county, state, or federal permits, including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, flood plain, culvert, or driveway permits. Final permit approval of the requested development activity will be conditioned upon the receipt of any other necessary government approvals, and the Village approval body can direct the Zoning Administrator not to issue the permit until those other permits have been obtained and copies filed with the Zoning Administrator.

2.D. NOTIFICATION FOR INSPECTION PRIOR TO OCCUPANCY

The Zoning Administrator shall perform inspections prior to issuance of a Certificate of Zoning Compliance and at such other time as is necessary to ensure conformance with this *Ordinance* and the conditions of any permit or approval. The holder of every permit involving Tier 2 or Tier 3 review shall notify the Zoning Administrator within 24 hours after completion of the work authorized by such permit for a final inspection and verification of the Certificate of Zoning Compliance.

2.E. UNRESOLVED VIOLATION

The Zoning Administrator may refuse to issue a Certificate of Zoning Compliance to a person who is responsible for an unresolved violation of this *Ordinance* at the requested location, or another location within the jurisdiction of this *Ordinance*, until such time as the violation is satisfactorily corrected where such other unresolved violation poses reasonably similar risks.

2.F. PREVIOUS APPROVALS

Nothing in this *Ordinance* shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within ninety (90) days after the effective date of this *Ordinance*; and the entire building shall be completed as authorized within two (2) years after the date of approval of the application, and provided that the construction was lawfully completed in accordance with the *Ordinance*, permit, and permit conditions.

2.G. APPLICABILITY OF ZONING APPROVAL

The approval to engage in any land use activity or to construct a building or structure that has received a Certificate of Zoning Compliance, Conditional Land Use Permit, Special Land Use Permit, PUD approval, or other permit issued under the authority of this *Ordinance*, or any variance granted by the BZA, runs with the land, and not with the owner, just like a nonconforming use right. Thus, any person who builds or uses land based on a valid permit or approval granted under the terms of this *Ordinance*, and later dies, should rest assured that the rights, limitations and conditions granted in that permit automatically transfer to the new owner(s) of the land, provided there were no violations applicable to the land that were unresolved by the previous owner prior to his/her death. By the same token, any person may sell property to another person, who will enjoy the same rights, privileges and restrictions as the seller, provided that the seller, prior to the sale, used the property in conformance with a lawful permit and the land use was not in violation of this *Ordinance* prior to the sale.

3. CONDITIONAL AND SPECIAL LAND USE PERMIT DETAILS

3.A. PERMIT REVOCATION

In the event the Planning Commission believes the holder of a Conditional or Special Land Use Permit has failed to comply with one or more of the terms or conditions of the permit or of this *Ordinance*, the Planning Commission may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than fifteen (15) days from the date of the notice. The notice of hearing shall include a written statement of the reasons for the possible revocation. The permit holder, interested parties, and the Zoning Administrator shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the Planning Commission decides to revoke the permit, the use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this *Ordinance*. On the 60th day after the hearing, the Zoning Administrator may inspect the property and notice the permit holder that the use is a per se nuisance and a violation of this *Ordinance*.

3.B. PERMIT TRANSFERABILITY

A Conditional or Special Land Use Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property provided that the permit holder is in compliance with the terms of the permit.

A Conditional or Special Land Use Permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes for which the Conditional or Special Land Use Permit was granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new owner registers his intent to continue the Conditional or Special Land Use with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable *Ordinance* requirements that apply to the property and any special conditions imposed upon the Conditional or Special Land Use when the transfer form is submitted.

3.C. TERMINATION WITH CHANGE OF USE

If there is a change in the use of a property for which a Conditional or Special Land Use Permit was issued, the Conditional or Special Land Use shall automatically terminate and the property shall only be used for a use permitted in the District in which the property is located. A Conditional or Special Land Use Permit for a seasonal use is also subject to termination if the season passes in which the Conditional or Special Land Use would normally occur and a different use is in place instead.

3.D. REAPPLICATION

No application for a Special Land Use Permit which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence or a falsehood previously relied upon by the Village, which, through the exercise of normal diligence, could not have been discovered before the hearing as determined by the Zoning Administrator. A reapplication shall be processed as a new application.

3.E. RECORDING CONDITIONS WITH REGISTER OF DEEDS

At the direction of the body or official making the final decision to approve a discretionary permit authorized by this *Ordinance*, or as otherwise may be specified by this *Ordinance*, or at the discretion of the Zoning Administrator, an approval or approval with conditions may be recorded with the Ontonagon County Register of Deeds. The following requirements shall be met with each recording:

(1) The applicant shall record an affidavit which has received the approval of the Village Attorney containing the full legal description of the project site, containing the approved site plan, the specific terms of any permit, any documents that pertain to permanent preservation of open space, the date of final Village approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the Village. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Register of Deeds of the County, and copies of all recorded documents shall be presented to the Zoning Administrator. These documents shall be binding upon the landowners, their successors and assigns, and shall constitute the development regulations for the land. The applicant shall submit proof to the

Zoning Administrator that these documents have been recorded with the County Register of Deeds within ninety (90) calendar days of project approval or the approval shall be rendered invalid. Once the proper documents have been recorded with the County Register of Deeds, the applicant may proceed, consistent with the approved Site Plan and Permit, to develop the land.

(2) A copy of any agreement between joint users of parking areas shall be filed with the application for a Certificate of Zoning Compliance and recorded with the Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility by each party and clearly spell out maintenance responsibilities. A copy of all recorded documents shall be presented to the Zoning Administrator.

(3) All documents to be recorded with the County Register of Deeds at the initiative of the Village, shall be first reviewed and approved as to form and content by the Village Attorney or other legal representative of the Village retained for that purpose.

3.F. AS-BUILT DRAWINGS

"As built" plans or construction drawings that demonstrate compliance with this *Ordinance* shall be filed with the Zoning Administrator immediately after construction is completed for any permit or approval requiring a Tier 3 Review.

4. TEMPORARY CERTIFICATES OF ZONING COMPLIANCE PERMIT DETAILS

4.A. RENEWING

Temporary Certificates of Zoning Compliance which are renewable may be renewed in the same manner as issuance of the original permit, except the application for renewal shall be filed at least fifteen (15) days prior to the expiration date of the current permit, and applications for renewal or extension of a permit for less than fifteen (1) days may be applied for no later than three (3) days prior to the expiration date of the current permit. Fees may be assessed in accordance with the Village Fee Schedule.

4.B. PERFORMANCE GUARANTEE

The Zoning Administrator may require a performance guarantee in the form of cash, check or savings certificate or irrevocable bank letter of credit be deposited with the Village Treasurer in an amount equal to the estimated cost of removing any temporary structure for which a Temporary Certificate of Zoning Compliance is authorized under this Section for use in the event it is not removed by an applicant at the end of an authorized period. Prior to the issuance of a temporary permit, the applicant shall sign an affidavit holding the Village harmless against any claim for damages if the Village were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned to the applicant when all the terms and conditions of the Temporary Certificate of Zoning Compliance have been met the temporary use or structure has been removed by the applicant.

4.C. PERMIT REVOCATION

A Temporary Certificate of Zoning Compliance may be revoked at any time for any of the following reasons:

(1) Nonconformance with the requirements of this Section and/or a permit issued thereunder;
(2) Evidence that the Temporary Certificate of Zoning Compliance was obtained by misrepresentation or fraud;
(3) That one (1) or more of the conditions of the Temporary Certificate of Zoning Compliance have not been met; and
(4) That the temporary use is in violation of any statute, ordinance, law, or regulation.
(5) The Temporary Certificate of Zoning Compliance has expired by its terms or the provisions of the *Ordinance.*

4.D. CESSATION UPON REVOCATION

Upon expiration or revocation of a Temporary Certificate of Zoning Compliance for a temporary use, building or structure, the temporary use shall cease and all temporary structures, dwellings, or buildings shall be removed from the parcel of land. Any use or structure established under a Temporary Certificate of Zoning Compliance shall not give rise to any vested rights of use or property except for a limited lawful use during the term of and in accordance with the Temporary Certificate of Zoning Compliance.

4.E. APPEAL

An appeal of a decision by the Zoning Administrator relative to approval or denial of a Temporary Certificate of Zoning Compliance for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to the conditions outlined in this *Ordinance*.

14.3.4 PERMIT REVIEW AND APPROVAL PROCESS

The bodies and officials responsible for review of permit applications under this *Ordinance* shall approve all applications that conform as submitted with the requirements of this *Ordinance*; shall approve with conditions all applications that would conform if certain conditions, authorized by the *Ordinance*, were met; and shall deny all applications that do not conform with the *Ordinance* and would not likely conform even if mitigating conditions were imposed as a condition of approval.

1. INTENT

The intent of the procedures and standards for permit review and approval is to ensure that developments are compatible with adjacent uses, do not negatively impact surrounding properties, and provide for the orderly development of the Village of Ontonagon. Specifically, development decisions are intended to ensure the use of land in appropriate locations and

relationships; to limit the inappropriate overcrowding of land and congestion of the population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and to promote public health, safety, and welfare.

2. BASIS OF DETERMINATION

During the review and approval process, the following shall serve as a general basis of determination in addition to all other applicable standards contained in this *Ordinance*:

2.A. Intent of the zoning district;
2.B. Characteristics and intensity of proposed and adjacent uses, including assembly of people associated with the use;
2.C. Physical characteristics of existing or proposed structures;
2.D. Suitability of the proposed landscape buffers for the intended purpose;
2.E. Vehicular and pedestrian traffic volumes and patterns, particularly in relation to public safety;
2.F. The physical characteristics of the site;
2.G. Demands upon public services and facilities;
2.H. The type and amount of litter, waste, noise, dust, traffic, fumes, glare, and vibration which may be generated by such use;
2.I. Area requirements for the proposed use, and the potential for the area requirements to expand;
2.J. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air, and privacy to the principle uses in the district;
2.K. Compliance with the current *Village of Ontonagon Master Plan*.

3. PRE-APPLICATION CONFERENCE

Except for PUDs (Article 10) a pre-application conference is optional prior to submission of any application for development approval under this *Ordinance*.

3.A. PURPOSE

The purpose of a pre-application conference is to inform the applicant about the application requirements, the applicable provisions of this *Ordinance* that relate to the proposed development, and the application review procedures.

3.B. INITIATION OF PRE-APPLICATION CONFERENCE

Any potential applicant may request a pre-application conference with the Zoning Administrator. Along with the request for the pre-application conference, the applicant may provide to the Zoning Administrator a description of

the proposed development, the type of development approval sought, the location of the proposed project, and any other appropriate supporting documents such a concept plan, maps, drawings, models, and any other information the Zoning Administrator deems necessary for the pre-application conference. The Zoning Administrator shall schedule a pre-application conference after receipt of a request for a pre-application conference and any appropriate submission materials.

3.C. REVIEW PROCESS

At the pre-application conference the applicant, the Zoning Administrator, and any other Village staff and regional, state, federal or adjacent local government representatives the Zoning Administrator deems appropriate to attend the pre-application conference, shall discuss the proposed development and the applicable procedures and standards.

4. TIER 1 REVIEW

4.A. APPLICABILITY

A Tier 1 review applies to any of the following, where proposed use does not require any variance, and site plan conforms with all requirements of this *Ordinance*:

(1) Single-family and two-family residential dwellings and their accessory structures on individual parcels;
(2) All nonresidential developments that are not classified as subject to a conditional or special land use permit;
(3) Accessory uses incidental to a conforming existing use;
(4) Expansion and/or addition to an existing conforming use;
(5) Accessory storage buildings in all Zoning Districts;
(6) Commercial interior remodeling;
(7) Paving;
(8) Amendments to approved site plans (see Section 14.5.8);
(9) Final site plans;
(10) Any other site plans not delegated for review by the Planning Commission.

4.B. REVIEW PROCESS

After an application is determined sufficient, the Zoning Administrator shall review the application while directing the applicant to contact any other review agencies for comment. After all necessary input is received, the Zoning Administrator shall render a written decision on the application within ten (10) days, except that where the applicant or the Zoning Administrator so requests; then the site plan shall be reviewed by the Planning Commission subject to their schedule, before final action by the Zoning Administrator within ten (10) days after the Planning Commission meeting. The Zoning Administrator shall take action to approve, approve with conditions,

or deny with stated reasons.

5. TIER 2 REVIEW

5.A. APPLICABILITY

A Tier 2 review applies to any of the following:

(1) Individual single-family homes, duplexes, and accessory buildings associated with them, located within seventy-five (75) feet of the ordinary high water mark or the shoreline of an inland lake, stream or river;
(2) Any use permitted by right with conditions, which is specified as requiring site plan review in this *Ordinance*;
(3) Ponds up to five (5) acres in size, and those located within five-hundred (500) feet of a lake, river, stream, or open Village drain;
(4) Any other land use requests referred to the Planning Commission by the Zoning Administrator.

5.B. PREPARATION OF STAFF REPORT

The Zoning Administrator shall prepare a Staff Report which shall state whether the application complies with all appropriate standards of this *Ordinance.* Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal. Staff reports may be prepared by a consultant to the Village where authorized by the Village Council.

5.C. REVIEW PROCESS

(1) The Zoning Administrator shall review the site plan per Section 14.3.4.5 and make a determination in accordance with the criteria described in Section 14.5.6, and such other standards contained in Article 9 of the *Ordinance* which relate to the conditional land use under consideration. A request for approval of a conditional land use which the Zoning Administrator finds is in compliance with *Ordinance* standards, other applicable ordinances, and state and federal statutes, shall be approved.
(2) The Zoning Administrator may refer the application for a Conditional Land Use Permit to the Planning Commission for a decision. The Planning Commission shall review the site plan and make a determination in accordance with the same criteria in the same way as the Zoning Administrator, and in accordance with their standard review procedures. A request for approval of a land use or activity which the Planning Commission finds is in compliance with *Ordinance* standards, other applicable ordinances, and state and federal statutes, shall be approved.

(3) Upon approval, the Zoning Administrator shall prepare and issue a permit to the applicant incorporating the conditions of approval. If the application is denied, the Zoning Administrator shall identify the reasons for that denial. In such a case, an aggrieved applicant may appeal the Zoning Administrator's determination to the Zoning Board of Appeals, as described in Article 14.

6. TIER 3 REVIEW

6.A. APPLICABILITY

A Tier 3 review applies to any of the following:

(1) All platted subdivisions and condominium projects;
(2) All Special Land Uses;
(3) All Planned Unit Developments;
(4) All conditional rezoning requests;
(5) Conversions of an existing building or part thereof from a residential use to a non-residential use; including resulting site improvements;
(6) All expansions or enlargements to nonconforming uses or nonconforming structures that result in a need for additional parking spaces, per the standards of this *Ordinance*;
(7) All ponds or lakes greater than five (5) acres;
(8) Any earthwork greater than 20,000 square feet in size;
(9) All other site plans for new land uses, expansions, or changes of use of existing land uses requiring:
   a) A principle structure of more than five thousand (5,000) square feet or;
   b) More than two (2) acres to be used for nonresidential land uses.

