

# **Village of Jonesville Township of Fayette**

# **Zoning Ordinance**

As amended through \_\_\_\_

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## CHAPTER 1 DEFINITIONS

### SECTION 1.01 RULES APPLYING TO TEXT

- A. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this Ordinance are declared to be severable.
- B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. 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.
- F. A "building" or "structure" includes any part thereof. A building shall be considered a structure.
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  3. "Either..or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the community or other governmental agency is a Saturday, Sunday, or legal holiday when the community offices are closed, the period is extended to include the next day which is not a Saturday, Sunday, or such legal holiday.

- J. Where the term “community” is used, it shall be interpreted to mean both the Village of Jonesville and Fayette Township. Where language applies only to the Village of Jonesville or only to Fayette Township, the language of the Ordinance shall so state. Where no individual references are noted, the language will apply to both communities.

## **SECTION 1.02 DEFINITIONS “A”**

### **ACCESSORY BUILDING**

A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

### **ACCESSORY USE**

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

### **ADULT CARE FACILITY, STATE LICENSED**

- A. Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 116 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:
- B. Adult Foster Care Facility:

A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

1. Adult Foster Care Family Home:  
A residence for six (6) or fewer adults. Licensee must live in the home; and local zoning approval is not required prior to issuance of a license.
2. Adult Foster Care Small Group Home:  
A residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the house.
3. Adult Foster Care Large Group Home:  
A residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
4. Congregate Facility:



A residence for more than twenty (20) adults.

**AGRICULTURE**

The use of land as a source of income for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

**ALTERATIONS**

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

**ARCHITECTURAL FEATURES**

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**AVERAGE GRADE**

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

**SECTION 1.03 DEFINITIONS "B"**

**BASEMENT OR CELLAR**

A portion of a building having more than one-half (½) of its average height below grade.

**BED AND BREAKFAST ESTABLISHMENT**

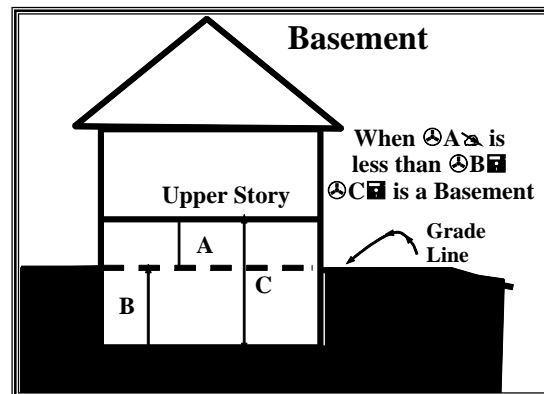
A use within a detached single family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

**BOARD, TOWNSHIP**

As used in this Ordinance, this term means the Fayette Township Board of Trustees.

**BOARD OF APPEALS, or BOARD**

As used in this Ordinance, this term means the Fayette Township or Village of Jonesville Zoning Board of Appeals.

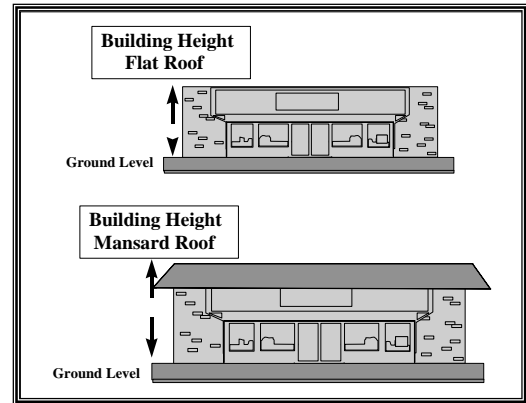


**BUILDABLE AREA**

The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

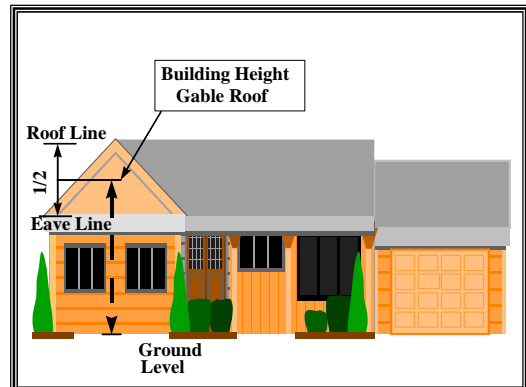
**BUILDING**

An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.



**BUILDING HEIGHT**

The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.



**BUILDING, MAIN**

A building in which is conducted the principal use of the lot on which it is situated.

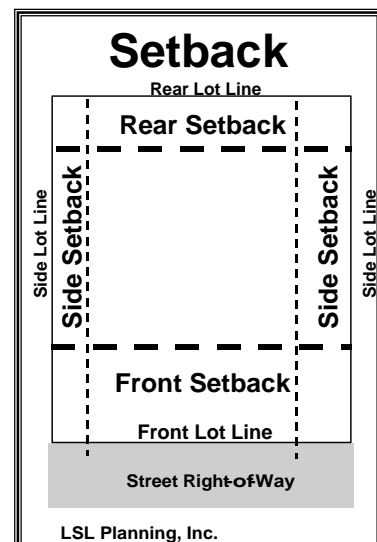
**BUILDING PERMIT**

A written authority as issued by the Building Inspector on behalf of the community permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the community's Building Code.

**BUILDING SETBACK LINES**

Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards as required by the zoning district in which a lot is located.

- A. Front Setback Line. The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.
- B. Rear Setback Line. The line marking the setback



distance from the rear lot line which establishes the minimum rear yard setback area.

- C. Side Setback Lines. Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.

## **SECTION 1.04 DEFINITIONS "C"**

### **CHILD CARE FACILITY STATE LICENSED**

- A. A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services.
- B. Definitions for various care facilities are listed below:
1. Child Care Center or Day Care Center:
    - a. A facility other than a private residence, receiving more than six (6) children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
    - b. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
  2. Child Caring Institution:
 

A child care facility which is organized for the purpose of receiving children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
  3. Foster Family Home:
 

A private home in which at least one (1) but not more than four (4) children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  4. Foster Family Group Home:

A private home in which more than four (4) but fewer than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

5. Family Day Care Home:

A private home in which at least one (1) but fewer than seven (7) children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

6. Group Day Care Home:

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

## COMMERCIAL

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) six (6) month period.

## COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES or WIRELESS COMMUNICATIONS FACILITIES

Structures designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

## COMMISSION, PLANNING

As used in this Ordinance, this term means the Fayette Township Planning Commission or the Village of Jonesville Planning Commission, as appropriate.

## COMMUNITY

Where the term "community" is used, it shall be interpreted to mean both the Village of Jonesville and Fayette Township.

## COUNCIL, VIILLAGE, OR COUNCIL

As used in this Ordinance, this term means the Village Council of the Village of Jonesville.

**SECTION 1.05        DEFINITIONS “D”**

## DISTRICT, ZONING

A portion of the community within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

## DRIVE-THROUGH FACILITY

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including automobile service stations.

## DRIVEWAY, PRIVATE

A private easement or access way providing vehicular access to up to three (3) lots or parcels.

## DWELLING, OR DWELLING UNIT

A dwelling unit is any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, recreational vehicle, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

## DWELLING, MULTIPLE FAMILY

A building or portion thereof, used or designed for residential use for three (3) or more families living independently of each other and each doing their own cooking and housekeeping.

## DWELLING, TWO-FAMILY

A detached building used or designed for residential use exclusively by two (2) families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

## DWELLING, SINGLE FAMILY (DETACHED)

A detached building used or designed for residential use exclusively by one (1) family.

**SECTION 1.06        DEFINITIONS “E”**

## ERECTED

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term "erect."

#### ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by the public utilities or municipal department of underground, surface or overhead gas, electrical, cable television, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings or storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health safety or welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

#### ESSENTIAL PUBLIC SERVICE BUILDING

A building or structure principal to an essential public service, such as a drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

#### ESSENTIAL PUBLIC SERVICE BUILDING STORAGE YARD

An outdoor storage area principal or accessory to an essential public service.

#### EXCAVATING

Excavating shall be the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, excepting common household gardening.

### SECTION 1.07 DEFINITIONS "F"

#### FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be permanent.

FARM

The use of land for cultivation or for raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

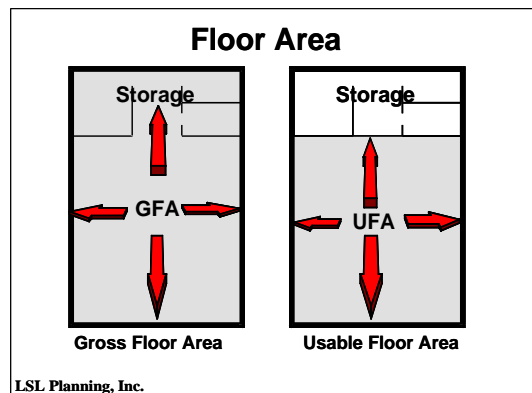
FENCE

Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

FLOOR AREA, GROSS (GFA)

A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the average basement height is above finish lot grade. (See Basement.)

B. Gross floor area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.



FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE (See Lot Width)

**SECTION 1.08      DEFINITIONS “G”**

GARAGE

An accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall not be construed to permit the storage on any one (1) lot of commercial vehicles exceeding a rated capacity of one (1) ton.

**SECTION 1.09        DEFINITIONS “H”****HOME OCCUPATION**

An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

**HOSPITAL**

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

**HOTEL/MOTEL**

A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

**HOUSING FOR THE ELDERLY**

Housing constructed for the exclusive use of an individual fifty five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty five (55). Housing for the elderly may include the types of facilities listed below.

- A.     Senior Apartments (Independent Care): Multiple-family dwelling units where occupancy is restricted to persons 55 years of age or older.
- B.     Congregate or Interim Care Housing: A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C.     Dependent Housing Facilities: Nursing care facilities licensed as a “NURSING HOME” by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15(20101) et seq.), as amended. A “NURSING HOME” as defined by this section shall include extended care facilities and convalescent homes.

**SECTION 1.10        DEFINITIONS “I”****INOPERATIVE VEHICLES**

Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.



**INTENSIVE LIVESTOCK OPERATIONS**

- A. A total of seven hundred and fifty (750) dairy cattle (all classes); seven hundred and fifty (750) slaughter or feeder cattle, one thousand eight hundred (1,800) swine (all classes), one hundred thousand (100,000) poultry (all classes); five thousand (5,000) sheep or goats (all classes); or two hundred (200) horses (all classes); or
- B. A population per acre of at least four (4) dairy cattle, four (4) slaughter or feeder cattle, twenty (20) swine, seven hundred (700) poultry, ten (10) sheep or goats, or four (4) horses.

**SECTION 1.11 DEFINITIONS “J”****JUNK**

For the purpose of this Ordinance, this term shall mean any trash, motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

**JUNK YARD**

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

**SECTION 1.12 DEFINITIONS “K”****KENNEL**

Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

**SECTION 1.13 DEFINITIONS “L”****LANDMARK TREE**

Any living tree of stature standing alone in the open; or any living woodlot tree which stands obviously apart from its neighbors by size, form, or species. Living trees equal to or greater than thirty six (36) inches in diameter will generally be considered a landmark tree regardless of location or type.