6.B. PREPARATION OF STAFF REPORT

The Zoning Administrator shall prepare a Staff Report which shall state whether the application complies with all appropriate standards of this *Ordinance*. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal. The Staff Report may be prepared by a consultant to the Village where authorized by the Village Council. The Staff Report shall be made available to the public five (5) calendar days before the first scheduled public hearing on the application.

6.C. PUBLIC HEARING: PLANNING COMMISSION

(1) The public hearing shall be scheduled so there is sufficient time for a Staff Report to be prepared and for the public notification requirements of this *Ordinance* to be satisfied per the provisions of Section 14.4.1.
(2) After notice, the Planning Commission shall conduct the hearing in accord with the provisions of Section 14.4.2.

6.D. REVIEW PROCESS

(1) The Planning Commission shall review the application, public comments, the Site Plan, and other pertinent information received, and shall make a determination in accordance with the criteria described in Section 14.5.6, and such other standards contained in Article 9 of the *Ordinance* which relate to the Special Land Use under consideration.

(2) The Planning Commission may, by majority vote of its members, deny, approve, or approve with conditions the Special Land Use application. Its decision shall be incorporated in a statement of conclusions about the Special Land Use under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which the Planning Commission finds is in compliance with *Ordinance* standards, other applicable ordinances, and state and federal statutes shall be approved.

(3) Upon approval, or approval with conditions, the Zoning Administrator shall prepare and issue a permit to the applicant incorporating the conditions imposed, if any, by the Planning Commission.

(4) An appeal of a decision by the Planning Commission to approve, deny, or approve with conditions a Special Land Use Permit application may be taken to Circuit Court, and may not be first appealed to the Zoning Board of Appeals.

7. TEMPORARY CERTIFICATES OF ZONING COMPLIANCE

7.A. APPLICABILITY

Temporary Certificates of Zoning Compliance for those uses specifically authorized in Section 5.2.6.

7.B. REVIEW PROCESS

The application for the Temporary Certificate of Zoning Compliance may be approved, modified, conditioned, or denied by the Zoning Administrator based on the standards established in Section 14.5.6.3, and subject to such conditions as are reasonably necessary to minimize adverse impacts on abutting property, and protect the public health, safety and general welfare. The Zoning Administrator may refer the application for a Temporary Certificate of Zoning Compliance to the Planning Commission for a decision. The Planning Commission shall apply the same procedures and standards as the Zoning Administrator.

8. VARIANCES

If it is evident that in order for a site plan to be approved, one or more variances must be obtained, the Zoning Administrator shall so inform the applicant and explain the procedural steps and implications of initiating a variance request immediately following action by the Planning Commission. The applicant shall make the decision as to when or whether to proceed with a variance request.

9. APPEALS

Any applicant that feels aggrieved by the decision of the Zoning Administrator or Planning Commission may appeal the decision to the Zoning Board of Appeals within twenty-one (21) calendar days of receipt of the decision. The ZBA shall review the decision of the Zoning Administrator to ensure that it is consistent with the standards contained in this *Ordinance* and rules established by agencies responsible for site plan review. The ZBA shall give written justification for their decision. The ZBA may not grant a variance to any element of a site plan unless an application for a variance has been filed; any such variance request shall be reviewed relative to the requirements of Article 14.

SECTION 14.4 NOTICE AND HEARING PROCEDURES

14.4.1 PUBLIC NOTICE

1. PUBLIC NOTIFICATION

All applications for development approval requiring public hearings shall comply with the *Michigan Zoning Enabling Act, PA 110 of 2006, as amended.*

1.A. CONTENT

All notices for public hearings, including those by publication in a newspaper or mail shall:

(1) Identify the name, address, and telephone number of the applicant or the applicant's agent
(2) Describe the nature, scope, and purpose of the application or proposal
(3) Identify the property that is the subject of the request, including a listing of all existing street addresses within the property, or if there is no street address the nearest cross street (street addresses are not required to be listed for any group of eleven (11) or more adjacent properties that are proposed for rezoning).
(4) Indicate the date, time, and place of the public hearing(s)
(5) Include a statement that the public may appear at the public hearing in person or by counsel, be heard, and submit evidence and written comments with respect to the application.
(6) Include a statement describing when and where written comments will be received prior to the public hearing
(7) Add information concerning how handicapped access will be accommodated if the meeting facility is not handicap accessible.

1.B. NOTICE REQUIREMENTS

When the provisions of this *Ordinance* require notice, the Zoning Administrator shall be responsible for preparing the content of the notice and implementing as follows:

(1) Publish the notice in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of the hearing.

(2) Personally deliver, or deposit notice during normal business hours for delivery with the United States postal service or other public or private delivery service, not less than fifteen (15) days before the date of the hearing, to the following parties (except this provision does not apply to rezoning of any group of eleven (11) or more adjacent properties):

a. All owners of the property that is the subject of the request.

b. All persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request.

c. Occupants of all structures within three-hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

d. Each electric, gas, and pipeline utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice of public hearing.

e. For appeals of administrative decisions, requests for *Ordinance* interpretation, and variance requests to the Zoning Board of Appeals, if the request does not involve a specific parcel of property, notice need only be published as provided in (1) above and given to the person making the request as provided in (2) above.

(3) Notice by mail/affidavit: Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service, or other public or private delivery service, by first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed.

1.C. TIMING OF NOTICE

Unless otherwise provided in the *Michigan Zoning Enabling Act, PA 110 of 2006, as amended*, or this *Ordinance*, notice shall be provided not less than fifteen (15) days before the hearing.

2. REGISTRATION TO RECEIVE NOTICE BY MAIL

The Village Clerk shall provide copies of all applications for development approval to the Zoning Administrator, who will provide notice to organizations that have submitted requests for written notice. Fees may be assessed in accordance with *P.A. 267 of 1967*, as amended for the provision of this notice. To be eligible for registration, the requesting party must provide the information in

the form required by the Village Clerk to ensure notification can be made. All persons that have been registered must reregister annually to remain registered and continue to receive notification pursuant to this Section.

3. DEFERRAL OF REVIEW OF APPLICATION

3.A. SUBMISSION OF REQUEST

Any request for a deferral of a public hearing until a later date shall be submitted in writing to the Zoning Administrator.

3.B. ZONING ADMINISTRATOR REVIEW

The Zoning Administrator shall approve a request for deferral if it has been submitted prior to the time of notice of a public hearing. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the Zoning Administrator. The decision-making body may defer consideration at a public hearing on its own motion at any time.

4. WITHDRAWAL OF APPLICATION

4.A. SUBMISSION OF APPLICATION

Any request for a withdrawal of an application shall be submitted in writing to the Zoning Administrator.

4.B. PRIOR TO NOTICE OF PUBLIC HEARING

The Zoning Administrator shall approve a request for withdrawal of an application if it has been submitted prior to the time of notice of a public hearing.

4.C. WITHDRAWAL

The Planning Commission may allow an applicant to withdraw an application at the request of the applicant at the public hearing.

5. NOTIFICATION OF DECISION

Notification of a decision on an application for development approval shall be provided by the Zoning Administrator to the applicant by mail within fourteen (14) days after the decision. A copy of the decision shall also be made available to the public at the offices of the Zoning Administrator, during normal business hours.

6. RECONSIDERATION OF APPLICATIONS

6.A. GENERAL

Whenever any application for development approval is disapproved, a similar application for all or a part of the same land shall not be considered for a period of one (1) year after the date of disapproval unless a Waiver of Time Limit is approved by the decision-making body pursuant to the requirements of part (b) "Waiver of Time Limit" below. Only one request for Waiver of Time Limit may be submitted by the applicant during the one-year period.

6.B. WAIVER OF TIME LIMIT

The Waiver of Time Limit shall be approved only upon a finding by two-thirds of the membership of the decision-making body that:

(1) There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
(2) New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
(3) A new application is proposed to be submitted that is materially different from the prior application; or
(4) The final decision on the application was based on a material mistake or omission of fact that if known, would likely have resulted in a different determination.

7. EXAMINATION AND COPYING OF AN APPLICATION/OTHER DOCUMENTS

At any time upon reasonable request and during normal business hours, any person may examine an application, the Staff Report, and materials submitted in support of or in opposition to an application in the office of the Zoning Administrator, subject to recognized exceptions under the *Freedom of Information Act, as amended,* or other state or federal law. Copies of such materials shall be made available at a reasonable cost.

14.4.2 PUBLIC HEARING

1. PUBLIC HEARING PROCEDURES

All public hearings including but not limited to amendments to the text of this *Ordinance* and Zoning Map on a Rezoning; Conditional Rezoning; Planned Unit Development Permits; Condominium Project Permits, Conditional Land Use Permits; Special Land Use Permits; Variances, *Ordinance* Interpretations and Appeals, held pursuant to this *Ordinance* shall comply with the following procedures:

1.A. CONDUCT OF PUBLIC HEARING

(1) The burden of demonstrating that an application complies with applicable review and approval

standards of this *Ordinance* is on the applicant, not the Village.

(2) Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

(3) The Planning Commission, the Zoning Board of Appeals, or the Village Council may place reasonable and equitable limitations on the presentation of evidence and arguments including, as they believe necessary in a particular instance, excluding testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.

(4) In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity at that meeting to offer such testimony or evidence in writing for the record. Such offer shall be made at the public hearing and promptly provided.

(5) Continuance of Public Hearing

a. The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place and may keep the public presentation portion of the public hearing open to take additional testimony up to the point a final decision is made. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.

b. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Section, provided that the continuance is set for a date within thirty-six (36) hours, and the date, time and place of the continued hearing is announced at the time of the continuance and there is continued compliance with the *Open Meetings Act (P.A. 267 of 1976, as amended, Section 15.265(5))*.

1.B. GENERAL PROCEDURES AND FINDINGS AT PUBLIC HEARING

(1) The body conducting the hearing shall act in accord with any time limits established in this *Ordinance*. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the Village and the Village, and shall include a statement of a recommendation or decision of approval or disapproval (whichever is appropriate).

(2) The form of all decisions shall include at least the following elements:

a. A summary of the relevant information presented before the decision-making body.

b. Summary of evidence in record.

c. A statement of findings or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were applied with respect to the relevant review standards, if required by state law.

d. A motion that includes approval, approval with specified conditions or disapproval (whichever is

appropriate based on the findings above.

e. A decision is final upon approval of the minutes of the body conducting the hearing at the next regularly scheduled meeting or at a special meeting of the decision-making body and as signified by the signature of the chairperson.

SECTION 14.5 SITE PLAN REVIEW PROCEDURES

14.5.1 AUTHORIZATION

Section 502 of the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended,* permits a Village to require the submittal, review, and approval of a site plan detailing what is proposed on a property, in order to ensure conformance with this *Ordinance* and the applicable regulations of other government agencies, prior to granting zoning approval. Site plan review is a very important tool to ensure that the public health, safety and welfare of the community is protected as land is developed or redeveloped.

14.5.2 PURPOSE AND INTENT

It is the purpose of this section to require site plan review for certain buildings, structures, and uses that can be reasonably expected to have a significant impact on the air, water, and other natural resources, traffic patterns, the character of development and existing land uses in the area, or the capacity of public infrastructure and services. The requirements contained in this section are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise, vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public improvements, and to promote the harmonious relationship of land uses through proper design.

14.5.3 SITE PLAN REVIEW COMMITTEE

The Planning Commission shall serve as the Site Plan Review Committee.

14.5.4 SITE PLAN REVIEW FEE

A fee shall be charged to the applicant for site plan review based on a schedule developed by the Planning Commission and approved by the Village Council.

14.5.5 SITE PLAN REVIEW PROCEDURES

The Planning Commission shall act on a complete application within thirty (30) calendar days after its acceptance as a complete application by the Zoning Administrator. This time limitation may be extended only by the mutual consent of the applicant and the Committee Chair person.

If any Planning Commission member demonstrates there is a lack of compliance of a proposed site plan with the applicable rules, standards, or ordinances, that site plan shall not be approved until compliance is acknowledged. Any disapproval of a site plan shall be accompanied by the reasons for that disapproval and provided, in writing, to the applicant in a timely fashion. Site plans may be approved with reasonable conditions.

An approval of a site plan for a Conditional Land Use, Special Land Use, Planned Unit Development, condominium project, subdivision plat or conditional rezoning does not constitute the final approval of an applicable permit. Standards for review and approval of a Conditional Land Use Permit or a Special Land Use Permit are described in Article 9. Standards for review and approval of a condominium project and subdivision plats are described in Article 9. Standards for review and approval of a PUD are described in Article 10. Standards for review and approval of a conditional rezoning request are described in Section 14.7 Amendments.

14.5.6 SITE PLAN REVIEW STANDARDS

A site plan shall be approved if it contains the information required by the *Ordinance* and is in compliance with the standards required in the *Ordinance*, and with other applicable ordinances, and state and federal statutes.

1. GENERAL STANDARDS

In reviewing a minor or major Site Plan, the Planning Commission shall consider the following standards, as applicable. Additional standards for conditional land uses, special land uses, and condominium projects (all in Article 9) and PUDs (Article 10) also apply and shall be reviewed as part of the Site Plan Review process.

1.A. CHECKLIST

The Zoning Administrator shall prepare a checklist of the following standards to ensure each is reviewed and compliance is determined prior to approval.

1.B. REQUIREMENTS

(1) The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this *Ordinance*.

(2) Ingress and egress to the property and proposed structures thereon shall provide motor vehicle and

pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency.

(3) Every structure or dwelling unit shall have access to a public or approved private street, walkway, or other areas dedicated to common use.

(4) Appropriate measures shall be taken to ensure that dewatering on a site will not adversely affect neighboring properties or the Village storm drainage system.

(5) Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas.

(6) That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

(7) That any adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping.

(8) That existing stands of trees and large individual trees will be preserved to the extent feasible, especially along property boundaries and any lot line shared with a public road.

(9) Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development above a level enjoyed by existing similar uses in the area, or in that zone.

(10) The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, use and value of the property and abutting lands and waters.

(11) Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties.

(12) Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties.

(13) Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the street or abutting properties when not in use.

(14) The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water with special attention to the following:

a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.

b. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.

c. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
d. State and federal rules for record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
e. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the Michigan Department of Environmental Quality.
f. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
g. No hazardous substances shall be stored in designated wellhead protection areas.