**LEGISLATIVE BODY**

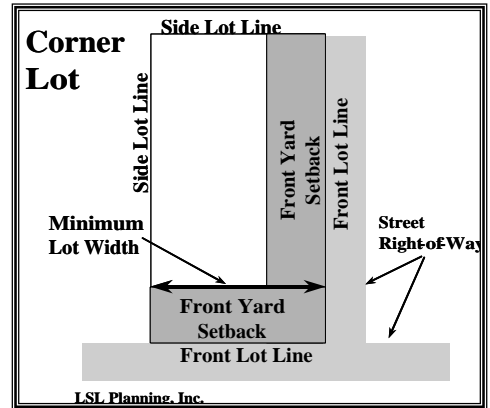
For the Village of Jonesville the term shall mean the Village Council. For the Township of Fayette the term shall mean the Township Board.

**LOADING SPACE**

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

**LOT**

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

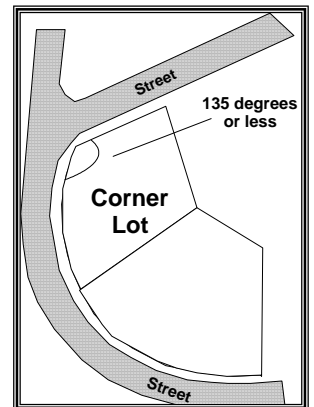


**LOT AREA**

The total horizontal area within the lot lines of a lot excluding road right-of-way.

**LOT, CORNER**

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.



**LOT COVERAGE**

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT, DEPTH**

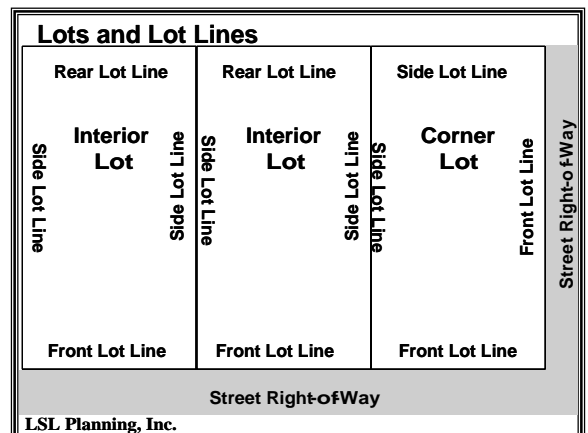
The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

**LOT, DOUBLE FRONTAGE (THROUGH)**

A lot other than a corner lot having frontage on two (2) more or less parallel streets.

**LOT, INTERIOR**

A lot other than a corner lot with only one (1) lot line fronting on a street.



**LOT LINES**

The property lines or other described lines bounding the lot.

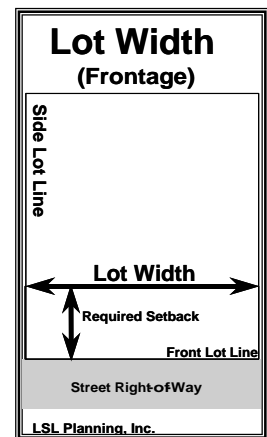
- A. Front Lot Line. In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.
- B. Rear Lot Line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the real lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
- C. Side Lot Line. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD**

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

**LOT WIDTH (Frontage)**

The horizontal distance between the side lot lines, measured at the front yard setback line.



**LOT, WATERFRONT**

A lot having frontage directly upon a lake, river or other naturally formed impoundment of water that meets the minimum lot width requirements of the district in which it is located.

**SECTION 1.14 DEFINITIONS “M”**

**MANUFACTURED HOME**

A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling unit with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditions, and electrical systems contained in the structure.

**MANUFACTURED HOUSING PARK**

A parcel or tract of land under the control of a person upon which three (3) or more manufactured 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 manufactured home and which is not intended for use as a temporary trailer park.

**MANUFACTURED HOME SPACE**

A plot of ground within a manufactured home park designed for the placement of one (1) manufactured home.

**MASTER PLAN**

The Plan currently adopted by Fayette Township or Village of Jonesville, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the community, and includes any unit or part of such plan and any amendment to such plan, adopted in accordance with the requirements of state planning law.

**MOTEL**

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

**MOTOR HOME**

A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

**SECTION 1.15        DEFINITIONS “N”****NON-CONFORMING BUILDING OR STRUCTURE**

A building or structure, or portion thereof, lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

**NON-CONFORMING LOTS OF RECORD**

A legally recorded lot that conformed with all zoning requirements at the time of recording of said lot, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

**NON-CONFORMING USE**

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

**NONRESIDENTIAL DISTRICT**

The HC Highway Commercial District, the CBD Central Business District, and the I-1 Light Industrial District.

**SECTION 1.16        DEFINITIONS “O”****OPEN AIR BUSINESS**

A business and commercial use operated solely outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); outdoor display, sale, and storage of building and lumber supplies; automobiles, recreational vehicles, boats, manufactured homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; contractor yards; and permanent flea markets farmer's markets, roadside stands and auctions.

#### ORDINARY HIGH WATER MARK

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

### **SECTION 1.17        DEFINITIONS "P"**

#### PARKING LOT

A facility providing vehicular parking spaces with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

#### PARKING SPACE

An off-street space of at least one hundred eighty (180) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

#### PERSONAL SERVICE ESTABLISHMENTS

Any commercial business conducting services that are performed primarily on the premises.

#### PLANNED UNIT DEVELOPMENT

A development of land that is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

#### PORCH, ENCLOSED

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

#### PORCH, OPEN

A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a

separate roof or an integral roof with the main building or structure to which it is attached.

#### PUBLIC AND QUASI-PUBLIC INSTITUTIONAL BUILDINGS, STRUCTURES, AND USES

Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, police stations, fire stations, municipal parking lots, post offices, libraries, museums, and community centers.

#### PUBLIC UTILITY

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

### **SECTION 1.18        DEFINITIONS “R”**

#### RECREATION FACILITY (INDOOR):

A publicly or privately owned facility or center which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities and bowling alleys. Auditoriums and stadia are not included.

#### RECREATION FACILITY (OUTDOOR):

A publicly or privately owned facility or center designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) such as tennis courts, swimming pools, archery ranges, gun ranges, golf courses, miniature golf courses, golf driving ranges, skating rinks, baseball fields, batting cages, soccer fields and children's amusement parks.

#### RECREATION VEHICLE OR EQUIPMENT

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

#### RESIDENTIAL DISTRICT

Residential District shall refer to the AG Agricultural District, RR Rural Residential District, R-1 Single Family Residential District, R-2 Single Family Residential District, R-3 Multiple Family Residential District, and MHP Manufactured Home Park District, as described in this Ordinance.

#### ROADSIDE STAND

A farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

### **SECTION 1.19        DEFINITIONS “S”**

**SALVAGE YARD**

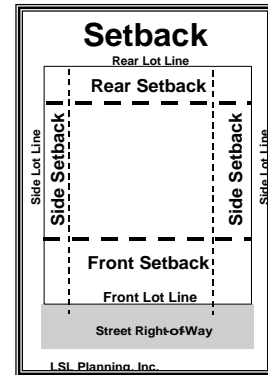
An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

**SATELLITE DISH ANTENNA, OR DISH ANTENNA**

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

**SETBACK; SETBACK AREA**

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback on a lot or parcel.



**SIGNIFICANT NATURAL FEATURE**

Any natural area as designated by the Planning Commission, Legislative Body, or the Michigan Department of Environmental Quality or other appropriate governmental agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, landmark trees, or other unique natural features.

**STORY**

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

**STORY, HALF**

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven and one-half (7 1/2) feet, at its highest point.

**STREET, PUBLIC**

A public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

**SUBSTANTIAL IMPROVEMENT**

- A. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- B. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

**SECTION 1.20 DEFINITIONS "T"****TEMPORARY BUILDING OR USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

**TRAVEL TRAILER**

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

**SECTION 1.21 DEFINITIONS "U"****USES, ADULT**

The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. Adult Book Store

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals 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, or an establishment with a segment or section devoted to the sale or display of such material.

- B. Adult Cabaret

An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar



entertainers.

C. Adult Motion Picture Theater

An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

D. Massage Establishment

Any establishment having a fixed place of business where massages are administered by pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, the feet, or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A *Massage* is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

E. Nude Artist and Photography Studio

Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

F. Specified Anatomical Areas

Specified anatomical areas are defined as less than completely and opaquely covered:

1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

G. Specified Sexual Activities

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

USE, PRINCIPAL

The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

**SECTION 1.22 DEFINITIONS "V"**

VEHICLE REPAIR

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

VEHICLE SERVICE STATION

A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

VEHICLE WASH ESTABLISHMENT

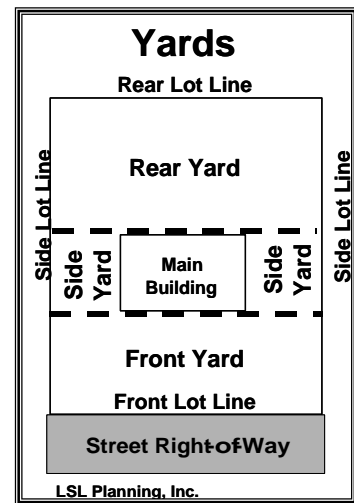
A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**SECTION 1.23 DEFINITIONS “Y”**

YARD

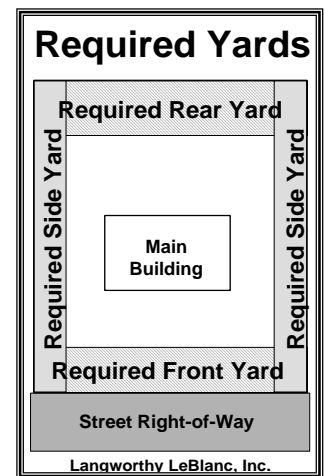
A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. A *Front Yard* is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. A *Rear Yard* is an open space extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. A *Side Yard* is an open space of uniform width between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



YARD, REQUIRED

The required yard shall be that set forth in the applicable Zoning Districts of the Zoning Ordinance as the minimum yard requirement for each such



District.

**SECTION 1.24        DEFINITIONS “Z”**

**ZONING ACT**

Public Act 110 of 2006, as amended.

**ZONING ADMINISTRATOR**

The person designated by the Legislative Body to administer the provisions of this Zoning Ordinance.



## CHAPTER 2 GENERAL PROVISIONS

### SECTION 2.01 APPLICATION PROCEDURES IN GENERAL

The process for application and review by the community for site plan review, special land uses, planned unit developments (PUDs), amendments to this Zoning Ordinance and rezonings of land is described in this Ordinance. No application for such approvals shall be accepted or approved until all of the requirements of this Ordinance have been satisfied.

### SECTION 2.02 DETERMINATION OF "SIMILAR USES"

- A. This Ordinance acknowledges that all potential uses of land cannot be specifically identified or clearly interpreted by the Zoning Administrator in the zoning districts. All applications for a use not addressed in any zoning district shall be submitted to the Planning Commission for review and decision, based on the following standards:
1. A finding that the proposed use is not listed as a permitted or Special Land Use in any zoning district.
  2. If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the Zoning Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the Community.
  3. Once a similar use is determined, the proposed use shall comply with any Special Land Use standards that apply to the similar use.
  4. Where the Planning Commission determines a proposed use is not similar to a use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance.
- B. The determination as to whether a proposed use is similar in nature and class to another permitted or Special Land Use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be similar shall thereafter be included in the enumeration of the uses.

### SECTION 2.03 CHANGE OF USE OR ALTERATION

Except as may otherwise be permitted in this Ordinance, any change in the use of lot or structure, or any alteration of an existing lot or structure shall require the issuance of a zoning permit in accordance with the provisions of Section 18.07, and compliance with all provisions of this Ordinance.

### SECTION 2.04 WITHHOLDING OF APPROVAL

The Planning Commission, Zoning Board of Appeals or Legislative Body may withhold granting of approval of any use, site plan, Special Land Use, Planned Unit Development, or other approval required by this Ordinance pending approvals which may be required by State or federal agencies or departments.

**SECTION 2.05           TIMELY COMPLETION OF CONSTRUCTION REQUIRED**

Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building or other structure authorized under the provisions of this Ordinance, completion of such work shall be diligently pursued and completed in a timely manner. Unless otherwise specified as a condition of approval of a site plan or special land use by the Planning Commission, any construction authorized under the provisions of this Ordinance shall be completed or be diligently pursued within one (1) year from the date of issuance of a building permit for such construction.

**SECTION 2.06           VOTING PLACE**

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

**SECTION 2.07           ESSENTIAL PUBLIC SERVICES**

The erection, construction, alteration or maintenance of essential public services authorized under any franchise in effect within the community shall be permitted subject to regulation as provided in any law in the State of Michigan or in any community ordinance. It is the intention of the Zoning Ordinance to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, State legislation or community ordinance. In absence of such conflict, the standards of the Zoning Ordinance shall prevail

**SECTION 2.08           ELECTRIC DISTRIBUTION AND SERVICE LINES**

The electric distribution system for new residential developments shall be placed underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rules 460.511 - 460.512). Electric lines servicing new office, commercial and industrial developments shall be located underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rule 460.513) unless the practical difficulty associated with such action shall result in an undue burden to the customer as determined by the Planning Commission.

**SECTION 2.09           REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES**

No structure for human occupancy shall be erected, altered, or moved upon any premises and used in whole or in part for residential, assembly, business, industrial, institutional, mercantile or storage purposes unless the water supply and waste water disposal system conforms with the requirements of the Michigan Department of Environmental Quality, Branch-Hillsdale-St. Joseph Community Health Agency, and any community ordinance applicable to public sanitary sewer and public water supply.

**SECTION 2.10           BUILDING AND STRUCTURE HEIGHT EXCEPTIONS**

- A. Height requirements may be exceeded by the following: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, radio and television antennas and towers, and penthouses or roof structures housing necessary mechanical appurtenances.

- B. Height exceptions are not permitted for towers and structures for Commercial Wireless Telecommunication Services in excess of fifty (50) feet in height (as measured from the ground level nearest the tower to the top of the tower) but such towers fifty (50) feet or lower in height may be excepted from the height limitations of the District in which they are located.

**SECTION 2.11 PRINCIPAL BUILDINGS, STRUCTURES OR USES**

No lot may contain more than one (1) principal building, structure or use, excepting groups of multiple-family dwellings, site condominiums or retail business buildings or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance the Zoning Administrator deems to be a principal use collectively.

**SECTION 2.12 LOTS ADJOINING ALLEYS**

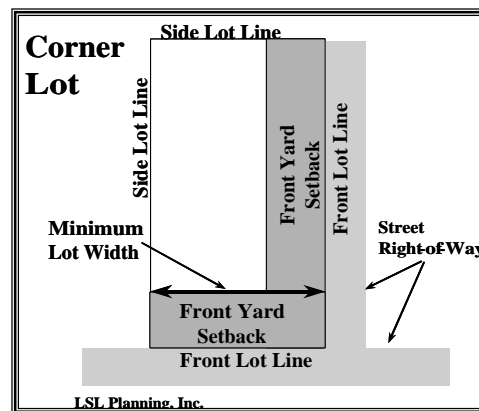
One-half (½) the width of any alley abutting a lot shall be considered as part of such lot for the purpose of calculating lot area requirements of this Ordinance.

**SECTION 2.13 LOT AREA ALLOCATION**

- A. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No lot, yard, court, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further reduced.

**SECTION 2.14 DETERMINATION OF LOT MEASUREMENTS**

- A. A corner lot shall have two (2) front lot lines, two (2) side lot lines, and no rear lot line.
- B. Required front yard setbacks shall be measured from both front lot lines.
- C. For a corner lot with three (3) front lot lines, the remaining lot line shall be a rear lot line.
- D. The minimum lot width of a corner lot shall be determined at the shorter of the two (2) front lot lines.
- E. Average setbacks



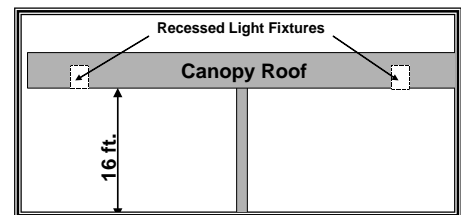
- 1. Where the front setbacks for existing main buildings entirely or partially within two hundred (200) feet of the side lot lines, on the same side of the street and in the same zoning district of the subject lot are less than the required front setbacks for the zoning district of the subject lot, the required front setback for the subject lot

- shall be the average of the front setbacks of existing main buildings within the two hundred (200) foot distance.
2. The permitted front setback reduction shall only be permitted if there are two (2) or more lots occupied by main buildings within the two hundred (200) foot distance.
  3. In no case shall the required front setback resulting from the application of this subsection be less than twelve (12) feet, six (6) inches .

**SECTION 2.15 PROJECTIONS INTO YARDS**

- A. Architectural elements attached to and necessary to the integrity of the building, or the health or safety of the occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be permitted to encroach upon the minimum setback requirements of this Ordinance, provided such projection into a required front or rear yard area is no closer than ten (10) feet from a street right-of-way line or rear lot line. No encroachment shall be permitted into the side setback of the lot.
- B. Terraces, patios, porches, and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided they are:
  1. attached to the main building;
  2. not covered with a roof;
  3. elevated no more than six (6) inches above the average surrounding final grade;
  4. not fully enclosed by a wall or fence over five and one-half (5½) feet in height;
  5. located no closer than ten (10) feet from a street right-of-way line or rear lot line; and
  6. do not encroach into the side setback of the lot.
- C. Terraces, patios, porches, and decks that are enclosed (covered with a roof), not including steps leading to such structures, shall be attached to and considered part of the main building and shall comply with all regulations applicable to such main buildings.
- D. Canopy Roofs.

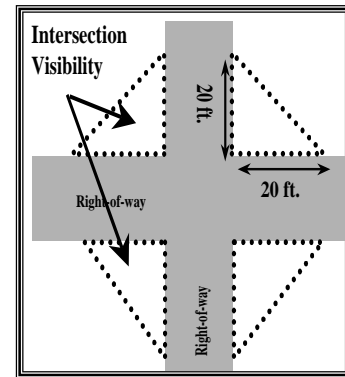
1. Canopy roofs, such as those for gas pump islands accessory to automobile service stations and other uses, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of twelve (12) feet is maintained from any property line.
2. The height of the canopy roof shall not exceed sixteen (16) feet and be open on all sides.
3. The colors and design of the canopy shall be compatible with the main building.
4. Lighting and signs on or within the canopy shall comply with the requirements of this Ordinance. Lights, including lenses and other portions of the lighting fixture, used for canopies shall be completely recessed in the canopy structure and shall not extend below the underside surface of the canopy, except that such fixtures may be surface mounted, provided that the fixtures are designed and constructed to achieve the same affect as the flush mounted fixture.





**SECTION 2.16 INTERSECTION VISIBILITY**

- A. No fence, wall, sign, hedge, screen or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines.



- B. The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lays between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

**SECTION 2.17 FENCES AND WALLS**

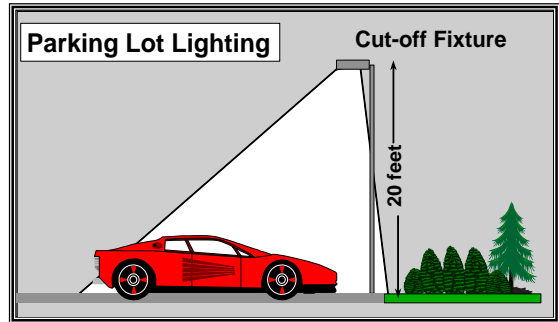
- A. Except for the I-1 District, fences shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence. The total height of fences in the Industrial District shall not exceed eight (8) feet, including the barbed portion.
- B. In the **Township**, fences within the required front yard which exceed four (4) feet in height shall be of a type which is not more than twenty five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. In the **Village**, fences are not permitted within the required front yard. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of six (6) feet. Such fences shall be of an open type so as to not obstruct vision.
- C. Barbed or Electrified Fences
1. Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified, except for barbed wire or electrification necessary for agricultural purposes or for the protection of public utility buildings or improvements.
  2. Fences in the I-1 District enclosing storage lots or other areas requiring security may include barbed wire, provided that the barbed portion be at least six (6) feet from the surface of the ground and angled toward the interior of the fenced area.
- D. Fences shall be located on the lot for which the fence is intended and shall not be erected within any public right-of-way in any district.
- E. Fences shall not be erected or maintained in a clear vision area, as described in Section 2.16.
- F. Fences shall not be erected within one (1) foot from a sidewalk, where the sidewalk is within the public right-of-way. Fence gates shall not be designed or permitted to open

over public property.

- G. Fences shall be constructed of sturdy materials, such as treated wood or other materials generally compatible with the neighborhood, and shall be reasonably maintained thereafter.

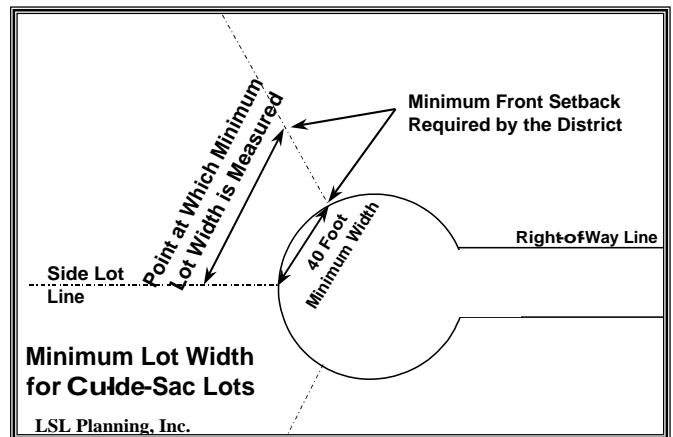
**SECTION 2.18 LIGHTING REQUIREMENTS**

- A. Lighting provided for security or visibility for any use shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any abutting Residential District or use, or any adjacent roadway.
- B. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of one hundred (100) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.