(15) All storm water drainage plans shall be approved and sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive this requirement, defer the requirement, or request a fully engineered storm drainage plan. After completion of construction, an "as-built" drawing and plan of the development, sealed by a Registered Professional Civil Engineer, shall be filed with the Planning Commission showing erosion control plans, the standards of this *Ordinance*, and any conditions of permit approval.

(16) Historic structures and historic or archeological artifacts will be properly respected and preserved.

(17) On site pathways, bicycle paths, and snowmobile trails shall minimize negative impacts on other users of the site and adjoining property and shall connect with abutting trails or pathways whenever feasible. New uses shall not impede the use of existing off site trails.

2. SPECIAL LAND USE REVIEW STANDARDS

The Planning Commission shall make a specific finding of compliance with each of the following standards:

2.A. The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

2.B. The Special Land Use shall not change the essential character of the surrounding area.

2.C. The Special Land Use shall not be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.

2.D. The Special Land Use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.

2.E. The Special Land Use shall meet the requirements of Article 9 specific to that use.

2.F. The Special Land Use shall meet all other general requirements as presented in Article 5.

2.G. The Special Land Use shall conform with all applicable Village, county, state, and federal requirements for that use.

2.H. The applicant is in substantial compliance with any previously issued Zoning Permits and is not otherwise disqualified from receiving a permit under Section 14.8 of the *Ordinance*.

2.I. The Planning Commission may impose conditions with approval of a Special Land Use Permit which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this *Ordinance*. Such conditions shall be considered an integral part of the Special Land Use Permit.

3. STANDARDS FOR TEMPORARY USES

A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following criteria is met:

3.A. The proposed use is clearly of a temporary nature.

3.B. The temporary use shall not endanger the public health, safety or welfare of the Village, or adjacent residents.

3.C. Structures of temporary uses shall be provided, if required, with safe, sanitary and effective systems for water supply and disposal of wastes, approved by the Health Department.

3.D. The proposed temporary use shall meet all lot, yard, setback and other requirements of this *Ordinance*.

3.E. The proposed temporary use is not a Special Land Use of the respective zoning district.

3.F. The nature and intensity of the temporary use and the size and placement of any temporary building or structure shall be planned so that the temporary use, building or structure will be compatible with existing development on abutting property.

3.G. Except for a garage sale, the temporary use shall not be located within an accessory building or structure.

3.H. The parcel shall be of sufficient size to adequately accommodate the temporary use, building or structure.

3.I. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.

3.J. Off-street parking areas are of adequate size for the particular temporary use, building or structure, are safely located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.

3.K. Signs shall conform to the provisions of this *Ordinance.*

3.L. Any lighting or noise shall be directed and controlled so as to not create a nuisance to neighboring property owners.

3.M. All the criteria specific to a particular temporary use are met.

3.N. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this *Ordinance* and other applicable federal, state, or local laws, regulations, ordinances or codes.

4. OTHER STANDARDS

Before granting approval of any application, the Zoning Administrator and Planning Commission shall be reasonably sure that the proposed development fully complies with all the following, as are relevant and may condition approval of the site plan on conformance with any of the following:

4.A. All applicable State laws administered by the Michigan Department of Transportation, Department of Natural Resources and the Environment, and/or Department of Agriculture;
4.B. County and local ordinances;
4.C. The adopted published rules, standards or policies of the Village of Ontonagon Planning Commission;
4.D. The published rules, standards or policies of the Ontonagon County Drain Commissioner;
4.E. The published rules, standards or policies of the Ontonagon County Road Commissioner;
4.F. The published rules, standards or policies of the District Health Department;
4.G. The fire safety and emergency vehicle access requirements of the *Michigan Building Code* and/or any local Fire Code having jurisdiction;
4.H. Any approval shall include the filing of copies of any permits required under any laws described in Section 14.3.2.5.B, the compliance of which shall be made a condition of the approval of a site plan.

14.5.7 CONFORMITY TO APPROVED SITE PLAN

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the permit holder or land owner shall be notified of a violation of this *Ordinance,* and if the circumstances warrant, issued a stop work or cease operations order per the requirements of Section 14.6.1.3.A.

14.5.8 SITE PLAN AMENDMENTS

No changes shall be made to an approved site plan prior to, during, or after construction except upon mutual agreement between the applicant and the Village, and by application to the Zoning Administrator.

14.5.9 AS-BUILT SITE PLAN SUBMITTAL

Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of completion of the project (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets and/or large buildings are involved.

SECTION 14.6 COMPLAINTS, PERMIT SUSPENSION, REVOCATION, AND VIOLATION PROCEDURES

14.6.1 COMPLAINTS, SUSPENSION, AND REVOCATION OF PERMITS

1. COMPLAINTS REGARDING VIOLATIONS

Whenever the Zoning Administrator becomes aware of or receives a complaint alleging a violation of this *Ordinance*, the Zoning Administrator shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been or will be taken. Any and all building or land use activities considered possible violations of the provisions of this *Ordinance* observed or communicated to local Law Enforcement or to any Village officials shall be reported to the Zoning Administrator.

2. PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this *Ordinance* may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

3. PROCEDURES

3.A. HANDLING VIOLATIONS WITH NOTICE

If the Zoning Administrator becomes aware of or receives a complaint of an alleged violation, the process shall be as follows:

(1) A complaint form shall be assigned a number.
(2) A preliminary visit shall be made at the site to identify the alleged violation.
(3) If a violation is identified, the landowner and/or contractor shall be informed, in writing, of the nature of the violation, informed of the action necessary to correct the violation and the date when the compliance is to be completed. The owner or contractor shall also be informed of their right to appeal the decision of the Zoning Administrator. This action may be taken in person or by certified mail.
(4) Where the violation is one of unlawful construction, reconstruction, or removal, a "Stop Work" notice form shall be attached to the site or delivered to the contractor or owner. The owner or owner's agent shall also be informed of their right to appeal the decision of the Zoning Administrator.
(5) The site of the alleged violation shall be re-inspected on the date when the owner or contractor was informed compliance was to be completed.
(6) If compliance has not been completed, and an appeal of the decision of the Zoning Administrator has not been filed, the Village Attorney shall be informed to determine further action.

3.B. HANDLING VIOLATIONS WITHOUT NOTICE

Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this *Ordinance*, if the violation continues, such as if the violation is one of unlawful construction, reconstruction, alteration, removal or usage, or poses a danger to the public health, safety or welfare, then the Zoning Administrator may seek enforcement without prior written notice by requesting the Village Attorney to invoke any one of the remedies authorized in this *Ordinance*.

4. SUSPENSION OF A PERMIT

Any permit issued shall become invalid if the authorized work is not initiated within one (1) year of receipt of a permit, or is suspended or abandoned for a period of six (6) months after the time of commencing the work unless the development proposed shall have passed its first building inspection.

5. PERMIT REVOCATION

5.A. FALSE INFORMATION OR FAILURES

A Zoning Compliance, Conditional Land Use, Special Land Use, Planned Unit Development, or Condominium Project Permit may be revoked by the permit-issuing authority in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or in case of failure or neglect to develop or maintain the property in accordance with the plans submitted, the requirements of this Section, or any additional requirement lawfully imposed by the permit-issuing authority or Zoning Board of Appeals. Upon permit revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

5.B. NOTIFICATION AND APPEALS

(1) Before a Minor Conditional Land Use or Zoning Permit may be revoked, the owner, contractor or alleged violator shall be notified in writing of the reason for such revocation and their right to appeal the decision of the Zoning Administrator to the Zoning Board of Appeals.

(2) Before a Major Special Land Use Permit, Planned Unit Development or Condominium Project may be revoked, the permit recipient shall be given a ten (10) day advance notice of intent to revoke, along with the alleged reasons for the revocation and the right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide the permittee a written statement of the decision and the reasons therefore.

(3) No person may continue to make use of land or buildings in the manner authorized by any Zoning Compliance, Conditional Land Use, Special Land Use, Planned Unit Development or Condominium Project after such permit has been revoked in accordance with this section.

14.6.2 JUDICIAL REVIEW

A person having an interest affected by a decision of the Zoning Board of Appeals and/or any other body, board or official under this *Zoning Ordinance*, and who has otherwise exhausted their administrative remedies under this *Ordinance*, may appeal to the Circuit Court for the County of Ontonagon. All such appeals shall be filed with the Ontonagon County Clerk, within twenty-one (21) calendar days after the date the written decision is signed by the Zoning Administrator, or chairperson of the body, board or commission that made the final decision in the matter.

SECTION 14.7 AMENDMENTS

14.7.1 PURPOSE

It is the purpose of this Section to establish the procedures and standards for amendment of the text and Zoning Map of this *Ordinance*.

14.7.2 INITIATION OF AMENDMENTS

The regulations and provisions stated in the text of this *Ordinance* and the boundaries of zoning districts shown on the Zoning Map of Village of Ontonagon may be amended pursuant to the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.* Amendments may be initiated by the Village Council, the Planning Commission, by petition of one or more persons having an interest in the property to be affected by the proposed amendment. Each petition for amendment shall be submitted to the Zoning Administrator who shall refer it for recommended action to the Planning Commission.

14.7.3 FEES

The Village Council shall establish, by resolution, fees for zoning amendment petitions. Such fees shall be paid in full at the time of application, and no part of such fees shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by the Village Council or the Village Planning Commission.

14.7.4 AMENDMENT PROCEDURES

All petitions for text amendment, rezoning or Zoning Map change shall be submitted and reviewed per the requirements of this Section. All petitions for a conditional rezoning shall be reviewed and approved per the requirements of Section 14.7.9.

The Planning Commission may solicit information and testimony from officials in other public offices including, but not limited to, the District Health Department, County Road Commission and/or MDOT as applicable, County Drain Commissioner, any school

district affected, any State or Federal agency or office with an interest in the proposed change, any firm hired by the Village to provide a review or comments on the proposed amendment, the Village Police Department and the Fire Chief, the County Soil Erosion, Sedimentation and Storm Water Control agent, any other the Village Planning Commission believes should be notified.

14.7.5 PUBLIC HEARING

The Planning Commission shall establish a date for and conduct at least one (1) public hearing at a regular or special meeting on each petition for amendment; notice of which shall be given pursuant to the requirements of Section 14.4.1. If an individual property or several adjacent properties are proposed for rezoning; notice shall be given pursuant to the requirements of Section 14.4.1.1.B. The Planning Commission shall conduct the public hearing consistent with the hearing procedures in Section 14.4.2.

14.7.6 FINDING OF FACT REQUIRED

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the Ontonagon Village Council. The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:

1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
2. What, if any, error in judgment, procedure, or administration was made in the original *Ordinance* which justifies the petitioned change in zoning?
3. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition?
4. What is the impact of the amendment on the ability of the Village and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?
5. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
6. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
   - 6.A. Surface water drainage problems
   - 6.B. Wastewater disposal problems
   - 6.C. Adverse effect on surface or subsurface water quality
   - 6.D. The loss of valuable natural resources such as forest, wetland, historic, or scenic sites, wildlife, mineral deposits, or valuable agricultural land.
7. Does the petitioned zoning change generally comply with the policies and uses proposed for the area in the adopted *Ontonagon Village Master Plan*? If not, and if the proposed zoning change is reasonable in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved.
8. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
9. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
10. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located (after considering all of the uses permitted by right, by special permit or as conditional uses)?
11. Is another procedure, such as a Variance, Conditional Land Use, Special Land Use, or Planned Unit Development procedure a more appropriate alternative than a rezoning?

14.7.7 PLANNING COMMISSION RECOMMENDATIONS

All findings of fact shall be made in writing and shall be a part of the public records of the meeting of the Planning Commission and the Village Council. The Planning Commission shall not forward a recommendation to the Village Council unless all of the findings in Section 14.7.6 and other factors identified by the *Ordinance* are affirmatively resolved. After the hearing, the Planning Commission shall submit a summary of the comments received at the public hearing its findings of fact and the proposed amendment (including any zoning maps and other related material) to the Village Council.

14.7.8 CONSIDERATION BY THE VILLAGE COUNCIL

After receiving the recommendations of the Planning Commission, the Village Council, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. Such action shall be by a roll call vote. The amendment shall be approved by a majority vote of all of the members of the Village Council. The Village Council may hold additional public hearings if it considers it necessary. Notice of a public hearing held by the Village Council shall be published in a newspaper which circulates in the Village. The notice shall be given not less than fifteen (15) days before the hearing.

Further, it is understood pursuant to the *Michigan Zoning Enabling P.A. 110 of 2006, as amended,* that the Village Council shall make no change in the proposed amendment without first referring the petition back to the Planning Commission which shall have thirty (30) days from and after such referral in which to make a further recommendation to the Village Council, after which the Village Council shall take such action as it determines necessary. In the event that a petition is referred back to the Planning Commission, the Village Council shall make specific mention of their objections to the Planning Commissions' findings and recommendations.

14.7.9 CONDITIONAL REZONING

1. INTENT

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the *Michigan Zoning Enabling Act (MCL 125.3405), as amended,* by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2. APPLICATION AND OFFER OF CONDITIONS

2.A. GENERAL PROCESS

(1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land

for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. A pre-application conference is strongly suggested.

(2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

(3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

(4) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

2.B. PROCESS FOR SPECIAL SITUATIONS

(1) Any use or development proposed as part of an offer of conditions that would require a Conditional or Special Land Use Permit under the terms of this *Ordinance* may only be commenced if a Conditional or Special Land Use Permit for such use or development is ultimately granted in accordance with the provisions of this *Ordinance*.

(2) Any use or development proposed as part of an offer of conditions that would require a Variance under the terms of this *Ordinance* may only be commenced if a Variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this *Ordinance*.

(3) Any use or development proposed as part of an offer of conditions that would require Site Plan approval under the terms of this *Ordinance* may only be commenced if Site Plan approval for such use or development is ultimately granted in accordance with the provisions of this *Ordinance*.

3. PLANNING COMMISSION REVIEW

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 14.7.6 of this *Ordinance*, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

4. VILLAGE COUNCIL REVIEW

After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 14.7.6 of this *Ordinance*. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council may, in accordance with Section 401(3) of the

Michigan Zoning Enabling Act (MCL. 125.3401(3)), as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the *Ordinance* adopted by the Village Council to accomplish the requested rezoning.

5. ADMINISTRATIVE REQUIREMENTS

5.A. STATEMENT OF CONDITIONS

The Statement of Conditions shall:

(1) Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
(2) Contain a legal description of the land to which it pertains.
(3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
(4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
(5) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the County with the Register of Deeds.
(6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

5.B. OTHER STEPS

(1) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk and Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.
(2) The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the Register of Deeds of the County in which the land is located. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the

conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.