**SECTION 2.19 CUL-DE-SAC LOTS**

- A. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
- B. The minimum lot width for a lot on a cul-de-sac shall be measured at a line drawn between the two (2) points located at the intersection of a line extending along the side lot lines equal to the distance of the required front setback.
- C. A lot on a cul-de-sac shall have not less than forty (40) feet of lot frontage as measured along the front lot line.



**SECTION 2.20 LOT WIDTH/DEPTH RATIO**

- A. Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one third (1/3) the depth of the lot.
- B. The lot width to depth ratio does not apply to remainders of parent parcels existing after permitted divisions. However, the remainder of the parent parcel shall contain the minimum lot area and lot width required by the District in which it is located.

**SECTION 2.21      ACCESSORY BUILDINGS, STRUCTURES, AND USES****A.      Accessory Buildings - General**

1.      Where accessory buildings or structures, including but not limited to, enclosed porches or garages, are attached to a main building in a substantial manner, such as by a wall or roof, they shall conform to all regulations of this Ordinance applicable to a main building.
2.      Accessory buildings shall not be permitted in the required front yard.
3.      Farm accessory buildings, used for purposes related and accessory to agricultural operations shall be exempt from the size, number, and height provisions of this Section. Such buildings, however, shall be subject to the setback provisions applicable to residential accessory buildings.

**B.      Accessory Uses - General**

1.      Accessory uses are permitted only in connection with, incidental to, and on the same lot with a principal use which is permitted in the particular zoning district.
2.      An accessory use must be in the same zoning district as the principal use on a lot.
3.      Unless otherwise specifically permitted by this Ordinance, accessory uses shall not be permitted in the required front yard.

**C.      Residential District Accessory Buildings and Structures**

Accessory buildings shall be permitted within any Residential District or with any residential use provided that the following restrictions are met:

1.      The total area of all accessory buildings shall not exceed the following:
  - a.      For lots of ten-thousand (10,000) square feet in area or less: nine hundred and sixty (960) square feet.
  - b.      For lots greater than ten-thousand (10,000) square feet in area, up to one (1) acre: one thousand two hundred and eighty (1,280) square feet.
  - c.      For lots of one (1) acre to five (5) acres: one thousand six hundred (1,600) square feet.
  - d.      For lots greater than five (5) acres: no area restriction, except that the lot coverage for the District in which the accessory building is located shall not be exceeded.
2.      An accessory building located in the rear yard shall not occupy more than twenty five percent (25%) of the required rear yard area.
3.      Accessory buildings in excess of one hundred and twenty (120) square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building.
4.      No detached accessory building shall be located closer than ten (10) feet to any main building. The drip edge of any detached accessory building shall not be located closer than five (5) feet to any side or rear lot line.
5.      No detached accessory building shall exceed eighteen (18) feet in height.
6.      Accessory buildings shall not be permitted on a lot or parcel which does not have a principal use or main building.

D. Nonresidential Districts Accessory Buildings and Structures

1. No more than two (2) detached accessory buildings shall be permitted on any lot.
2. The total area of all accessory buildings shall not exceed twenty five percent (25%) of the floor area of the main building(s).
3. Detached accessory buildings shall meet all setback requirements for the zone district in which it is located.
4. No detached accessory building shall be located nearer than ten (10) feet to any main building.
5. No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.

**SECTION 2.22 HOME OCCUPATIONS**

- A. Home occupations shall be approved by the Zoning Administrator, who shall issue an approval upon receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section.
- B. No persons other than members of the immediate family residing on the premises and not more than one (1) other person, who need not be a resident, shall be engaged in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling or attached accessory building, but shall not in any case exceed a gross floor area equal to more than twenty five percent (25%) of the gross floor area of the dwelling unit, excluding the basement, or four hundred (400) square feet, whichever is less.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) non-illuminated sign located on the same property as the home occupation.
1. Such sign shall not exceeding six (6) square feet in area or three (3) feet in height.
  2. The permitted sign may be mounted flat against the wall of the main building facing the street or placed in any yard, except that such sign shall be at minimum of five (5) feet from any lot line.
  3. The permitted sign shall not be placed within any street right-of-way.
- E. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- G. No equipment or process shall be used in such a home occupation which creates noise,

vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

### **SECTION 2.23 STORAGE OF RECREATION EQUIPMENT**

Recreational equipment may be located outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:

- A. Recreational equipment shall not be located within the front yard or nearer than three (3) feet to a side or rear lot line.
- B. Notwithstanding the provisions of this Section, recreational equipment may be parked within any yard, but not within the required yard, for cleaning, loading, or unloading purposes for not more than forty eight (48) hours within any seven (7) day period.
- C. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year, provided that running water or indoor sewage facilities within such equipment is not utilized.
- D. Where physical features of a property, such as, but not limited to, immovable structures, or a tree with a diameter of four (4) inches or greater, prohibit a recreational vehicle from being parked in compliance with this Section, the owner may apply to the Zoning Administrator for a permit to park the recreational vehicle on the lot. This permit shall be granted, provided that the following requirements are met:
  1. A twenty (20) foot setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb; or, if a sidewalk exists, the twenty (20) foot setback shall be measured from the inside edge of the sidewalk.
  2. Parking approval, if granted by the Zoning Administrator, shall be effective for up to five (5) years following the date of issuance. Additional approvals may be granted by the Zoning Administrator in accordance with this Section.

### **SECTION 2.24 STORAGE AND REPAIR OF VEHICLES**

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:

- A. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage.
- B. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.

### **SECTION 2.25 SEASONAL USES**

- A. Application

1. The Zoning Administrator, upon receiving an application, may issue a permit for the temporary sale of merchandise in any District, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees and similar activities, but shall not include roadside stands.
  2. Fireworks sales may be permitted by the Zoning Administrator only in a Nonresidential District, subject to the provisions of this Section.
- B. Signs for seasonal uses are permitted subject to the following restrictions:
1. No more than two (2) such signs located on the lot on which the seasonal use is conducted shall be displayed.
  2. The display of such signs shall be limited to the period of time during which the seasonal use is conducted.
  3. Such signs shall have a maximum size of sixteen (16) square feet in area, and a maximum height of five (5) feet and shall be set back from any property line a minimum of ten (10) feet.
- C. In considering a request for a seasonal use permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
- a. that the use does not have an unreasonable detrimental effect upon adjacent properties;
  - b. that the use does not impact the nature of the surrounding neighborhood;
  - c. that access to the area will not constitute a traffic hazard due to ingress or egress; and that adequate off-street parking is available to accommodate the use.
- D. Each permit shall be valid for a period of not more than ninety (90) days and may be renewed by the Zoning Administrator for up to one (1) additional thirty (30) day period, provided the season or event to which the use relates is continued.

## **SECTION 2.26      TEMPORARY BUILDINGS AND USES**

- A. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.
- B. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
1. the use or structure will not have an unreasonable detrimental effect upon adjacent properties;
  2. the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
  3. the use or structure does not adversely impact the character of the surrounding neighborhood;

4. access to the use area or structure is located at a safe location.

C. Construction Buildings And Structures

Construction buildings and structures incidental to construction work on a lot, may be placed on any lot for use as storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.

1. No construction building or structure shall be used as a dwelling unit.
2. A building permit shall be issued by the Building Inspector prior to installation of a construction building or structure.
3. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

D. The Zoning Administrator may issue a permit to an individual to temporarily park and occupy a manufactured home in any Residential District. Prior to issuing such temporary permit the Zoning Administrator shall make the following determinations:

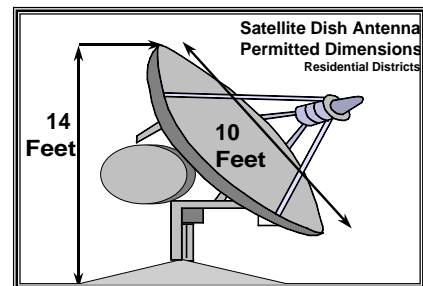
1. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
2. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
3. The manufactured home dwelling meets the requirements of the Hillsdale County Health Department and all applicable ordinances.

E. Upon applying for a temporary building or use, the applicant shall pay a fee to the Treasurer as determined by the Legislative Body. The fee shall also be collected for any extensions granted by the Zoning Administrator.

**SECTION 2.27 SATELLITE DISH ANTENNAS**

A. Placement

1. In Residential Districts a satellite dish antenna shall be permitted only in a rear yard, or mounted or attached to a building.
2. A satellite dish antenna shall comply with the side and rear yard setback requirements applicable to main buildings in the district in which it is located.
3. In Nonresidential Districts a satellite dish antenna shall be located only in the side or rear yard or mounted on top of a building. No more than two (2) satellite dish antennas shall be located on the same lot as a main building. Satellite dish antenna are permitted only in connection with, incidental to and on the same lot as a principal use or main building.



**B. Height**

1. In Residential Districts, a ground mounted satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fourteen (14) feet in height, or ten (10) feet in diameter.
2. In the Nonresidential Districts, a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed the maximum height permitted for main buildings in the district in which it is located.

**C. General Provisions**

1. No portion of a satellite dish antenna, shall contain any name, message, symbol, or other graphic representation visible from adjoining properties, except as required by the manufacturer or federal regulations for safety purposes.
2. A satellite dish antenna shall be anchored in a manner approved by the Building Inspector as being adequate to secure the satellite dish antenna during high winds.
3. A satellite dish antenna, shall not be erected, constructed, or installed until a building permit has been obtained from the Building Inspector.
4. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters (78.74 inches) or less in diameter in Nonresidential Districts.
5. The Building Inspector may waive any provision of this Section if its enforcement inhibits or prevents the proper operation of the satellite dish antenna.
6. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that such dish antennas are located and constructed in a manner which will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

**SECTION 2.28 NONCONFORMING LOTS, BUILDINGS AND STRUCTURES, AND USES****A. Intent**

1. There exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their continuation.
2. Nonconforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.



4. The community may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures, and uses. The Legislative Body may take such actions in the manner provided for by law.

B. Nonconforming Lots of Record

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any building or structure constructed on the lot complies with all applicable yard setback requirements.
2. Contiguous Nonconforming Lots in Common Ownership
  - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
    - (1) are in common ownership;
    - (2) are adjacent to each other or have continuous frontage, and;
    - (3) individually do not meet the lot width or lot area requirements of this Ordinance.
  - b. Such parcels shall be combined into such lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

C. Nonconforming Uses

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. No part of any nonconforming use shall be moved within the lot or to another lot unless such movement eliminates the nonconformity.
3. If a nonconforming use is abandoned for any reason for a period of more than one hundred and eighty (180) days any subsequent use shall conform to the requirements of this Ordinance.
4. A nonconforming use shall be determined to be abandoned if at least two (2) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
  - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
  - b. The property, buildings, and grounds, have fallen into disrepair;
  - c. Signs or other indications of the existence of the nonconforming use have been removed;
  - d. Removal of equipment or fixtures which are necessary for the operation

- e. of the nonconforming use;
  - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
5. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Zoning Board of Appeals:
- a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use. In determining compatibility of the proposed nonconforming use, as compared to the previous nonconforming use, the Zoning Board of Appeals shall find that the proposed use creates a lesser degree of effect on adjacent uses with respect to such factors as noise, traffic characteristics, general level of activity, parking needs, lighting, and other factors deemed relevant by the Zoning Board of Appeals.
  - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use.
  - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

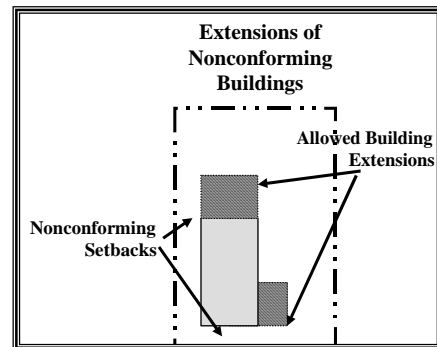
D. Nonconforming Buildings and Structures

- 1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful.

2. Extensions of Nonconforming Buildings and Structures.

- a. No such nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except as noted in b, below.

- b. Where the nonconforming setback of a building or structure is equal to or less than one-half (1/2) of the distance required by this Ordinance the nonconforming setback of the building may be extended along the same horizontal plane as the existing nonconforming setback, provided that in so doing, the setback distance does not become more nonconforming. This provision shall not be construed to apply to proposed extensions of buildings that are nonconforming by reason of height.



- 3. Nonconforming buildings and structures under Section 2.28, D, 2 shall be limited to an extension that is no greater than one hundred percent (100%) of the

existing portion of the nonconforming building being extended.

4. Reconstruction or Movement
  - a. Should a nonconforming building or structure be destroyed to an extent of more than fifty percent (50%) of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformance with the provisions of this Ordinance.
  - b. Should a nonconforming building or structure be destroyed to an amount equal to or less than fifty percent (50%) of its replacement value, exclusive of the foundation, it may be reconstructed in its previously nonconforming location.
  - c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
  
5. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would strengthen or correct any unsafe condition of the building or structure.

## **SECTION 2.29            STANDARDS FOR SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS**

Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, upon inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
  
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are, or may be adopted by the community. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by community codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
  
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, lot width and floor area living space; and required yard and maximum building height requirements of the zoning district in which it is located.
  
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as

- required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- E. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Housing Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
  - F. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
  - G. The dwelling unit shall have a horizontal dimension across the front, side, and rear elevation of at least twenty-four (24) feet.
  - H. Storage area shall be provided within the dwelling unit of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic, or attached garage.
  - I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
  - J. The pitch of the main roof of the dwelling unit shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
  - K. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.
  - L. The dwelling shall not contain any additions of rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein
  - M. The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
  - N. The dwelling unit shall be so placed on the lot that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
  - O. No building which has been wholly or partially erected or assembled on any premises located within or outside the community, shall be moved to or placed upon any other premises in the community without full compliance with the provisions of this Ordinance in the same manner as a new building.

## **SECTION 2.30 ILLEGAL DWELLINGS**

The use of any portion of the basement of a partially completed building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

**SECTION 2.31 KEEPING OF ANIMALS**

The keeping, housing, raising, use or care of animals not associated with and accessory to a bona fide agricultural operation is permitted within any zone district subject to the following limitations and conditions:

- A. Dogs and cats may be kept as household pets on a non-commercial basis provided that the number of such animals in any combination, does not exceed **six (6) in Fayette Township, or four (4) in the Village of Jonesville**. Dogs and cats six (6) months of age or younger shall not be counted toward this total. Customary household pets include such animals as, rabbits, birds, and similar animals may be kept without restriction. However, customary household pets shall not include pigeons, chickens, ducks, geese, goats, sheep, pigs, and other farm livestock.
- B. Animals other than household pets may be kept subject to the following requirements:
  - 1. Minimum lot size of three (3) acres for the first two (2) animals.
  - 2. An additional one-half (½) acre for each additional animal provided that no more than a total of twenty (20), acres shall be allowed to accommodate animals under this limitation.
  - 3. When animals are kept or permitted to roam outdoors, an adequate fence shall be provided and maintained to confine said animals from adjoining property and roads.

**SECTION 2.32 STATE LICENSED RESIDENTIAL ADULT AND CHILD CARE FACILITIES**

- A. A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (*insert date*), that has been operating under a valid state license and is registered with the Village or Township no later than sixty (60) days following the effective date of this Ordinance, shall be considered an approved Special Land Use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of Chapter 15, Site Plan Review as applicable
- B. State-licensed adult and child care facilities, as defined in Chapter 1, Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Type of facility (standards applicable to the use)	Zoning District				
	AG, R-R	R-1,R-2	R-3	CBD, HCD	I-1
Adult foster care family home (6 or fewer adults) (a, b, c, d,,e)	P	P	P	NA	NA
Adult foster care small group home (12 or fewer adults) (a, b, c, d, e, i)	NA	NA	SLU	NA	NA
Adult foster care large group home (13 to 20 adults) (a, b, c, d, e, i)	NA	NA	SLU	NA	NA
Congregate Facility (more than 20 adults) (a, b, c, d, e, i)	NA	NA	SLU	NA	NA
Foster family home (4 or fewer children 24 hours per day)	P	P	P	NA	NA
Foster family group home (5 to 6 children 24 hours per day) (a, b, c, d, e)	P	P	P	NA	NA
Family day care home (6 or fewer children less than 24 hrs. per day) (a, b, c, d, e, f, g, h, j)	P	P	P	NA	NA
Group day care home (7 to 12 children less than 24 hours per day) (a, b, c, d, e, f, g, h, i, j)	SLU	SLU	SLU	NA	NA
Child care center or day care center (more than 6 children less than 24 hours per day) (a, b, c, d, e, f, g, h)	SLU	SLU	SLU	P	SLU
Child caring institution (a, b, c, d, f, g, h)	NA	NA	SLU	SLU	SLU
P Permitted Use SLU May be allowed upon review and approval of a Special Land Use, in accordance with the general and specific standards for Special Land Uses. NA Not allowed in zoning district.					

## Footnotes to Section 2.32, B Table:

- a. The use shall be registered with the Village of Jonesville/Township of Fayette Clerk's Office and shall continually have on file with the community documentation of a valid license as required by the State.
- b. Since the State law preempts in this area, the facility shall be brought into compliance with all State Building and Fire Codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be provided.
- c. The site shall comply with the sign provisions of Chapter 16, Parking and Signs.
- d. Off street parking shall be provided for the number of employees on site at any one time.
- e. The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line and architecture with the single family or multiple family residential district in which it is located, as determined by the Planning Commission.
- f. Documentation of sufficient indoor classroom, crib or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
- g. There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four foot tall fence, provided that no fence shall be located in a front yard.
- h. An on-site drive shall be provided for drop-offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
- i. The lot shall be at least 1,500 feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to a an excessive concentration of state licensed residential facilities.
- j. The facility shall operate a maximum of sixteen (16) hours per day.

**SECTION 2.33 PRIVATE STREETS****A. Purpose**

The Community determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that private streets:

1. will not be detrimental to the public health, safety, or general welfare;
2. will not adversely affect the long term development policies of the Master Plan;
3. will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
4. will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the community.

**B. Definitions**

1. "Driveway" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to fewer than three (3) lots or parcels.

2. "Frontage" means the continuous linear distance of that portion of a lot or parcel abutting upon a public or private street right-of-way. Frontage is to be measured at the minimum required front yard setback of the District in which the lot or parcel is located.
3. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
4. "Private street" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to three (3) or more lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
5. "Road Commission" means the Hillsdale County Road Commission.
6. "Safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the community.

C. Frontage and Access

1. Any three (3) or more contiguous lots not having frontage on a public street shall have frontage upon a private street.
2. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.
4. All private streets shall have direct access to a public street.
5. Any two (2) contiguous lots not having frontage on a public street shall be served by a driveway having a minimum frontage of sixty-six (66) feet upon a public street.

D. Permits

1. No individual, association, corporation, or entity, either public or private, shall construct a private street without first having obtained a private street permit from the Legislative Body.
2. The Building Inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of the private street as approved by the Legislative Body has been completed.
3. A driveway permit shall be obtained from the Road Commission or Village, as applicable.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from Hillsdale County, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.
6. The Legislative Body may elect to have all design and construction plans reviewed by the community's attorney, engineer, or planner prior to consideration of the application for the private street permit.

E. Application: An application for a private street permit shall contain the following:

1. A completed private street permit application, provided by the community.
2. A detailed written description of the development to be served by the private street.



3. Seven (7) copies of a site plan, drawn to scale, prepared by a registered engineer, showing the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect. However, the plan may be prepared by a registered surveyor, rather than a registered engineer, if the proposed private street is to serve five (5) or fewer parcels or main buildings, and if the Zoning Administrator waives in writing the requirement for the site plan to be prepared by a registered engineer.
4. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.
5. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
6. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
7. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.

F. Design Requirements

1. Construction specifications and materials for newly established or reconstructed private streets.
  - a. The specifications for surface and base materials and method of construction of private streets shall conform to the Road Commission or Village standards for local paved or gravel roads, as applicable.
  - b. Private streets shall be constructed to the following specifications:

Construction Requirement	Number of Parcels Served		
	6 or fewer	7-24	More than 24
Traveled Surface Width	15 feet	20 feet	24 feet
Surface Material	Gravel	Bituminous or Concrete	

2. Length of private streets.
  - a. No private street shall extend for a distance of more than one-thousand three hundred and twenty (1,320) feet in length from the nearest public street right-of-way from which access is gained, as measured along the centerline of the private street to the furthest point of any private street, except as otherwise noted, without a private street access complying with this Section being provided to another public street.
  - b. The maximum length of a proposed private street may be exceeded if the Legislative Body, after recommendation of the Planning Commission,

finds that at least one (1) of the following conditions exists:

- (1) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed private street plans.
  - (2) That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Legislative Body prior to confirming this finding.
  - (3) That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Such access shall be reviewed by the Fire Chief and the recommendation forwarded to the Planning Commission.
- c. The Legislative Body, upon a finding that at least one (1) of the above conditions exists, shall establish the maximum length of the proposed private street.
3. Right-of-way/easement width.
- a. All private streets constructed after the effective date of this Ordinance shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
  - b. Private streets existing on the effective date of this Ordinance whose right-of-way or easement width is less than sixty-six (66) feet need not provide additional right-of-way or easement width, but such width shall not be subsequently reduced so as to increase its noncompliance with these requirements.
4. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the community engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than one-hundred and fifty (150) feet, as measured along the right-of-way line thereof.
5. Existing private streets.
- a. A private street existing on the effective date of this Section may continue in existence and be maintained and used, though it may not comply with the provisions of this Section. Such private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

6. Addition of lots or parcels of land to existing private streets.
  - a. Any private street existing on the effective date of this Section equal to or exceeding one thousand three hundred and twenty (1,320) feet in length to which one (1) or more additional lots or parcels are created or otherwise permitted access, the entire length of the existing private street shall be upgraded to comply with the applicable requirements of subsection F.
  - b. Any private street existing on the effective date of this Section which is less than one thousand three hundred and twenty (1,320) feet in length and to which one (1) or more additional lots or parcels are created or otherwise permitted access to the private street, then the entire length of the existing private street shall be constructed and maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, emergency vehicles in all weather conditions.
7. Existing portion of extended private streets.
  - a. If a private street in existence at the time of the adoption of this Ordinance is extended by the construction and use of an additional length of private street equaling or exceeding five-hundred (500) feet, the entire private street, including the existing portion and the additional portion, shall comply with the applicable requirements of subsection F.
  - b. Private streets in existence at the time of the adoption of this Ordinance that are subsequently extended for a distance of less than five hundred (500) feet shall be constructed in the same manner as the existing portion of the private street, provided that the entire private street shall be maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
- G. Review standards; modification of certain requirements.
  1. Prior to approving a private street permit application, the Legislative Body shall determine the following:
    - a. The proposed private street will not be detrimental to the public health, safety, or general welfare.
    - b. The proposed private street will not adversely affect the use of land.
    - c. That the private street is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
    - d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the community.
    - e. The construction of the private street will conform to the requirements of this Section.
  2. The Legislative Body may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.