6. IMPLEMENTATION

6.A. COMPLIANCE

(1) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

(2) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this *Zoning Ordinance* and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. See Section 14.8.

(3) No permit or approval shall be granted under this *Ordinance* for any use or development that is contrary to an applicable Statement of Conditions.

6.B. TIMING

(1) Unless another time period is specified in the *Ordinance* rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning took effect and thereafter proceed diligently to completion.

(2) This time limitation may upon written request be extended by the Village Council if (1) it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or is otherwise inconsistent with sound zoning policy.

(3) If approved development and/or use of the rezoned land does not occur within the time frame specified above, then the land shall revert to its former zoning classification as set forth in *MCL 125.3405(2).* The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

6.C. SUBSEQUENT REZONING OF LAND

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 14.7.9.6.B.3 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Village Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

6.D. AMENDMENT OF CONDITIONS

During the time period for commencement of an approved development or use specified per Section 14.7.9.6.B above, or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

6.E. VILLAGE RIGHT TO REZONE

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this *Ordinance* and the *Michigan Zoning Enabling Act, as amended.*

6.F. FAILURE TO OFFER CONDITIONS

The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this *Ordinance*.

14.7.10 NOTICE OF AMENDMENT

Following the adoption of an amendment by the Ontonagon Village Council and approval by the State of Michigan, one (1) notice of adoption shall be published in a newspaper of general circulation in the County within fifteen (15) days after adoption by the Village Council. The notice of adoption shall include the following information:

(1) A summary of the regulatory effect of the amendment (including the geographic area affected) or the text of the amendment.
(2) The effective date of the amendment.
(3) The place and time where a copy of the *Ordinance* may be purchased or inspected.

14.7.11 OPTIONS UPON DENIAL OF AMENDMENT

A property owner whose amendment or rezoning request is denied may file an appeal with Circuit Court. If the property owner challenges that the denial of the amendment has the result of leaving the property owner with no reasonable or economically viable use of the property, then the property owner may request consideration of a Hardship PUD per the requirements of Section 10.9, Hardship Planned Unit Development.

14.7.12 RESUBMITTA

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

14.7.13 COMPREHENSIVE REVIEW OF ZONING

The Planning Commission shall within two years and at intervals of not more than five (5) years thereafter, examine all the provisions of this *Ordinance* and the location of zoning district boundary lines and shall submit a report to the Village Council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

SECTION 14.8 VIOLATIONS AND PENALTIES

14.8.1 PURPOSE

This Section is adopted to establish provisions for violation of the *Zoning Ordinance*. Authority for these provisions is found in Section 407 of the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, which requires the Village Council to establish a method for addressing violations.

14.8.2 INSPECTION OF VIOLATION

The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found in violation of this *Ordinance.* The Zoning Administrator shall issue a notice of *Zoning Ordinance* violation to the owner and occupant of the lot or parcel upon which the zoning violation has occurred. This notice shall include at least the following: 1) Date and location of each violation observed by the Zoning Administrator, 2) Names and addresses of owners and occupants, 3) The specific

Section(s) of the *Ordinance* which has been violated, and 4) the length of time allowed before further prosecution of the violation. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued, or as long as six (6) months, as the Zoning Administrator shall permit. A person not correcting a violation within this period shall be issued a zoning citation remanding the violation to the local district court.

14.8.3 VIOLATIONS AND PENALTIES

Violations of any provisions of this *Ordinance* are declared to be nuisance per se. It shall be unlawful for any person to commence operations of any kind that are in violation of the terms of this *Ordinance* and any violations shall be subject to the penalties herein prescribed.

1. TYPES OF VIOLATIONS

1.A. MISDEMEANOR

Unless a violation of this *Ordinance* is specifically designated in Section 14.8.3.1.B as a municipal civil infraction, the violation shall be deemed a misdemeanor. Any person deemed guilty of a misdemeanor shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than five hundred dollars ($500.00), or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate punishable offense. The Village Attorney may institute those remedies provided by statute, court rule, and case law to prevent or remove any unlawful erection, construction, maintenance, or use. Damages, costs, and reasonable attorney fees shall be paid to compensate the Village for its cost of *Ordinance* enforcement. The imposition of any sentence shall not exempt the offender from compliance with the provision of this *Ordinance.*

1.B. MUNICIPAL CIVIL INFRACTION

The following violations of this *Ordinance* may be handled as a municipal civil infraction:

(1) A violation of the terms of an approved Certificate of Zoning Compliance.
(2) A violation of the terms of an approved Site Plan.
(3) A violation of the terms of an approved Conditional or Special Land Use Permit.
(4) A violation of the terms of an approved Planned Unit Development Permit.
(5) A violation of any variance, condition, or other approval of the ZBA pursuant to Article 14.
(6) A violation of any approved sign permit.
(7) A violation of general standards regarding illegal maintenance of junk on a lot.

2. CIVIL AND CRIMINAL PENALTIES

Each day that a violation exists constitutes a separate offense or infraction. The rights and remedies provided herein are

cumulative and in addition to any other remedies provided by law.

2.A. CIVIL FINE

The sanction for any violation of the *Village of Ontonagon Zoning Ordinance* which is a municipal civil infraction shall be a civil fine plus any costs, damages, expenses and other sanctions. The Zoning Administrator, together with deputies of local law enforcement, are the Village officials authorized to issue municipal civil infraction violation notices and municipal civil infraction violation citations under this *Ordinance*.

2.B. CIVIL ACTION

In addition to enforcing violations as misdemeanors or municipal civil infractions, violations of this *Ordinance* may be enforced by civil action along with any other remedies provided by law. Violations of the *Ordinance* are a nuisance per se, and adjudication of responsibility for a municipal civil infraction violation of this *Ordinance* shall not preclude other civil proceedings to abate such nuisance.

2.C. NO PERMIT FOR VIOLATORS

The Zoning Administrator may refuse to issue new Zoning Permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations of this *Ordinance* or the *Michigan Construction Code Act, Public Act 230 of 1972, as amended*, or the *Land Division Act, Public Act 288 of 1967, as amended.*

3. SCHEDULE OF FINES

(1) A person, corporation, or firm who violates any provision of the *Zoning Ordinance* of the Village of Ontonagon that is found responsible by the District Court for a municipal civil infraction shall pay a civil fine of not more than $500, plus costs and other sanctions, for each infraction.

(2) Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the section of *Village of Ontonagon Zoning Ordinance* committed by a corporation, person, or firm within any twenty-four (24) month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under those subsections shall be as follows:

a. The fine for any offense that is a repeat offense shall be no less than $140 plus costs and other sanctions.

b. The fine for any offense that is a second repeat offense shall be no less than $500 plus costs and other sanctions.

ARTICLE 15: RULES OF MEASUREMENT AND DEFINITIONS

SECTION 15.1 RULES OF MEASUREMENT

15.1.1 HEIGHT MEASUREMENT

A building or structure shall adhere to both the maximum story and maximum height regulations as specified in the District standards, except as otherwise provided in this *Ordinance*.

1. HEIGHT IN FEET

The overall building height shall be measured as the vertical distance in feet from the average grade (measured as the average elevation of the two side lot lines measured at the front setback line) to the highest point of a building. To determine highest point of various roof types, see *Figure 15.5* which illustrates height measurement with various roof types. The height of any parapet wall or safety railing enclosing outdoor livability space or decks on a flat roof shall be included in the measurement of overall building height in feet.

2. HEIGHT IN STORIES

Overall height in stories shall be measured as the total number of stories beginning with the first story having its finished floor surface above the average grade as defined in Section 15.9. A basement shall be considered a "story" for purposes of measuring overall building height in stories if any of the following is true:

2.A. More than fifty (50) percent of the total building perimeter is above finished grade so that the vertical distance from the average grade to the floor is less than the vertical distance from the average grade to the ceiling.

2.B. The basement is a walk-out basement.

15.1.2 SITE LAYOUT MEASUREMENTS

1. LOT SIZE

Lot size is the total area within the boundaries of a property's lot lines (parcel area), excluding adjacent or abutting right-of-way areas or public access easements.

2. LOT WIDTH

Lot width is the horizontal distance between the side lot lines measured along the front lot line. In the case of a curved front

lot line, the horizontal distance as measured on a tangent line running between the two side lot lines where they meet the front lot lines. For corner lots having only one side lot line, the distance shall be measured from that side lot line to the opposing front lot line.

3. FRONT SETBACK

Front Setback is the minimum distance by which any building or structure must be separated from a street right-of-way or front lot line. The Front Setback is measured from and perpendicular to the front lot line to the nearest foundation or building wall.

4. REQUIRED SIDE OR REAR YARDS

Required side and rear yards are measured from and perpendicular to the side interior or rear lot line abutting another lot or a public alley. The required yard reflects a minimum distance between the lot line and the nearest foundation or building wall of any structures.

5. SETBACK OR YARD EXCEPTIONS

For lots less than seventy-five (75) feet in width, the Zoning Administrator, upon consultation with the Planning Commission, may reduce required setbacks or yards to reflect the established context within that same zoning district for existing lots of similar size, or to facilitate maximum solar access for the subject lot or residence.

6. LOT COVERAGE (BUILDINGS AND STRUCTURES)

6.A. Lot coverage is the percentage of a lot that is covered by buildings and structures. Lot coverage regulations are intended to help preserve open space and privacy.

6.B. Lot coverage shall be measured as the gross area of the actual footprint of the foundations of all principle and accessory buildings on the site, plus the gross area of the footprint of any accessory structure not expressly excluded in Section 15.1.2.6.C, plus the gross area of any enclosed ground floor or upper story projections beyond the actual footprint, divided by the total gross square foot area of the lot.

6.C. Exclusions from the lot coverage calculation include:

(1) Areas on a lot open to the sky (unenclosed) with a finished surface including:

a. Vegetation (landscaping, gardens) or paved surfaces (both pervious and impervious); or
b. Unenclosed area of patios, decks, or gazebos
c. Unenclosed areas covered overhead by a pervious material such as lattice, or a trellis

(2) Area on a lot occupied by an unenclosed porch or balcony accessory to a principle structure, up to a maximum of four hundred (400) square feet.

(3) One-half (1/2) of the area on a lot occupied by a detached accessory dwelling unit to a maximum of five hundred (500) square feet.

7. TOTAL IMPERVIOUS SURFACE COVERAGE

Total impervious surface coverage is the percentage of total area of impervious surfaces on a lot. The intent is to preserve a

percentage of open space for the containment of stormwater on the property. Total impervious surface coverage shall be measured as the gross area of the footprint of all impervious surfaces on a lot (including all buildings, structures, and impervious paved or covered areas) divided by the total gross square foot area of the lot (not including areas in the public right-of-way). Site plan review for the purpose of determining mitigation strategies will be triggered by total impervious surface percentages exceeding *Ordinance* standards.

8. SEPARATION DISTANCE

8.A. BETWEEN BUILDINGS

Separation shall be measured as the horizontal distance between the two closest portions of each building's exterior walls.

8.B. BETWEEN USES

When measuring a required separation between uses, distance shall be determined from the nearest point of a structure or part of a multi-use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple structure occupied by a use from which the separation is to be effected or established. In case a portion of the use requiring separation is operated outside a building or structure, the separation shall be measured from the nearest point of the lot occupied by the use requiring separation to the nearest point of a structure or part of a multiple structure occupied by a use from which the separation is to be effected or established.

8.C. BETWEEN USES AND A ZONE DISTRICT

When measuring a required separation between a use and a zone district, distance shall be determined from the nearest point of a structure or part of a multi-use structure occupied by the use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established. In case a portion of the use requiring separation is operated outside a building or structure, the separation shall be measured from the nearest point of the lot occupied by the use requiring separation to the zone district boundary from which the separation is to be effected or established.

15.1.3 DESIGN MEASUREMENTS

1. FLOOR AREA

Floor area is calculated as the sum of the horizontal areas of each floor of a building or unit intended for occupancy, measured

from the interior faces of the exterior walls, excluding basements or attics not intended for occupancy, attached garages or space used for off-street parking or loading, breezeways, and unenclosed porches.

2. TRANSPARENCY

Transparency is measured as the total amount of transparent surface provided on a street-facing (named or numbered street) building façade (including permitted alternatives to the use of transparent glass), divided by the total length of that same street-facing building façade, provided that:

2.A. Window glazing used to comply with a transparency standards shall be clear and shall transmit at least 65 percent of the visible daylight; and

2.B. No interior or exterior modifications, including temporary and permanent signage, window tinting, furnishings, fixtures, equipment, or stored items within three (3) feet of the windows will be allowed to reduce the effective minimum transparency standards by more than twenty-five (25) percent. Open display of individual merchandise is permitted.

3. LANDSCAPE OPACITY

Landscape opacity is measured as the percentage of a prescribed area to be obscured by plants as observed from the public space such as a street or sidewalk. This is usually used in relation to a specified screening height according to an anticipated growth period.

4. FENCE AND WALL HEIGHT

Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, to the topmost point of the fence or wall.

SECTION 15.2 ACRONYMS

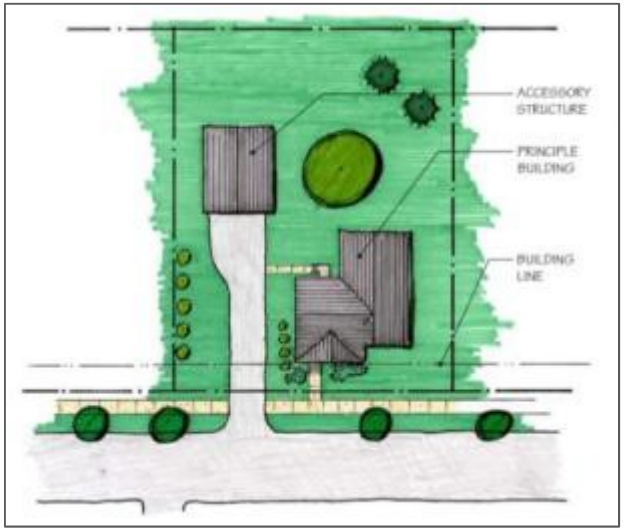
The following acronyms are used in this *Ordinance*:

ADT – Annual average two-way daily traffic volume
ATV – All Terrain Vehicle
C – Use Permitted By Right with Conditions
DEQ – Michigan Department of Environmental Quality
ECHO – Elder Cottage Housing Opportunity
EPA – United States Environmental Protection Agency
FCC – Federal Communication Commission
FEMA – Federal Emergency Management
Authority FIRM – Flood Insurance Rate Map
HUD – Housing and Urban Development
HVAC – Heating, ventilation, air conditioning units
kv – Kilovolt
MCL – Michigan Compiled Laws
MDOT – Michigan Department of Transportation
MHP – Mobile Home Park or Manufactured Housing Park
P – Use Permitted by Right
P.A. – Public Act
PUD – Planned Unit Development.
ROW – Right-of-Way
RV Park – Recreational Vehicle
Park S – Special Land Use
SOBS – Sexually Oriented Business
WECS – Wind Energy Conversion
System ZBA – Zoning Board of Appeals

SECTION 15.3 DEFINITIONS – A

Abutting *(same as **Adjacent, Contiguous**)*
Next to, touching, having property or district lines in common.