3. Upon application the Legislative Body may modify any of the private street requirements of this Section after finding that all of the following conditions exist:
  - a. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this Section without substantial alteration of such natural features. Such natural features shall be clearly identified and described in the application of any such modification.
  - b. The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification would provide a financial benefit.
  - c. That no other reasonable private street design alternatives are available that would comply with the requirements of this Section.
  - d. That the request for modification was reviewed by the Fire Chief or Engineer, or any other person or official designated by the Legislative Body.

#### H. Maintenance and Repairs

1. Private streets shall be maintained in a manner that complies with the provisions of this Section.
2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the community. All driveways and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.
4. Private street maintenance or restrictive covenant agreements.
  - a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Legislative Body with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Legislative Body which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
  - b. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Legislative Body prior to the issuance of the permit.

#### I. Performance Guarantee

The Legislative Body may, as a condition of the private street construction permit,

require that the applicant provide a performance guarantee, in accordance with the provisions of Section 18.05.

J. Inspections/Certificate of Compliance

1. Upon completion of construction of the private street, the community Engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
2. The applicant(s), at the applicant(s)'s expense, shall provide the community with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the Road Commission.
3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance.

K. Fees for the permits required hereunder shall be set by the Legislative Body from time to time by resolution. Additionally, the Legislative Body may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Community attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.

L. The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and will hold the community harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, and replace the private street.

**SECTION 2.34 ST. JOSEPH RIVER GREENBELT**

A. The provisions of this Section shall be applicable to the land within three hundred (300) feet from the ordinary high water mark along the St. Joseph River.

B. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of forty (40) feet from a shoreline ordinary high water mark. The except to this provision is that for every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary high water mark new structures may be placed five (5) feet closer than twenty-five (25) feet to the shoreline or ordinary high water mark.

C. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four (4) feet between the finished grade level and high ground water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high ground water line, only under the following conditions:

1. No material is allowed to enter the water either by erosion or mechanical means.
2. The fill material is of a pervious nature, such as gravel or sand.
3. Any necessary permits shall have been acquired as required by the State of

Michigan and the rules and regulations of the Department of Natural Resources of the State of Michigan. It shall be unlawful to alter the shoreline of any river or creek in the Community by soil removal or fill.

4. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
- D. A strip at least twenty-five (25) feet wide bordering the river, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing or dead or noxious plants.
  - E. The Zoning Administrator may allow limited clearing for the vegetative strip only when required for construction of a permitted building or structure outside the vegetative strip. However, land cleared shall be returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

**CHAPTER 3  
ZONING DISTRICTS, MAPS AND REQUIREMENTS**

**SECTION 3.01 ESTABLISHMENT OF DISTRICTS**

For the purpose of this Ordinance, the Village of Jonesville and Fayette Township are hereby divided into the following districts:

<b>Zoning District Designation</b>	
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Multiple Family Residential District
MHP	Manufactured Home Park District
CBD	Central Business District
HC	Highway Commercial District
I-1	Light Industrial District
PUD	Planned Unit Development District

**SECTION 3.02 ZONING MAP**

**A. Location of Districts and Boundaries**

1. The boundaries of the zoning districts of the Village of Jonesville are hereby established as shown on the Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The original Zoning Map was adopted (*insert date*).
2. The boundaries of the zoning districts of the Fayette Township are hereby established as shown on the Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The original Zoning Map was adopted (*insert date*).

**B. Identification**

1. The Zoning Map for the Village of Jonesville shall be identified by the signature of the Village President and the Village Clerk, and by the date of adoption of the

Zoning Ordinance under the following words:

"This is to certify that this map is the Zoning Map of the Village of Jonesville."

2. The Zoning Map of Fayette Township shall be identified by the signature of the Supervisor and the Township Clerk, and by the date of adoption of the Zoning Ordinance under the following words:

"This is to certify that this map is the Zoning Map of the Township of Fayette."

C. Rules For Interpretation

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- D. Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- E. Where district boundaries are so indicated that they are approximately parallel to the center lines of street or rail rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map.
- F. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- G. Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at the center line of such feature, or terminated at the limit of the adjacent jurisdiction unless otherwise indicated.
- H. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.
- I. The Zoning Board of Appeals shall make a determination, upon written application, or upon its own motion, in those situations where unzoned property may exist, or where, due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

### **SECTION 3.03 ZONING OF VACATED AREAS**

Whenever any street or other public way within the community is vacated, such street, alley or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the centerline.

### **SECTION 3.04 ZONING OF ANNEXED AREAS**

Any area annexed to the Village shall, immediately upon such annexation, be automatically



classified as a R-1 Single Family District until a zoning map for the area has been adopted by the Village Council. The Planning Commission shall recommend appropriate zoning for such area within six (6) months after the matter is referred to it by the Village Council.

### **SECTION 3.05          DISTRICT REQUIREMENTS**

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered or moved, except in conformity with the regulations specified herein for the zoning district in which the structure or land is located.



## CHAPTER 4 AG AGRICULTURAL DISTRICT

### SECTION 4.01           PURPOSE

- A.     The purpose of the Agricultural District is to preserve farmland and the rural, agricultural character of the community. While this District strives to preserve larger tracts of land, it also allows for some opportunities for land development. Where land is developed in this District, the clustering of parcels in one location, controlled access, and the preservation of open space is encouraged.
- B.     It is also the intent of this District to reduce the problems of scattered residential uses in areas that are actively farmed, in recognition that residents that have moved from urban areas are often unprepared for the ordinary effects of farming. Odors, tractors and equipment along the roadways, crop dusting, and other necessary activities conflict with their expectations of rural living. Therefore, it is important that development in this District recognize the potential for these conflicts.

### SECTION 4.02           PERMITTED USES

In the AG Agricultural District, land, buildings, and other structures shall be used only for the following specified uses:

- A.     Single family detached dwellings.
- B.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- C.     Home occupations in accordance with Section 2.22.
- D.     Farms, including farm houses and related accessory buildings.
- E.     Publicly owned and operated parks and recreational facilities.
- F.     Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

### SECTION 4.03           SPECIAL LAND USES

The following uses shall be considered Special Land Uses within the AG Agricultural District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

- A.     Bed and breakfast establishments.
- B.     Farm labor housing.
- C.     Cemeteries.
- D.     Churches.
- E.     Golf courses and driving ranges.
- F.     Greenhouses, orchards, and nurseries, including those selling retail goods on the premises. A residence may also be located on the same property.
- G.     Kennels and veterinary clinics.
- H.     Public and quasi-public institutional buildings.
- I.     Public and private stables and riding academies.
- J.     Public or private campgrounds
- K.     Schools including public, private and parochial; elementary and secondary schools.
- L.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- M.     Commercial removal and processing of soil, sand, gravel, or other minerals.

- N. Essential public service buildings with storage yards.

**SECTION 4.04 SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.
- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

FRONT YARD	60 feet
SIDE YARD	Residential Buildings - 50 feet total/20 feet minimum
	Non-Residential Buildings - 60 feet each side
REAR YARD	50 feet
BUILDING HEIGHT	35 feet or 2½ stories; Farm buildings/structures shall be permitted at their usual and customary heights.
LOT COVERAGE	25%
MINIMUM LOT AREA	40 acres (except as noted in F below)
MINIMUM LOT WIDTH	330 feet (except as noted in F below)
MINIMUM DWELLING UNIT FLOOR AREA	1,200 square feet UFA 780 square feet UFA on ground floor

- F. Permitted Lots
  1. For each parcel of forty (40) acres or greater existing as of the date of the adoption of the this Ordinance, two (2) additional lots may be created for each such forty (40) acres.
  2. For each parcel of less than forty (40) acres but equal to or greater than thirty (30) acres existing as of the date of the adoption of this Ordinance, excluding any amendment thereto, two (2) additional lots may be created.
  3. For each parcel of less than thirty (30) acres but equal to or greater than ten (10) acres existing as of the date of original Ordinance, excluding any amendment thereto, one (1) additional lot may be created.
  4. Any lot created according to the above requirements shall be at least one (1) acre and no greater than two (2) acres in areas and shall have a minimum of two-hundred and twenty (220) feet of public road frontage. The permitted lots shall be contiguous.

**CHAPTER 5  
RR RURAL RESIDENTIAL DISTRICT**

**SECTION 5.01            PURPOSE**

- A.     The purpose of the Rural Residential District is to preserve rural character and natural features. Land within this District is intended to satisfy the demand for rural residential development, yet parcels are considered small enough to not detract from any existing large parcels used for agriculture. Concerns regarding loss of rural character, and potential problems with septic conditions and ground water quality are critical elements of determining the locations for this District.
  
- B.     Another purpose for the District is to act as development buffers between the agricultural lands and the more developed areas adjacent the Village. Unlike the Agricultural District, the Rural Residential District is primarily intended to preserve the rural residential character of the designated areas, while continuing to allow farm uses.

**SECTION 5.02            PERMITTED USES**

In the RR Rural Residential District, land, buildings, and other structures shall be used only for the following specified uses:

- A.     Single family detached dwellings.
- B.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- C.     Home occupations in accordance with Section 2.22.
- D.     Farms, including farm houses and related accessory buildings.
- E.     Publicly owned and operated parks and recreational facilities.
- F.     Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

**SECTION 5.03            SPECIAL LAND USES**

The following uses shall be considered Special Land Uses within the RR Rural Residential District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

- A.     Bed and breakfast establishments.
- B.     Farm labor housing.
- C.     Cemeteries.
- D.     Churches.
- E.     Golf courses and driving ranges.
- F.     Greenhouses, orchards, and nurseries, including those selling retail goods on the premises. A residence may also be located on the same property.
- G.     Kennels and veterinary clinics.
- H.     Medical and dental clinics.
- I.     Public and quasi-public institutional buildings.
- J.     Public and private stables and riding academies.
- K.     Public or private campgrounds
- L.     Schools including public, private and parochial; elementary and secondary schools.
- M.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- N.     Commercial removal and processing of soil, sand, gravel, or other minerals.