Figure 15-1: Accessory Building



Access

A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Accessible

In reference to a parcel, means that the parcel has an area where a driveway provides vehicular access or is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of MDOT or the County Road Commission under *P.A. 200 of 1969, MCL 247.321 to 247.329, as amended*, and of the Village; or has an area where a driveway can provide vehicular access or is served by a proposed easement that will provide vehicular access to an existing road or street and meet all such applicable location standards. Per the *Land Division Act, P.A. 288 of 1967, MCL 560.102 as amended.*

Access Management

The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Accessory Building or Structure

A building or structure located on the same lot as the principle building, attached or detached, but customarily incidental and subordinate to the principle building. Except as otherwise permitted by this *Ordinance*, an accessory building or accessory structure shall not be used for human habitation. (See *Figure 15-1)*

Accessory Dwelling Unit ***(****see also* ***ECHO housing)***

A separate and complete dwelling unit established in conjunction with and clearly subordinate to a principle dwelling unit, either within the same structure as the principle dwelling unit or in an accessory structure on the same lot.

Accessory Use ***(****See also* ***Home Occupation)***

A use that: (1) is subordinate in area, extent, and purpose to the principle use; (2) is customarily found in connection with; (3) is incidental to; and (4) is located on the same lot as the principle use (except in the case of some accessory off-street parking spaces or loading). For example, a retail business is not customarily considered incidental to a residential use. Residential accessory uses may include storage of household goods, gardening, private swimming pools, and other similar uses.

Acre

A land area of 43,650 square feet.

Addition ***(****same as* ***Expansion)***

Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor

area.

Adjacent ***(****same as* ***Abutting, Contiguous)***
Next to, touching, having property or district lines in common.

Affordable Housing
Housing units where the occupant(s) is paying no more than 30 percent of gross household income of low income households (defined to be a household earning less than 80 percent of the median annual income adjusted for household size as determined by the U.S. Department of Housing and Urban Development) for housing costs, including taxes, insurance, and utilities.

Agriculture
Means the production, harvesting, and storage of plants and animals useful to humans, including but not limited to biomass crops, forages and sod crops, grains, feed crops, field crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing of cattle, swine, captive deer, and similar animals, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Alley
A public or private right of way shown on a plat which provides secondary access to a lot, block, or parcel of land per the *Land Division Act, P.A. 288 of 1967, MCL 560.102, as amended.*

Alteration
Any change, addition, enlargement, relocation, repair, remodeling, or modification to a structure. Also any change in the structural members of a building, such as walls or partitions, columns, beams or girders. Also any change, addition, or modification to type of occupancy, number of dwelling units, or use of structure or land. The consummated act of alteration may be referred to herein as "altered" or "reconstructed" or "changed".

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

Apartment
One or more rooms with separate kitchen and bathroom facilities comprising an independent, self-contained dwelling unit not owned in fee simple.

Apiary ***(****see also* ***Beehive)***
One or more structures occupied by bees, but does not include honey houses, extraction houses, warehouses, or appliances.

Applicant
A person who submits an application under one of the procedures set forth in this *Ordinance*.

Appurtenance

A right, privilege, or improvement belonging to, incident to, and passing with a principle property upon sale or transfer.

Aquaculture

The hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Assisted Living Facilities

A residential development that provides room and board, assistance with daily activities, and health care for three or more adult residents.

Attic

That part of a building that is immediately below and wholly or partly within the roof framing.

Awning

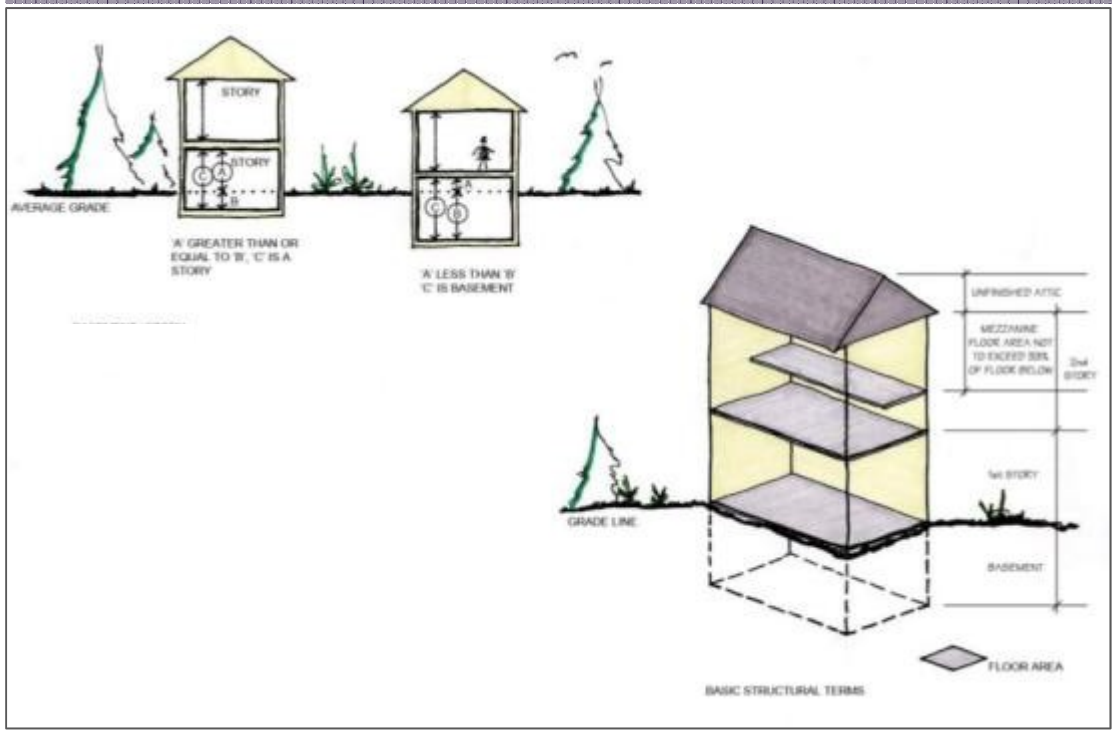
A roof-like cover projecting from the exterior wall of a building and composed of non-rigid materials except for the supporting framework which can sometimes be retracted, folded, or collapsed against the face of the supporting building.

SECTION 15.4 DEFINITIONS – B

Basement

That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story *(see Figure 15-2).* A cellar is a basement. See also definition of "story". However, any walk-out basement, regardless of average grade, shall be considered a story.

Figure 15-2: Basement/Story



Bedroom

A room intended for sleeping. Any room designated on building plan submittals as a den, library, study, loft, or other extra room will be considered to be a bedroom for the purpose of this *Ordinance*.

Berm

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard

An off-premises sign.

Block

A unit of land bounded by (but not traversed by) streets or by a combination of streets and public land, unsubdivided acreage, corporate boundary lines, railroad rights-of-way, waterways, or any other physical

Figure 15-4: Attached (above) and Detached Building (below)

barrier to the continuity of development.

Buffer

A strip or area of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

Buildable Area

The portion of a lot remaining after the minimum yard, required open space, and setback requirements of this *Ordinance* have been met, leaving the area that building(s) may occupy. (*See Figure 15-3)*

Building *(see also Structure)*

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, chattels, or property of any kind which shall include vehicles whether mounted or not on wheels and situated on private property and used for the purpose of a building.

Building, Accessory *(see Accessory Building)*

Building, Attached

A building which has at least part of a wall in common with another building, or which is connected to another building by a roof. *(See Figure 15-4)*

Building Code

Regulations governing the erection and maintenance of buildings as currently enforced pursuant to the laws of the State of Michigan.

Building, Detached

Any structure that does not have a wall or roof in common with another structure. *(See Figure 15-4)*

Building Envelope

The three-dimensional space within which structures are permitted to be built on a lot as defined by regulations governing building setbacks, required open space, maximum height, and bulk.

Building Footprint

That portion of a lot covered by buildings or structures as measured on a horizontal plane at the surface level.

Building Form Standards

The part of the Form-Based Code that establishes basic parameters regulating building form, including the building envelope, placement (in three dimensions) and certain permitted/required building elements, such as storefronts, balconies, stoops, porches, and doors.

Building Frontage

The distance between two parallel lines, drawn perpendicular to the edges of the righ building. Where the building is located upon a curve, the lines shall be drawn perp nearest point of the right-of-way for a convex curve and the furthest point of the right-of

Building, Height

The vertical distance between the average grade and the highest point of the roof surfa roofs; the average height between eaves and ridge for gable, hip and gambrel roofs; a point and the highest point on a shed roof. *(See Figure 15-5)*

Building Line ***(****see also* ***Setback Line)***

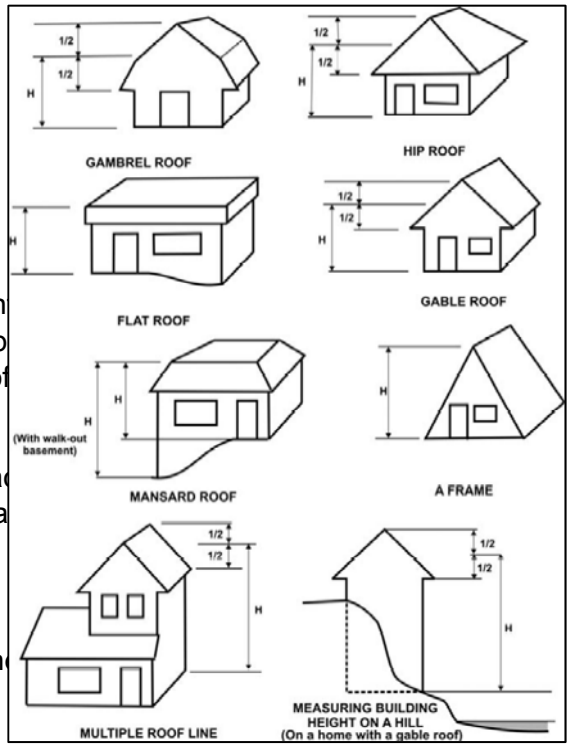
A line parallel to a front, side or rear lot line, established for the purpose of prohibiting th and the corresponding lot line.

Building, Principle ***(****see* ***Principle Building)***

Building, Temporary

A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction or as an office until the construction work is complete.

Figure 15-5: Building Height



SECTION 15.5 DEFINITIONS – C

Campground

Defined per the *Public Health Code P.A. 368 of 1978, MCL 333.12501, as amended* as a parcel or tract of land under the control of a person, in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or temporary sleeping quarters of any kind. A campground does not include a seasonal mobile home park, mobile home park, or manufactured housing community licensed under the *Mobile Home Commission Act, P.A. 96 of 1987, as amended*.

Canopy

A permanent roof-like cover, usually of metal, wood, or glass, designed and intended for protection from the weather or as a decorative embellishment, and is free-standing or which projects from a wall or roof of a structure over a window, walkway, door, etc.

Carport

A covered, partially open structure intended to shelter one or more vehicles.

Child

A person under 18 years of age.

Child Care Center ***(****same as* ***Day Care Center)***

Facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two 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. Includes the same provisions and exclusions as defined in *P.A. 116 of 1973, MCL 722.111, as amended.*

Child Caring Institution

A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program shall not be the primary purpose of the facility. Includes a maternity home for the care of unmarried mothers who are minors. Also includes an agency group home that is a small child caring institution owned, leased, or rented by a licensed agency providing care for more than four but less than 13 minor children. Also includes institutions for mentally retarded or emotionally disturbed minor children. Does not include a licensed hospital, nursing home, or home for the aged, a licensed boarding school, a mental health hospital or facility, a licensed adult foster care family home, or a licensed adult foster care small group home as

described in *P.A. 116 of 1973, MCL 722.111, as amended.*

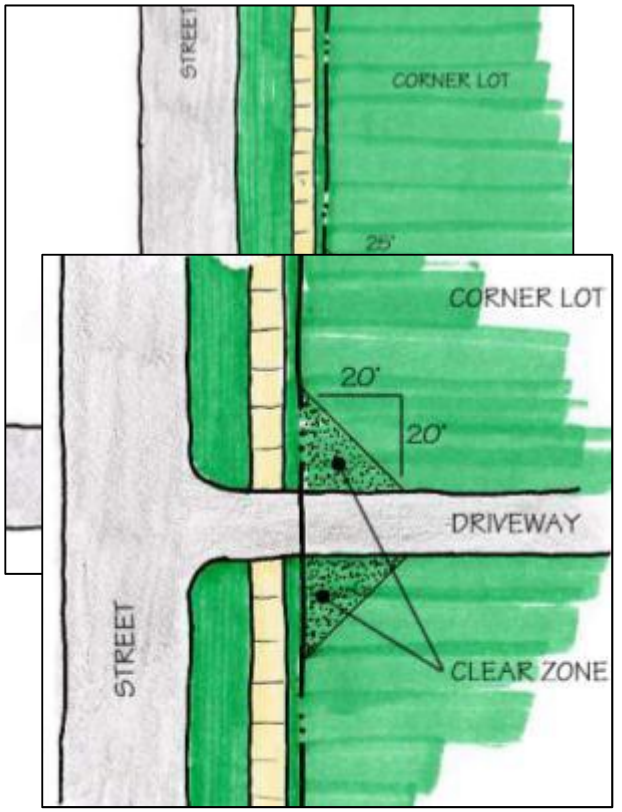
Church

A building wherein persons regularly assemble for religious worship, meetings and other activities, and which is maintained and controlled by a religious body with tax-exempt status organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Clear Vision Area

Corner areas at intersecting streets, alleys and driveways in which unobstructed vision of motor vehicle operators is maintained as shown in Figure 15-6. At the intersection of two streets, or where a street intersects with an alley the clear vision triangle is defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two. At the intersection of a driveway and a street, the clear vision triangle is defined by measuring two sides of the triangle each twenty (20') feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two, and applied to both sides of the driveway. The vertical dimensions of the clear vision triangle include unobstructed areas to be maintained between twenty-four (24) and ninety-six (96) inches above the grade of the lower roadway or driveway.

Figure 15-6: Clear Vision Area



Cluster Development

An approach to designing a site that maximizes the conservation of open space by placing dwelling units and other structures in closer proximity than usual while retaining the remaining land for recreation, open space, or preservation of sensitive land features.

Commercial

An occupation, employment, or enterprise that is carried on for profit.

Common Area

Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

Communication Tower

A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Community Garden

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Composting

Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

Conditional Land Use

A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, or noise) is not essentially incompatible with uses permitted in a zoning district, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A conditional use is permitted by right in a particular district, provided that the use complies with the nondiscretionary standards stated in this *Ordinance*.

Condominium Project

A plan or project including not less than two condominium units established and approved in conformance with the *Condominium Act P.A. 59 of 1978, MCL 559.10, as amended.*

Condominium Subdivision

A division of land on the basis of condominium ownership, pursuant to the *Condominium Act P.A. 59 of 1978, as amended* and which is not subject to the provisions of the *Land Division Act, P.A. 288 of 1967, as amended.* Also known as a site condominium or site condo. As used in reference to a "Condominium Subdivision" in this *Ordinance*, the terms below are defined as follows:

1. **Building Envelope:** The area of a condominium unit within which the principle building or structure may be constructed, together with any accessory structures, as described in the Master Deed.
2. **Building Site:** That portion of a condominium project that shall include the condominium unit and that may also include limited common elements as described in the Master Deed. For purposes of determining compliance with the applicable requirements of the *Zoning Ordinance* (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, "*building site*" shall be considered to be the equivalent of a "*lot.*"
3. **Condominium Unit:** That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The term "*condominium unit*" shall be equivalent to the term "*lot*" or *"building site",* for purposes of determining compliance of the site condominium subdivision with the provisions of this *Ordinance* pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.
4. **General Common Area:** That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the Master Deed.
5. **Limited Common Area:** That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.
6. **Limited Common Element:** That portion of a condominium project other than the condominium unit that is reserved in

the master deed for the exclusive use of the owner of the condominium unit.

7. **Master Deed:** The document recorded as part of a condominium subdivision that contains the exhibits and incorporates by reference the approved bylaws for the Condominium Subdivision and Plan.
8. **Plan:** The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Conservation Easement

The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in *Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended*, when applied to a cluster development or open space development as follows: an interest in land that provides limitation on the use of

land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

Contiguous *(same as **Abutting, Adjacent**)*

Next to, touching, having property or district lines in common.

Convalescent Home *(same as **Nursing Home** and **Extended Care Facility**)*

A building having a principle purpose of providing of sleeping, eating, and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and nursing care.

Cross Access

A service road or driveway providing vehicular access between two or more contiguous sites so the driver need not enter the public road system.

Cul-de-sac

A street with a single common ingress and egress and with a turnaround at the end.

SECTION 15.6 DEFINITIONS – D

Day Care Center *(see **Child Care Center**)*

Deck

An unroofed structure built as an aboveground platform either freestanding or attached to a building and supported by pillars or posts.

Deed Restriction

A private legal restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Demolition

Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements.

District

A geographic area within the Village within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this *Ordinance.* The terms "district" and "zone" are synonymous.

Division

The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of section 108 and 109 of the *Land Division Act, P.A. 288 of 1967, MCL 560.108 to 560.109, as amended.* Division does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the *Land Division Act, P.A. 288 of 1967, as amended* or the requirements of an applicable local ordinance.

Dock

A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

Driveway

A private means of vehicular access connecting a public right-of-way such as a street or alley to a parking or loading area, garage, dwelling, or other structure or area.

Driveway, Shared

A driveway connecting two or more contiguous properties to the public road system.

Dwelling, Multiple-Family

A residential building containing three or more dwelling units, each with not more than one family.

Dwelling, Single-Family

A detached residential building containing only one dwelling unit, and occupied by not more than one family.

Dwelling, Two-Family (Duplex)

A detached residential building containing two dwelling units, each with not more than one family. Also known as a duplex.

Dwelling Unit

One or more rooms connected together but structurally divided from all other rooms in the same structure, constituting a separate, independent housekeeping establishment and containing independent kitchen, bathroom and sleeping facilities.

SECTION 15.7 DEFINITIONS – E

Earth Material
Any mineral, rock, natural soil, overburden, or fill, or combination of such materials.

Earthwork
The removal of earth materials, clearing of vegetation, mass grading, or re-grading of a site.

Easement
That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots.

Eave
The overhanging lower edge of a roof.

ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit
A temporary accessory structure and use on a single residential lot for occupancy only by immediate family members of the occupiers of the principle structure on the lot.

Egress
An exit.

Electrical Code
The electrical code as currently enforced pursuant to the laws of the State of Michigan.

Erected
Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, installation of utilities and the like, shall be considered a part of erection.

Erosion
The removal of soil through the actions of water, wind, gravity, or a combination.

Essential Services

Means the erection, construction, alteration or maintenance by public utilities or municipal departments, of overhead, surface, or underground gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, hydrants, and similar accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare. Does not include communication towers or office buildings, substations, or structures for service equipment or maintenance depots.

Expansion *(same as **Addition**)*

Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Extractive Industries

Industries engaged in excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.

SECTION 15.8 DEFINITIONS – F

Façade

That portion of an exterior building elevation facing the street space. Building elevations facing interior courts, common lot lines, and alleys are not facades.

Family

A basic unit having at its nucleus one or two persons who may be providing care for their children (whether related by blood, marriage, guardianship, duly-authorized custodial relationship, or adoption) and/or elderly parents plus not more than two other persons; or, not more than four unrelated persons living together as a single housekeeping unit.

Farm

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, per the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.*

Farm Operation

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products as outlined in the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.*

Farm Product

Those plants and animals useful to human being produced by agriculture and includes, but is not limited to, biomass crops, forages and sod crops, grains, feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock including

breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, trees and tree products, mushrooms, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture. Per the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.*

Farm Stand ***(****same as* ***Food Stand)***

A building or structure used for the retail sales of agricultural produce.

Farmer's Market

An occasional or periodic market held in an open area or in a structure where individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages.

Fence

A structure of definite height and location to serve as an enclosure in carrying out the requirements of this *Ordinance*; a barrier designed to bound an area.

Fence Height

The average distance between the top element in the fence and the adjacent grade along any unbroken run of fence.

Fence, Living

A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy, or mark a boundary for all or any part of a lot.

Fence, Privacy

A solid fence erected or constructed to prevent views across the fence line.

Fill

Any material, including by way of illustration earth material, concrete, rubble, and wood waste, that is placed or deposited on the surface of the ground resulting in a change in natural surface elevation.

Flag

A flexible piece of fabric or other material used as a symbol of a unit of government or political subdivision.

Floodplain

A relatively flat or low land area adjoining a river, stream, lake, or watercourse which is subject to partial or complete inundation; or, an area subject to the unusual and rapid accumulation of runoff or surface waters from any source. This area includes floodway (channel and flood areas with flow), and flood fringe (flood areas with little or no flow).

Floor

The level base of the room, hollow structure, or enclosed area, including basements.

Floor Area

The sum of the total gross area of all floors as measured to the outside surfaces of exterior walls.

Footcandle

A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Foster Care

The provision of supervision, personal care, and protection in addition to room and board for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

Foster Family Group Home

A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to *chapter X of P.A. 288 of 1939, MCL 710.21 to 710.70, as amended,* are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. *Per P.A. 116 of 1973, MCL 722.11, as amended.*

Fraternity or Sorority House

A building occupied and maintained exclusively for students affiliated with and formally recognized as a group by an academic or professional college or university or other recognized institution of higher learning.

Frontage *(as pertains to sign regulation)*

A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way.

Frontage Road ***(****same as* ***Front Service Drive)***

A local street/road or private road typically located in front of principle buildings and parallel to an arterial to give access to abutting properties for the purpose of controlling access to the arterial.

SECTION 15.9 DEFINITIONS – G

Garage Sale ***(****same as* ***Yard Sale)***

The sale or offering for sale to the general public of items of personal property by the owner or tenant of a lot on which a dwelling unit is located, whether within or outside the dwelling unit, a garage or other accessory building.

Garden

A tract of land devoted to outdoor cultivation of flowers, fruits, vegetables, or small plants, and unenclosed by any structure other than a fence.

Generally Accepted Agricultural and Management Practices (GAAMP)

Those practices as defined by the Michigan Commission of Agriculture.

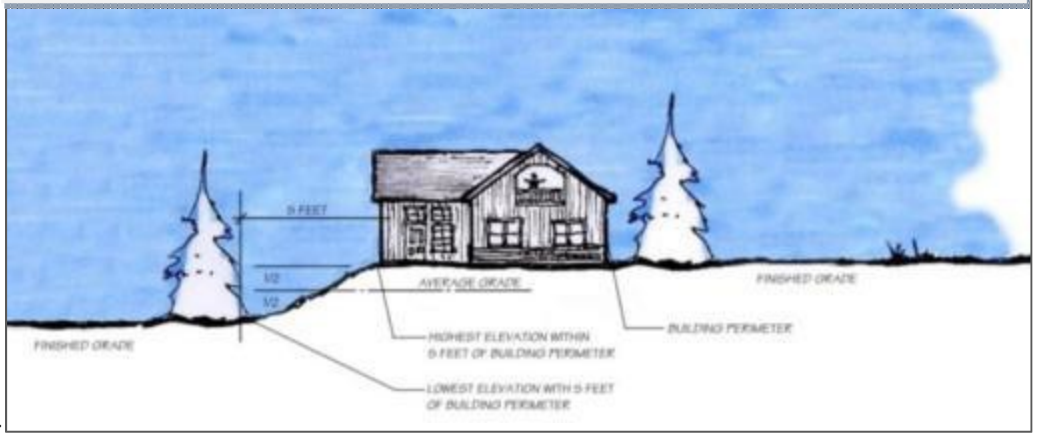
Glare

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade

The vertical elevation of the ground surface.

Figure 15-8: Grade



Grade, Average

The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure not including window wells or required basement egress. (*See Figure 15-8)*

Grade, Finished

The final grade of the site after man-made alterations that conforms to the approved plan.

Grade, Natural or Existing

The elevation of the ground surface in its natural state, before man-made alterations.

Greenhouse ***(****same as* ***Hoop House)***

A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Greenway

A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. *Per P.A. 110 of 2006, MCL 125.3102, as amended.*

Ground Cover

Living plants designed to grow low to the ground (generally one foot or less), forming a continuous vegetative surface, and intended to stabilize soils and protect against erosion.

Ground Story

The first level of a building at or above grade.

SECTION 15.10 DEFINITIONS – H

Hard Surface

Compacted gravel, concrete or asphalt pavement, pavers or other products designed for parking.

Hazardous Substance

Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to the public health, safety, or welfare or to the environment. Includes "*Hazardous substance*" as defined in the *Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767,* and "*Hazardous waste*" as defined in the *Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103, and* "*Petroleum*" as defined in the *Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).*

Height, Building ***(****see* ***Building, Height)***

Height, Sign ***(****see* ***Sign, Height)***

Home Occupation

A commercial activity, whether for profit or otherwise, carried on by an occupant of a dwelling unit as a secondary use which is clearly subordinate and incidental to the use of the dwelling unit as a residence, and does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital

An institution providing health services for inpatient and/or outpatient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, outpatient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hotel

A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding or rooming house as defined in this *Ordinance*.

SECTION 15.11 DEFINITIONS – I

Impervious Surface

Any 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 roofs, paved asphalt or concrete surfaces, and dense gravel surfaces.

Impervious Surface Coverage

A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, concrete, asphalt, or other hard surface.

Industrial Service Establishment

Establishment engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products, generally not attracting the general public.

Industry

The manufacture, fabrication, processing, assembly, reduction, or destruction of any article, substance, or commodity in such a manner as to change the form, character, or appearance thereof, and may include associated warehousing and/or storage facilities.

Ingress

Access or entry point or entrance.

Institution

A building or premises occupied by a nonprofit corporation or a nonprofit establishment for public use.

Intersection

The location where two or more roadways cross at grade without a bridge.

SECTION 15.12 DEFINITIONS – J

Junk

Any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles and parts, construction material, household wastes including garbage and discarded appliances, and yard debris, which is collected, stored for salvage, destruction, or conversion to some use.

SECTION 15.13 DEFINITIONS – K

Kennel

Any premises where domestic animals, such as dogs and cats, are confined, boarded, trained, treated, or groomed for compensation or bred or raised for sale purposes.

SECTION 15.14 DEFINITIONS – L

Landscaping

An area set aside from structures and parking which is characterized by the installation and permanent maintenance of vegetation and natural features. It includes the preservation of existing vegetation and the continued maintenance thereof and the installation of minor decorative features such as permeable paving materials, walls, fences, and street furniture.

Loading Zone

An off-street area on the same lot with a building, or group of buildings, for temporary access and parking of a commercial vehicle

while loading and unloading merchandise or materials.

Lot *(same as Parcel)*

Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this *Ordinance*, and having its principle frontage upon a public street or on an approved private road or approved access easement.

Lot, Corner

A platted parcel of land abutting two road rights-of-way at their intersection, or a lot abutting upon a curved street or streets involving a change of direction. *(See Figure 15-11)*

Lot, Flag

A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. (*See Figures 15-10 and 10-11)*

Lot, Interior

Any lot other than a corner lot which has only one lot line fronting on a street. For this purpose, an alley is not considered a street unless the lot has no lot line fronting on a street. (*See Figure 15-11*)

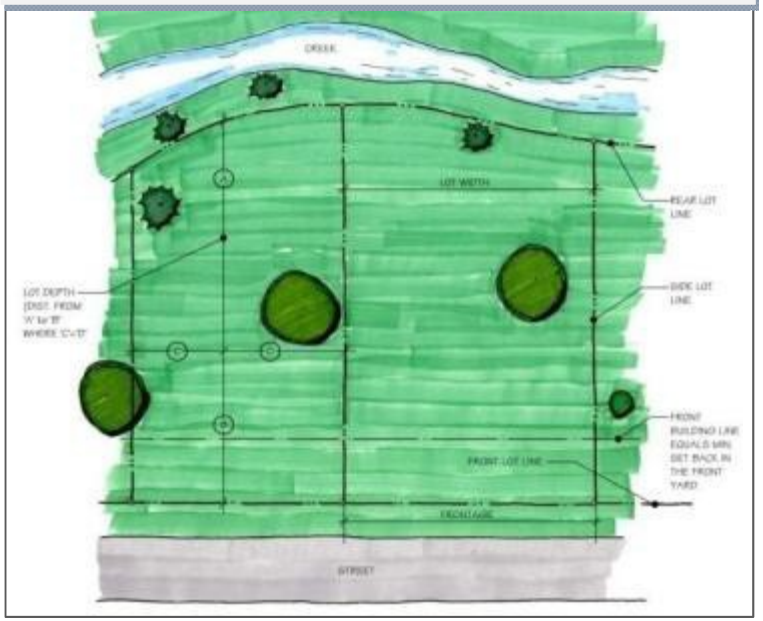
Lot Lines, Common

Lot lines shared by adjacent private lots.