- O. Essential public service buildings with storage yards.

**SECTION 5.04 SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.
- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.
- F. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

FRONT YARD	50 feet
SIDE YARD	Residential Buildings - 25 feet
	Non-Residential Buildings - 60 feet
REAR YARD	35 feet
BUILDING HEIGHT	25 feet or 2½ stories; Farm buildings/structures shall be permitted at their usual and customary heights.
LOT COVERAGE	25%
MINIMUM LOT AREA	2 acres
MINIMUM LOT WIDTH	220 feet
MINIMUM DWELLING UNIT FLOOR AREA	1,200 square feet UFA 780 square feet UFA on ground floor

**CHAPTER 6  
R-1 RESIDENTIAL DISTRICT**

**SECTION 6.01           PURPOSE**

- A.     The purpose of the R-1 District is to allow the development of low density neighborhoods. New, residential developments which elect to locate outside of a municipality often desire lot sizes which are larger than traditional parcels in more developed areas. Given the relatively dense development permitted, these areas should take advantage of public water and sanitary sewer services. Otherwise, the use of a private, community septic system is encouraged.
- B.     This District helps satisfy the need for new areas of reasonably priced, well developed housing. Areas within this District include those properties that either are developed or have a significant potential for development into subdivisions, site condominiums, or other, generally single family detached housing projects.

**SECTION 6.02           PERMITTED USES**

In the R-1 Residential District, land, buildings, and other structures shall be used only for the following specified uses:

- A.     Single family detached dwellings.
- B.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- C.     Home occupations in accordance with Section 2.22.
- D.     Farms, including farm houses and related accessory buildings.
- E.     Publicly owned and operated parks and recreational facilities.
- F.     Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

**SECTION 6.03           SPECIAL LAND USES**

The following uses shall be considered Special Land Uses within the R-1 Residential District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

- A.     Bed and breakfast establishments.
- B.     Cemeteries.
- C.     Churches.
- D.     Golf courses and driving ranges.
- E.     Greenhouses, orchards, and nurseries, including those selling retail goods on the premises. A residence may also be located on the same property.
- F.     Public and quasi-public institutional buildings.
- G.     Schools including public, private and parochial; elementary and secondary schools.
- H.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- I.     Commercial removal and processing of soil, sand, gravel, or other minerals.
- J.     Essential public service buildings with storage yards.

**SECTION 6.04           SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development

Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.
- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.
- F. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

FRONT YARD	30 feet
SIDE YARD	Residential Buildings - 25 feet total Minimum 10 feet one side
	Non-Residential Buildings - 60 feet total Minimum 25 feet one side
REAR YARD	35 feet
BUILDING HEIGHT	25 feet or 2½ stories; Farm buildings/structures shall be permitted at their usual and customary heights.
LOT COVERAGE	25%
MINIMUM LOT AREA	20,000 square feet
MINIMUM LOT WIDTH	110 feet
MINIMUM DWELLING UNIT FLOOR AREA	1,200 square feet UFA 780 square feet UFA on ground floor



## CHAPTER 7 R-2 RESIDENTIAL DISTRICT

### SECTION 7.01        PURPOSE

- A.     The purpose of the R-2 District is to allow the development of low density neighborhoods. New, residential developments which elect to locate outside of a municipality often desire lot sizes which are larger than traditional parcels in more developed areas. Given the relatively dense development permitted, these areas should take advantage of public water and sanitary sewer services. Otherwise, the use of a private, community septic system is encouraged.
- B.     This District helps satisfy the need for new areas of reasonably priced, well developed housing. Areas within this District include those properties that either are developed or have a significant potential for development into subdivisions, site condominiums, or other, generally single family detached housing projects.

### SECTION 7.02        PERMITTED USES

In the R-2 Residential District, land, buildings, and other structures shall be used only for the following specified uses:

- A.     Single family detached dwellings.
- B.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- C.     Home occupations in accordance with Section 2.22.
- D.     Farms, including farm houses and related accessory buildings.
- E.     Publicly owned and operated parks and recreational facilities.
- F.     Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

### SECTION 7.03        SPECIAL LAND USES

The following uses shall be considered Special Land Uses within the R-2 Residential District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

- A.     Two family dwellings.
- B.     Bed and breakfast establishments.
- C.     Cemeteries.
- D.     Churches.
- E.     Golf courses and driving ranges.
- F.     Greenhouses, orchards, and nurseries, including those selling retail goods on the premises. A residence may also be located on the same property.
- G.     Public and quasi-public institutional buildings.
- H.     Schools including public, private and parochial; elementary and secondary schools.
- I.     State licensed adult and child residential care facilities in accordance with Section 2.32.
- J.     Commercial removal and processing of soil, sand, gravel, or other minerals.
- K.     Essential public service buildings with storage yards.

**SECTION 7.04 SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.
- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

FRONT YARD	30 feet	
SIDE YARD	Residential Buildings - 25 feet total Minimum 10 feet one side	
	Non-Residential Buildings - 60 feet total Minimum 25 feet one side	
REAR YARD	35 feet	
BUILDING HEIGHT	25 feet or 2½ stories; Farm buildings/structures shall be permitted at their usual and customary heights.	
LOT COVERAGE	25%	
MINIMUM LOT AREA	With public sewer	9,500 square feet
	Without public sewer	15,000 square feet
MINIMUM LOT WIDTH	With public sewer	65 feet
	Without public sewer	80 feet
MINIMUM DWELLING UNIT FLOOR AREA	1,200 square feet UFA 780 square feet UFA on ground floor	

**CHAPTER 8**  
**R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT**

**SECTION 8.01            PURPOSE**

The purpose of the Multiple Family Residential District is to provide alternative housing opportunities that would satisfy the needs of lower income individuals, senior citizens, and young families. Development within this District should incorporate the preservation of open space and natural features. Sound design practices should be used to provide a quality living environment to residents. Uses within this District are generally intended to be served by public utilities, especially public water and sanitary sewer, be served by paved roadways, and designed to limit any negative effects on existing homes.

**SECTION 8.02            PERMITTED USES**

In the R -3 Multiple Family Residential District, land, buildings, and other structures shall be used only for the following specified uses:

- A. Multiple family dwellings.
- B. Two family dwellings (duplexes)
- C. Single family detached dwellings.
- D. State licensed adult and child residential care facilities in accordance with Section 2.32.
- E. Home occupations in accordance with Section 2.22.
- F. Farms, including farm houses and related accessory buildings.
- G. Publicly owned and operated parks and recreational facilities.
- H. Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

**SECTION 8.03            SPECIAL LAND USES**

The following uses shall be considered Special Land Uses within the R-3 Multiple Family Residential District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

- A. Bed and breakfast establishments.
- B. Cemeteries.
- C. Churches.
- D. Golf courses and driving ranges.
- E. Hospitals.
- F. Housing for the elderly.
- G. Public and quasi-public institutional buildings.
- H. Public or private campgrounds
- I. Schools including public, private and parochial; elementary and secondary; colleges and universities
- J. State licensed adult and child residential care facilities in accordance with Section 2.32.

**SECTION 8.04            SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.

- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

FRONT YARD	30 feet		
SIDE YARD	Residential Buildings - 25 feet total/ Minimum 10 feet one side		
	Non-Residential Buildings - 60 feet total/ Minimum 25 feet one side		
	Multiple Family buildings - the side yard from the lot line and between buildings shall be equal to the height of the building		
REAR YARD	35 feet		
BUILDING LENGTH	No greater than 120 feet		
BUILDING HEIGHT	35 feet or 2½ stories		
LOT COVERAGE	25%		
MINIMUM LOT AREA	Single Family	With public sewer	9,500 square feet
		Without public sewer	15,000 square feet
	Two Family	With public sewer	15,000 square feet
		Without public sewer	20,000 square feet
MINIMUM LOT WIDTH	Single Family	With public sewer	65 feet
		Without public sewer	80 feet
	Two Family	With public sewer	110 feet
		Without public sewer	150 feet
MULTIPLE FAMILY	Density	No greater than 12 units per acre	
	Lot Width	Minimum 200 feet	
MINIMUM DWELLING UNIT FLOOR AREA	Single Family	1,200 sq. ft. UFA/780 sq. ft. UFA on ground floor	
	Two Family	900 square feet UFA per unit	
	Multiple Family	One bedroom - 750 sq. ft. UFA per unit Two or more bedrooms - 950 sq. ft. UFA per unit	

**CHAPTER 9**  
**CBD CENTRAL BUSINESS DISTRICT**

**SECTION 9.01            PURPOSE**

- A. For many people their image of a community is formed by the central business district, or “downtown.” Therefore, the health and vitality of the downtown is critical to the well-being and the image of the Jonesville/Fayette area. The purpose of the CBD Central Business District is intended to build a stronger, vital downtown. The uses within the District encourage mixed use development. This District provides for a traditional mixture of small office buildings, specialty retail stores, entertainment, public spaces and related activities that are mutually supporting and serve the needs of both the Village and surrounding communities.
- B. The intent of these district regulations is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented unified setting, with shared parking. The district makes special provisions for vertical zoning, allowing the upper floors to be used as residential dwellings.
- C. The Central Business District is confined to downtown Jonesville. Encroachment into existing, stable residential neighborhoods is discouraged.

**SECTION 9.02            PERMITTED USES**

In the CBD Central Business District, land, buildings, and other structures shall be used only for the following specified uses:

- A. Retail businesses conducting operation within a completely enclosed building.
- B. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
- C. Banks, credit unions and similar financial institutions, including ATM's (automatic teller machines) and twenty-four hour ready tellers which are separate from a financial institution.
- D. Drug stores and pharmacies, including those with drive-through facilities.
- E. Offices of an executive, administrative or professional nature.
- F. Medical and dental clinics, urgent care facilities and emergency medical stations.
- G. Public and quasi-public institutional buildings.
- H. Newspaper and publisher's offices, and accessory commercial printers.
- I. Funeral homes and mortuary establishments
- J. Studios for art, photography, music, dance and similar uses.
- K. Business and vocational schools.
- L. Fitness centers and health clubs
- M. Restaurants including carry-out and delicatessens, but excluding drive-through, drive-in or open-front facilities.
- N. Residential dwellings in upper stories.
- O. Warehouse and storage in upper stories.
- P. Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

**SECTION 9.03 SPECIAL LAND USES**

The following uses shall be considered Special Land Uses within the CBD Central Business District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

- A. Uses with drive-through, drive-in or open front facilities, such as banks, retail business establishments, and restaurants (including those with seasonal outdoor seating),
- B. Banquet, dance, lodge, and union halls; private clubs; and other similar places of assembly.
- C. Bars, taverns, lounges, brewpubs, and microbreweries (accessory use only).
- D. Bed and breakfast establishments.
- E. Bus passenger stations.
- F. Commercial and municipal parking lots.
- G. Hospitals.
- H. Hotels and motels.
- I. Recreation facilities (public and private, indoor and outdoor).
- J. State licensed child care facilities in accordance with Section 2.32.
- K. Theaters.
- L. Antennas and towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services, and related equipment and accessory structures, provided that such antennas or towers are attached to already existing buildings or structures.