Lot Lines, Front

In the case of an interior lot, the line separating that lot from the street, a private road, or other access easement. In the case of a corner lot or through lot, the line separating that lot from either the street, a private road, or other access easement, and bearing the assigned street address for that lot. In the case of a flag lot, the line parallel and nearest to the main roadway.
(*See Figures 15-9 and 15-10)*

Figure 15-9: Lot Frontage, Width & Depth



Lot Lines, Side

Any lot line other than the front lot line or rear lot line. (*See Figures 15-9 and 15-10)*

Lot of Record

A lot which is part of a plat or a lot or parcel described by metes and bounds recorded in the Office of the County Register of Deeds at the time of adoption of this *Ordinance.*

Lot, Through

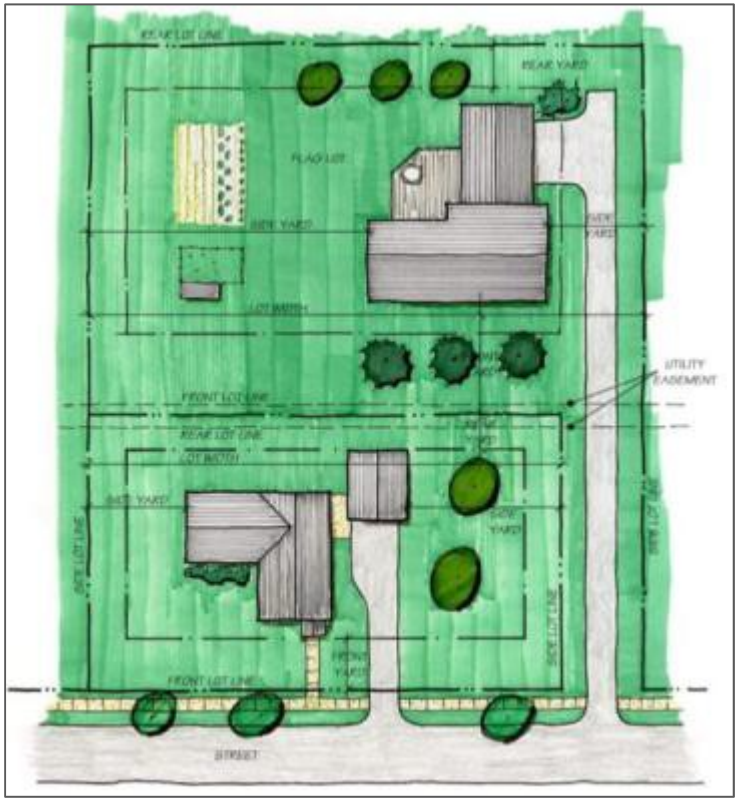
An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. (*See Figure 15-11)*

Lot Width

The horizontal distance between the side lot lines, measured at the front setback, or if no front setback is established, the distance between the side lot lines measured along the lot line abutting a named or numbered street. For corner lots having only one side lot line, the distance shall be measured from that side lot line to the opposing front lot line. (*See Figure 15-10)*

Figure 15-11 (left): Lot Types

Figure 15-10: Lot Line & Yards



SECTION 15.15 DEFINITIONS – M

Major Street

Any street designated as a major street pursuant to *P.A. 51 of 1951.*

Manufactured Home

Factory-built, single-family dwelling units prefabricated in part or total which meet the *HUD Code 42 USC Sec 5401 (Federal Manufactured Home Construction and Safety Standards Act),* and is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Marihuana Related Business

Any marihuana facility or business, as defined and licensed by the State of Michigan to grow, process, manufacture, test, transport or retail marihuana or marihuana based products as defined by the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act, as amended.

Master Plan

A compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development, both public and private, of the community, and complying with the standards of the *Michigan Planning Enabling Act, P.A. 33 of 2008.*

Mixed Use Development

The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, vertically or horizontally integrated, and sharing a common circulation system including both vehicular and pedestrian ways and possibly a system of common open spaces including recreational and natural areas.

Mobile Home

Per the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302*, a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Park

A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302, as amended.*

Motel

A series of rental units, each containing at least a bedroom and bathroom, provided for compensation to transient guests for overnight lodging, and in which access to and from each room or unit is through an exterior door.

Mural

A graphic displayed on the exterior of a building or structure generally for purposes of decoration or artistic expression, and not containing any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo.

SECTION 15.16 DEFINITIONS – N

Native Species

Plant and animal species that occur naturally in aquatic and terrestrial habitats.

Natural Areas

Land or water that is essentially unimproved and characterized by natural features, and devoted to open space or habitat use.

Neighborhood

A subarea of the Village in which the residents share a common identity focused around a school, park, community business center, or other feature which is usually within walking distance of their homes, or which is bounded by physical barriers or natural features that distinguish it from other areas of the community.

Non-Conforming

A condition that occurs when an existing lot, structure, building, sign, development, or use of an existing lot or structure fails to conform to one or more of the regulations currently applicable to the zoning district in which the lot, structure, building, sign, development, or use is located, but which was conforming ("of record") prior to the enactment of this *Ordinance* and became non-conforming on the effective date of adoption of this *Ordinance,* or an *Ordinance* text amendment or rezoning,

Nuisance

Any thing, condition, or conduct that annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance.

Nursing Home *(same as* ***Convalescent Home*** *and* ***Extended Care Facility)***

A building having a principle purpose of providing of sleeping, eating, and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and full-time nursing care.

SECTION 15.17 DEFINITIONS – O

Occupancy

The purpose for which a building is used or intended to be used. Change of occupancy is not intended to include change of tenants

or proprietors.

Office

A building or portion of a building wherein services are performed including, predominantly administrative, professional, or clerical operations.

Off-Site

Outside the limits of the area encompassed by the lot or parcel of record on which the principle use is conducted.

On-Site

Within the limits of the area encompassed by the lot or parcel or record on which the principle use is conducted.

Opacity

The degree to which materials or objects block light or view; the degree of nontransparency.

Open Space

Any unoccupied, at-grade area open to the sky and not covered by structures or devoted to vehicular use on the same lot with a building, as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open Space Preservation

A condition where land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the *Zoning Ordinance*, and as long as a percentage of the land area will remain perpetually in an undeveloped state, and meeting certain conditions as defined in this *Ordinance*.

Outdoor Sales

The outdoor display and sales of goods or services in parking areas, sidewalks, and other locations outside of an enclosed building (does not apply to farmer's markets, produce stands, or yard sales as defined in this *Ordinance*).

Outdoor Storage

Keeping of personal or business property in an area outside of a building (does not apply to junk/salvage operations and yards or auto recycling centers as defined in this *Ordinance*).

Owner

An individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity who owns or holds title to real property; a mortgagee or vendee in possession; an assignee of rents; one who has control as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

SECTION 15.18 DEFINITIONS – P

Parapet
The extension of the main walls of a building above the roof line.

Parcel ***(****same as* ***Lot)***
Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this *Ordinance*, and having its principle frontage upon a public street or on an approved private road or approved access easement.

Park
Land that is publicly owned or controlled for the purpose of providing recreation or open space for public use.

Parking Lot
A ground level area, other than a street or other public way, improved for the temporary storage of motor vehicles, and available for public or private use whether for a fee or as an accommodation for clients, customers, residents, or employees. Improvements may include hard surface, pavement (impervious or permeable), or other approved, permeable, reinforced system.

Parking, Reserved
Parking not available to the public, but only to specifically identified users (either a single user per space or a set of users for a group of spaces), whether for free or at a fee.

Parking, Shared
The approved use of a public or private parking area jointly by two or more uses.

Parking Space
An area of definite length and width, exclusive of driveways and aisles giving access thereto, and so prepared as to be usable for the parking of permitted vehicles and so located as to be readily accessible to a public street or alley.

Parking Structure
A structure, whether privately or publicly owned, fully or partially enclosed or located on the deck surface of a building, designed to accommodate vehicular parking spaces and access drives, aisles, and ramps. A separate structure that is accessory to a residential use is a garage and is not included as structured parking.

Path
A right-of-way or easement dedicated for non-motorized public pedestrian access.

Path, Multi-Use
An off-street path physically separated from motorized vehicular traffic by an open space or barrier and that can be used by

several transportation modes, including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

Pavement

A uniform, hard, and durable material composed of concrete or asphalt.

Pedestrian Pathway

A public right-of-way or public access easement, separate and protected from vehicular traffic, developed according to standards specified in this *Ordinance,* that provides pedestrian and bicycle passage through blocks running from a street-space to a building entrance, another street-space, an alley, or through a block interior parking area.

Performance Guarantee

Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the municipality as assurance that required improvements or conditions associated with project approval are properly built and brought to completion or conformance.

Permanent Structure

Any building, structure, or utility/waste system designed, constructed, and intended for more than short-term use. Excluded are recreational vehicles, picnicking shelters, moveable storage sheds, stairways, docks, or erosion control structures.

Permeable ***(****same as* ***Pervious)***

Surface maintained in its natural condition or covered by a material that permits infiltration or percolation of storm water directly into the ground at the rate of absorption of vegetation-bearing soils.

Person

Any individual, partnership, corporation, joint stock association, organization, association, trust, or any Village or state or any subdivision thereof; and includes any trustee, receiver, assignee, heir, executor, administrator, agent, or personal representative thereof.

Planned Unit Development (PUD)

A development of flexible design that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages according to the PUD requirements of this *Ordinance*, other applicable sections of this *Ordinance* and any additional requirements placed upon it by the Planning Commission. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements but meets the goals and criteria of the Planned Unit Development as stated in this *Ordinance* and as illustrated through the discretionary review process. A PUD shall not be allowed where approval is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated objectives.

Plat

A map of a subdivision of land recorded with the County Register of Deeds pursuant to the *Land Division Act, P.A. 288 of 1967, MCL*

560.102, as amended, or a prior statute.

Pole Barn

A farm or storage building with no foundation and with sides consisting of corrugated steel or aluminum panels supported by poles set in the ground, typically at eight foot intervals.

Porch

A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Practical Difficulty

The circumstances that may prevent a property owner from conforming with the strict letter of the *Ordinance* and from which a dimensional variance may be granted; provided that doing so will not be contrary with the intent and purpose of the *Ordinance,* will not cause a substantially adverse effect upon adjacent properties, will not essentially alter the character of the surrounding area, will not increase hazards or traffic congestion, and provided, however, that the plight of the owner is due to unique circumstances of the property and is not self-created.

Premises

A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principle Building

A building in which is conducted the primary or predominant use of the lot on which it is located.

Principle Use

The primary or predominant use of any lot, building, or structure.

Private

Belonging to, or restricted for the use or enjoyment of particular persons.

Professional Engineer

An engineer registered in the State of Michigan.

Projection

A portion of the main building that projects from the wall or established foundation line, such as overhanging eaves, bay windows, balconies, etc.

Property

A lot, parcel, tract, or plot of land together with the buildings and structures thereon that is owned or possessed.

Public

The people as a whole; belonging or open to members of the community; anything owned or operated by government.

Public Art

Any visual device, element, or feature whose primary purpose is the expression of aesthetic qualities or ideas, accessible to public view on public or private property, but which does not contain characteristics of an advertising sign and does not draw attention to a business, profession, industry, products, or services.

Public Facility

Land and structures providing public services, including, but not limited to transportation, water, wastewater, stormwater, fire, police, emergency, utility, and communication systems or other publically owned uses such as government offices, schools, libraries, museums, tourist information centers, marinas, and trails.

Public Space

Open space or improved land and facilities commonly open to view by the public or accessible to the public.

Public Use

Government-owned facilities to which the public has access.

Public Utility

Any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulation to the public gas, steam, electriVillage, sewage disposal, communication, transportation, or water services.

SECTION 15.19 DEFINITIONS– Q

SECTION 15.20 DEFINITIONS– R

Ramp

A sloping walkway, roadway, or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site or between structures and the ground for handicap access to buildings.

Recreational Vehicle

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle per the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302, as amended.*

Regulating Plan

Part of the Form-Based Code that is the coding key for the regulations that apply to each parcel. The Regulating Plan also shows how each parcel relates to adjacent street-space, the overall Form District, and the surrounding neighborhoods.

Required Building Line (RBL) & Required Building Zone (RBZ)

The Required Building Line is a line(s) indicated in each district Building Form Standard and Site Layout. Two RBL lines as specified in the Building Form Standard define a Required Building Zone (RBZ) between which the building Facade shall be placed. The RBZ is a requirement, not a permissive minimum as is a set-back. The minimum length of building that is required to be built within the RBZ is shown on the appropriate Building Form Standard.

Residential

Activities in which occupants regularly use land as a permanent place for dwelling. Residential uses shall be considered to encompass all of the following: Dwelling Units (single family, two family, multiple family, mobile or manufactured home on an individual lot), Bed and Breakfasts, ECHO unit, Family Child Care Homes, Group Child Care Homes, Adult Foster Care Family Home, Adult Foster Care Small and Large Group Homes, Foster Family Home, Foster Family Group Home, State Licensed Residential Facility, Institutions for Human Care and Habitation, Community Residential Care Facilities, Group Housing, Mobile Home Park or Manufactured Housing Community, PUD with dwelling units, Resorts with Dwelling Units, Open Space or Rural Cluster Development as defined in this *Ordinance.*

Resort

A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this *Ordinance.*

Restaurant

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principle building, but may also include carry-out services for consumption off premises.

Restaurant, Drive Thru

A commercial establishment where food and beverages are served to the public via direct service to vehicular passengers for consumption off premises, even if the premises also include areas where food and beverages are prepared, served, and consumed within the principle building or to vehicular passengers for consumption on premises.

Restoration

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

Restrictive Covenant

A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding on subsequent owners of the property.

Retail Establishments

An establishment whose principle activity is the purchase and resale, leasing, or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering of services incidental to the sale of such goods.

Retention

The permanent on-site maintenance of stormwater.

Right-of-Way

A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries, and is dedicated or deeded to the public for public use and under the control of a public agency.

Riparian Buffer

A vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat.

Road

All property dedicated or intended for public or private vehicular travel, including parking lanes and utility easements that are located in the area between the regularly established curb lines.

Road, Public

A road dedicated to the public, such dedication having been accepted by the appropriate road authority, which meets the minimum construction standards of said road authority.

Roadside (Food) Stand

An accessory structure for the seasonal retail sale of agricultural products.

Roof

The top cover of any building or structure, including the eaves and similar projections but excluding chimneys, antennas, vents, solar collectors, mechanical equipment, and similar structures.

Rooming House ***(****see also* ***Boarding House)***

A building where sleeping accommodations are available for remuneration for periods of one week or longer. Board may or may not be included with the accommodations.

Runoff

Water that flows at a rate above the infiltration rate of the surface material which causes water to flow over the ground surface.

SECTION 15.21 DEFINITIONS – S

Salvage

Any article or material that is to be or intended to be reclaimed or saved from destruction.

Sauna

An accessory structure or room utilizing a steam bath or dry heat used for the purpose of bathing, relaxation, or reducing.

Sawmill

A facility where logs or partially processed trees are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Screen/Screening

A structure or vegetative barrier meeting the buffer requirements of this *Ordinance* that provides a visual or noise barrier between the area enclosed and the adjacent property.

Service

A useful labor which does not produce a tangible commodity.

Service Drive *(see Frontage Road or Rear Service Drive)*

Service Establishment

Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Setback

The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Setback Line

A line parallel to and equidistant from the relevant lot line (front, back, and side) between which no buildings or structures may be erected as prescribed in this *Ordinance.*

Sexually Oriented Businesses (SOB)

Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character. SOBs include but are not limited to adult book or video store, adult entertainment establishment, adult mini-theater, adult motion picture theater, and adult novelty business as defined below.

- **Adult Book or Video Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, films, computer software or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas,* " as defined herein.
- **Adult Entertainment Establishment:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of "*nudity"* or live performances presented for the observations of the patrons which have paid or promised to pay an admission fee, and which are characterized by the exposure of "*specified anatomical areas*" or by "*specified sexual activities*"*.*
- **Adult Mini-Theater:** A commercial establishment where, for any form of consideration, in an enclosed area with a capaVillage of less than ten (10) persons, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by an emphasis on the depiction or description of "*specified sexual activities*" or "*specified anatomical areas*"*.*
- **Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction

or description of "*specified sexual activities*" or "*specified anatomical areas,*" as defined herein.

- **Adult Novelty Business:** A business that has as a substantial or significant portion of its activity in the sale of devices which stimulate human genitals or devices designed for sexual stimulation.
- **Nudity or State of Nudity:** The appearance or display of specified anatomical areas as defined below.
- **Specified Anatomical Areas** Includes:
  - Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
  - Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- **Specified Sexual Activities** Includes:
  - Acts of human masturbation, sexual intercourse, or sodomy;
  - Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
  - Human genitals in a state of sexual stimulation or arousal.
- **Substantial or Significant Portion:** A SOB will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:
  - Thirty-five (35) percent or more of the stock, materials, or services provided describes or relates to specified sexual activities, specified anatomical areas, or both.
  - Thirty-five (35) percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both.
  - The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

Shipping Container

A steel container for shipping cargo and goods. Typically carried on container ship and trains that are repurposed for storage uses.

Shopping Center

A group of five or more separate commercial establishments with separate customer access which is planned, constructed, and managed as a unified entity fronting on privately owned common areas or shared on-site parking rather than a public street.

Shoreline

The area of the shoreland where land and water meet.

Sidewalk Café

An outdoor dining area on a public sidewalk or right of way where patrons consume food and beverages provided by an abutting food service establishment. Such establishments include either table service in the outdoor area or takeout items to be consumed there.

Sight Distance

The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Sign

Any name, figure, character, image, outline, display, announcement, or illustration which is affixed to or located on, a piece of land, and which is designed to attract public attention from any street, right-of-way, sidewalk, alley, park, or other public property and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs. A sign shall not include any architectural or landscape features that may also attract attention.

Sign, Abandoned

A sign which for a period of at least ninety (90) consecutive days or more no longer advertises or identifies a legal business establishment, product, or activity.

Sign, Advertising

Any sign which identifies a product, or service or brand name offered to the public.

Sign, Area

Refer to measurement standards in Section 5.7.4.

Sign, Canopy

Any permanent sign attached to or constructed underneath a canopy.

Sign, Changeable Copy

A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Sign, Directional

A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified uses on the property.

Sign, Entrance

A sign that designates the street entrance way to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution from a public right-of-way.

Sign Face

An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Sign, Freestanding

Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

Sign, Flexible

A sign made of fabric, plastic, or other flexible material, two-dimensional in nature.

Sign, Governmental

A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.

Sign, Height

Refer to measurement standards in Section 5.7.4.

Sign, Identification

A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address, and sets forth no other advertisement display.

Sign, Illuminated

Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing, or radiating signs.

Sign, Informational

A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, and similar features.

Sign, Marquee

Any sign painted on or attached to or supported by a marquee, which is a permanent rooflike shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Sign, Nonconforming

A sign lawfully existing on the effective date of this *Ordinance* which does not conform to one or more of the regulations set forth in this *Ordinance*.

Sign, Permanent

A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing.

Sign, Portable

A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), including trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.

Sign, Projecting

A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.

Sign, Real Estate

Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Sign, Roof

Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

Sign, Sidewalk

A portable sign of A-frame or swinging-style construction used during the hours a business is open and stored inside when not in use.

Sign, Special Event

Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic, or special event of general public interest.

Sign, Temporary

A sign intended to be displayed for a limited period of time and one which is without permanent foundations or attachment to a permanent building.

Sign, Wall

Any sign attached or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Sign, Window

Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

Site

One or more lots under the same ownership or control which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of this *Ordinance.*

Site Plan

A plan, to scale, showing existing site conditions and proposed alterations, construction, and uses for a site submitted in compliance with the requirements of this *Ordinance.*

Site Work

Any of the following:

- Physical expansion of any principle or accessory building
- Alteration, replacement, addition, or removal of exterior building features.
- Alteration of the size, number, or location or curb cuts.
- Alteration of loading or unloading facilities.
- Alteration of existing off-street parking spaces or installation of new off-street parking spaces.
- Modification of landscaping.
- Relocation of an existing freestanding sign or installation of a new freestanding sign.

Slope

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope, Steep

Slopes of twenty-five percent (25%) or more for a distance of fifty (50) feet or more.

Sod

A section of grass covered surface soil held together by matted roots.

Soil (Topsoil)

The top layer of native soil.

Solar Access

The ability to receive sunlight across real property to protect active or passive solar energy systems from shadows blocking exposure to the sun during specific hours.

Solar Energy

Radiant energy (direct, diffuse, and reflected) received from the sun.

Special Land Use

A use that is not essentially incompatible with the uses permitted by right or with conditions in a zoning district, but possesses characteristics which require individual review and discretion in order to assure conformance with other agency standards or licensing requirements, avoid incompatibility with the surrounding area, and provide protection against nuisances or negative traffic, visual, environmental, privacy, and safety impacts. A special use is permitted in a particular district only after review by the Planning Commission and issuance of a permit, in accordance with the standards set forth in this *Ordinance*.

Special Use Permit

A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in this *Ordinance.*

Stoop

A structure that serves as an exterior floor with a finished floor elevation higher than the adjacent ground level, primarily utilized as an access platform to a building or structure.

Story

That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story unless it is a walkout basement. (*See Figure 2-3)*

Street

A dedicated public right-of-way which affords the principle means of vehicular access to abutting property. A street includes the entire right-of-way and any improvements constructed thereon.

Street Frontage

That portion of the lot or building that is coincident with the RBL as required by this *Ordinance*.

Street Light

A luminaire installed on both sides of streets.

Streetscape

The visual image of a street, including the combination of buildings, signs, and other various components making up the street right of way area, including pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, public amenities, etc.

Street-Space

Includes all space between fronting RBLs (travel-lanes, sidewalks, squares, pedestrian pathways, pedestrian spines, sidewalks, parks) including any transit service operator passenger platform – but not garage entries or alleys.

Structural Soils

An approved design medium which can meet or exceed pavement design and installation requirements while remaining root penetrable and supportive of tree growth.

Structure

Anything constructed or erected, the use of which requires permanent fixation on the ground or attachment to something having permanent fixation on or in the ground; including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure.

Structure Height

For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure.

For buildings, see building height.

Subdivision

The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the *Land Division Act, P.A. 288 of 1967, as amended, MCL 560.108 and 560.109*. Does not include a property transfer between two or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of *P.A. 288 of 1967, as amended* or the requirements of this *Ordinance.*

Swimming Pool, Private

Any artificially constructed basin or other structure for the holding of water for use by the possessor, his family or guests, for aquatic activity and recreation. Does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than three hundred (300) gallons of water.

SECTION 15.22 DEFINITIONS – T

Tavern

An establishment serving alcoholic beverages in which the principle business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises. May also include dancing and musical entertainment.

Telecommunications

Any origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, radio, television, optical, or other means.

Tiny House/Home

Any structure of less than 400 square feet in size that is intended as a permanent or temporary dwelling unit. Tiny homes are typically constructed on a frame with wheels for mobility or may be constructed in a manner that is not a fixed to a foundation.

Thoroughfare, Major

A public street, the principle use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a Village major street, county primary, state trunkline, or interstate highway.

Topography

The physical land surface relief describing the terrain elevation and slope.

Tourist Home

Any dwelling unit that is leased or rented by the owner for less than thirty (30) days for a short term rental. Tourist homes are typically rented on a daily or weekly basis.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Tower Story

An allowable additional Story above the maximum building story height.

Traffic Calming

A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually involves reducing vehicle speeds, providing quality space for pedestrians and bicyclists, and improving the visual interest of the public space.

Transit

The conveyance of persons or goods from one place to another by means of a local, public transportation system.

Travel Trailer

A vehicular portable structure mounted on wheels and of a size and weight as not to require special highway movement permits when drawn by a stock passenger automobile or when drawn with a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, constructed, and used to provide temporary living quarters for recreational camping or travel.

SECTION 15.23 DEFINITIONS – U

Underground Storage Tank

A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

Undeveloped State

A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public per *P.A. 110 of 2006, MCL 125.3102.*

Use

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land. Uses may be permitted by right *(see **Use, Permitted by Right**)*, permitted with conditions *(see **Conditional Land Use**),* or by special use permit *(see **Special Land Use**).*

Use, Accessory *(See Accessory Use)*

Use, Change of

A use of a building, structure or parcel of land, or portion thereof which differs from the previous use in the way it is classified in this *Ordinance*.

Use, Civic

Community uses open to the public including: meeting halls; libraries; schools; police and fire stations; governmental offices; places of worship; rooming houses; museums; cultural, visual and performing art centers; transit centers; public buildings; recreational facilities; and government functions open to the public.

Use, Conditional *(see Conditional Land Use)*

Use, Conforming

Any use of a structure or land that is permitted by right, permitted with conditions, or permitted by special land use permit in the zoning district in which the lot, structure, building, sign, development, or land is located and which conforms to all regulations of this *Ordinance.*

Use, Non-Conforming

A condition that occurs when a use of an existing structure or land fails to conform to one or more of the regulations currently applicable to the zoning district in which the lot, structure, building, sign, development, or land is located, but which was conforming ("of record") prior to the enactment of this *Ordinance* and became non-conforming on the effective date of adoption of this *Ordinance*, or an *Ordinance* text amendment or rezoning.

Use, Principle ***(****see* ***Principle Use)***
Use, Special ***(****see* ***Special Land Use)***

Utility

All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm, and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

SECTION 15.24 DEFINITIONS – V

Variance

A modification of the literal provisions of the *Zoning Ordinance*, granted by the Zoning Board of Appeals, when certain findings have been made as outlined in the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.* These findings seek to ensure that no variance is granted unless: (a) in the case of non-use variances, strict enforcement of the *Zoning Ordinance* would cause practical difficulty, as outlined in the aforementioned Act (b) in the case of use variances, the applicant demonstrates an unnecessary hardship exists as outlined in the aforementioned Act, (c) doing so would not be contrary to the public interest or the intent and purpose of the *Zoning Ordinance* (d) there are circumstances unique to the individual property on which the variance is granted, (e) the variance request is not due to actions of the applicant, (f) doing so will not cause a substantially adverse effect upon adjacent properties, or essentially alter the character of the surrounding area, or increase hazards, or increase traffic congestion.

Vegetation

Grasses, shrubs, trees, ground cover, and other plants which among other functions hold and stabilize soils and provide visual or aesthetic relief.

Vending

Any activity involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services from a nonpermanent location or structure.

Vibration *(as in nuisance)*

A rapid oscillation of a particle or elastic surface back and forth across a central position which may produce pulsing, throbbing, reverberation, or resonance.

View (same as View Corridor or View Shed)

The route that directs a viewer's attention to a visually sensitive area from a defined observation point.

SECTION 15.25 DEFINITIONS – W

Waterbody

Any significant accumulation of water, including any creek, stream, canal, river, lake or bay, or any other source, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Watercourse

Natural or once naturally flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

Waterfront

The land-water edge and the immediately adjacent property providing access to it.

Wetland

Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wind Energy Conversion System (WECS)

A machine that converts the kinetic energy in the wind into a useable form, commonly known as a *"wind turbine", "wind generator" or "windmill";* the WECS includes all parts of the system, including, but not limited to, the tower, pylon or other structure upon which any, all or some combination of components are mounted. The following associated definitions are also pertinent.

- **WECS:** A combination of:
  - A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and
  - A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electriVillage producing device; and
  - The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
  - The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.
- **Tower Height:**
  - **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;

- **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the WECS.

- **Survival Wind Speed:** The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- **Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

Whole Food Stands

A temporary or permanent structure for the sale of canned, baked or other goods. This definition does not include prepared foods for immediate consumption.

SECTION 15.26 DEFINITIONS – X

SECTION 15.27 DEFINITIONS – Y

Yard

Required open space on the same site as a principle building, unoccupied and unobstructed form the ground upward except as otherwise provided in this *Ordinance.*

Yard, Front

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance permitted between the front lot line and the nearest point of the building.

Yard, Rear

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance permitted 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 there shall only be one rear yard.

Yard, Side

An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance permitted between the nearest point on the side lot line to the nearest point of the main building.

Yurt

A generally round domed building constructed of a membrane stretched on a collapsible or rigid frame used for transient recreational activities.

SECTION 15.28 DEFINITIONS – Z

Zone or Zoning district

A mapped area to which a uniform set of regulations governing the use of buildings and premises applies.

Zoning Administrator

The official hired for the purposes of enforcing and administering this *Ordinance,* and for carrying out certain duties and responsibilities as defined in this *Ordinance*.

Zoning Board of Appeals

The body appointed by the Village Council to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this *Ordinance* would involve practical difficulties or would cause unnecessary hardship to the property owner.

Zoning Permit

A document signed by the Zoning Administrator according to procedures established in this *Ordinance*, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this *Ordinance* or has been granted a variance therefrom, or has been granted a planned unit development approval or a Conditional or Special Land Use Permit.