**SECTION 9.04 SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.
- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

MINIMUM LOT AREA	None Required
MINIMUM LOT WIDTH	None Required
MINIMUM FRONT YARD SETBACK	None Required
MINIMUM SIDE YARD SETBACK	Adjacent to Residential District or use: not less than 10 feet
	Building with windows facing the side yard: not less than 10 feet on the side with windows
MINIMUM REAR YEAR SETBACK	None Required
MAXIMUM LOT COVERAGE	None Required
MAXIMUM BUILDING HEIGHT	45 feet
MINIMUM FLOOR AREA	For residential uses: same as the R-3 District. Residential dwellings in upper stories shall each be treated as a multiple family dwelling unit





**CHAPTER 10**  
**HC - HIGHWAY COMMERCIAL DISTRICT**

**SECTION 10.01      PURPOSE**

- A.     The purpose of the Highway Commercial District is to provide specific standards for the state trunkline roadways serving the Village of Jonesville and Fayette Township. These standards are intended to preserve the traffic carrying capacity of these roadways and maintain the character of the Village and Township while accommodating a reasonable amount of growth and provide necessary services to the traveling public as well as area residents.
- B.     Among the specific purposes of the Highway Commercial District are:
1.     Encourage efficient flow of traffic by minimizing conflicts from turning movements.
  2.     Make land use and site plan review decisions with the transportation system to sustaining the capacity of the road by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from cross streets.
  3.     Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the Village and Township.
  4.     Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
  5.     Encourage the rural and small town character as expressed through the Master Plan by requiring buildings and parking to be set back from the roadway.
  6.     Encouraging landscaping in sites along the roadway as developed to preserve the rural and small town character of the area and complement existing natural features within the Village and Township.

**SECTION 10.02      PERMITTED USES**

In the HC Highway Commercial District, land, buildings, and other structures shall be used only for the following specified uses:

- A.     Office buildings for any of the following occupations:
1.     Executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
  2.     Medical and dental offices and clinics.
- B.     Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C.     Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
- D.     Retail businesses of fifty thousand (50,000) square feet gross floor area or less, conducting business entirely within an enclosed building.
- E.     Drug stores and pharmacies, including those with drive-through facilities.

- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations, and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Indoor recreational facilities, excluding bowling alleys.
- J. State licensed child care facilities in accordance with Section 2.32.
- K. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- L. Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

### **SECTION 10.03 SPECIAL LAND USES**

The following uses shall be considered Special Land Uses within the HC Highway Commercial District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

- A. Commercial greenhouses and nurseries.
- B. Commercial kennels, veterinary hospitals and animal clinics.
- C. Funeral homes and mortuary establishments.
- D. Retail businesses of greater than fifty thousand (50,000) square feet gross floor area conducting business entirely within an enclosed building.
- E. Hotels and motels.
- F. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- G. Restaurants with drive-through facilities.
- H. Vehicle service stations, excluding body shops.
- I. Vehicle wash establishments, either self-serve or automatic.
- J. Open air businesses.
- K. Bowling alleys.
- L. Public or private campgrounds.
- M. Commercial storage warehouses.
- N. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services, and related equipment and accessory structures.

### **SECTION 10.04 SITE DEVELOPMENT REQUIREMENTS**

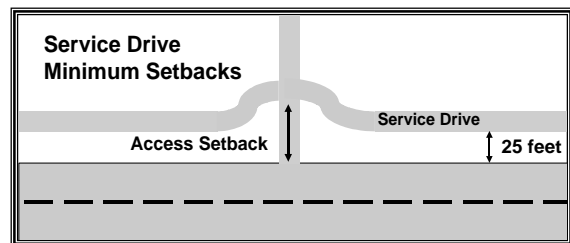
All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements.

- A. Driveways
  - 1. Driveways within the Highway Commercial District shall be located as follows:
    - a. Each lot may be permitted one (1) driveway, provided the spacing requirements of this Section can be achieved.
    - b. One (1) additional driveway may be permitted on parcels with lot widths exceeding five hundred (500) feet.
    - c. Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional

- d. driveway.
- e. The Planning Commission may permit two (2) one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
- f. The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Hillsdale County Road Commission, as appropriate, are met.
- g. Spacing and Alignment
  - i. Driveways shall be spaced a minimum of 185 feet from driveways on the same side of the street, centerline to centerline.
  - ii. Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.
  - iii. Driveways shall be spaced at least 150 feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
  - iv. The Planning Commission may require greater spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant a greater distance between driveways.

2. Frontage Roads and Service Drives

- a. The Planning Commission may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.
- b. In particular the Planning Commission shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress.
- c. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
- d. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the service drive.



B. Setbacks and Landscaping

- 1. Setbacks - Service Drives
- 2. Where service drives are placed in the front yard, front yard setbacks for main buildings within the HC District shall be set back not less than, nor more than sixty (60) feet from the right-of-way of the adjacent roadway(s).
- 3. Where service drives are placed in the rear yard, or no service drive exists, front yard setbacks for main buildings within the HC District shall be set back not less than, nor more than forty (40) feet from the right-of-way of the adjacent roadway(s).

4. Parking is not permitted in the front yard. The front yard, except for necessary entrance or service drives, shall be landscaped.
  5. The Planning Commission shall consider a landscape plan submitted in conjunction with any site plan in the Highway Commercial District.
  6. Off-street parking areas for uses in the Highway Commercial District shall be adequately lit to ensure security and safety, and shall meet the following requirements:
    - a. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
    - b. Lighting shall not be permitted to illuminate areas not within the parking lot or other areas related to the use for which parking is intended.
- C. Site design requirements:
1. Buildings shall be sited to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are encouraged to be incorporated into the site plan.
  2. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
  3. Buildings with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.
  4. Walls which can be viewed from public streets shall be designed using architectural features (see Definitions, Chapter 1) and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
  5. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.
  6. On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
  7. The predominant building materials should be those characteristic of the Village and Township such as brick, wood, native stone and tinted / textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
  8. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.
- D. General Provisions outlined in Chapter 2.
- E. Site Plan Review as may be required in accordance with Chapter 15.
- F. Off-Street Parking as may be required in accordance with Chapter 16.
- G. Signs are permitted in accordance with the requirements of Chapter 16.

- H. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

Minimum Lot Area	1 acre
Minimum Lot Width	220 feet
Front Yard	Maximum and minimum setback of 40 feet
Side Yard	Side abutting Residential Districts or uses - 30 feet
	Side abutting other Districts - 0 or 10 feet
Rear Yard	Abutting Residential Districts or uses - 50 feet
	Abutting other Districts - 25 feet
Lot Coverage	30 percent
Building Height	35 feet or 2½ stories



**CHAPTER 11**  
**MHP - MANUFACTURED HOME PARK DISTRICT**

**SECTION 11.01      PURPOSE**

Consistent with the communities' goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all people, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to permit additional variety in housing opportunities and choices.

**SECTION 11.02      PERMITTED USES**

No land or buildings in the MHP District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. State licensed manufactured home parks.
- B. Home occupations in accordance with Section 2.22.
- C. Parks and open space.
- D. Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

**SECTION 11.03      SPECIAL LAND USES**

No land or buildings in the MHP District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14.

- A. Public and private recreation facilities.
- B. Schools, including public, private and parochial; elementary and secondary.

**SECTION 11.04      MANUFACTURED HOME PARK DISTRICT REVIEW PROCESS**

All state licensed manufactured housing developments shall be reviewed by the Village under the following procedure:

1. Planning Commission Review
  - a. A full site plan, meeting the requirements of Chapter 15, shall be submitted for approval by the Legislative Body, based upon a recommendation from the Planning Commission. The Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan.
  - b. The Planning Commission shall review the site plan following the procedures of Chapter 15, and make a recommendation to the Legislative Body to approve, approve with conditions or deny.
2. Legislative Body Review
  - a. Upon a recommendation from the Planning Commission, the Legislative Body shall review the site plan. The Legislative Body may table the request and direct the applicant to prepare additional information or revise the plan.

- b. The Legislative Body shall then approve, approve with conditions, or deny the request.

#### **SECTION 11.05 GENERAL REQUIREMENTS**

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership is not permitted, irrespective of the requirements of any other ordinance, unless such parcel or parcels of land shall have been approved as a licensed manufactured housing community under the provisions of this Chapter.
- C. The Planning Commission and Legislative Body shall consider the conformance of the manufactured housing community with the adopted rules of the Manufactured Housing Commission of the State of Michigan and the following additional standards:
  - 1. Whether the proposed development would unreasonably and adversely affect adjacent properties and land uses.
  - 2. Whether the location of facilities within the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
  - 3. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
  - 4. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.

#### **SECTION 11.06 MANUFACTURED HOME SALES**

- A. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
- B. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development, provided the development permits the sale.

#### **SECTION 11.07 SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Uses are subject to the following Site Development



Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.
- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. All uses shall be served by public sewer and water facilities, or by an approved community system.
- F. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

MINIMUM SITE SIZE	15 acres
MINIMUM FRONT SETBACK (ENTIRE SITE)	50 feet
MINIMUM PERIMETER SETBACK (ENTIRE SITE)	30 feet
MINIMUM LOT AREA	6,500 sq. ft.
MINIMUM LOT WIDTH	None Required
MINIMUM FRONT YARD SETBACK	10 feet
MINIMUM SPACING BETWEEN UNITS	20 feet
MAXIMUM LOT COVERAGE	None Required
MAXIMUM BUILDING HEIGHT	1 story or 25 feet
MINIMUM FLOOR AREA	None Required



## CHAPTER 12 I-1 LIGHT INDUSTRIAL DISTRICT

### SECTION 12.01      PURPOSE

The purpose of the I-1 Light Industrial District is to primarily accommodate research, wholesale and warehouse activities, and light industrial operations whose external, physical effects are restricted to the district and in no manner affect in a detrimental way any of the surrounding districts. The intensity of uses is generally restricted to ensure that concerns about preserving the rural, small town character of the community and ground water quality are appropriately addressed. Industrial development that has a full range of available public services is preferred.

### SECTION 12.02      PERMITTED USES

In the I-1 Light Industrial District, land, buildings, and other structures shall be used only for the following specified uses:

1. The manufacture, assembly, compounding, processing, packaging or treatment indoors from previously prepared materials, or repair, of such products as, but not limited to: bakery goods, dairy products, candy and other food products; cosmetics, pharmaceuticals, and toiletries; hardware and cutlery; pottery and figurines or other similar ceramic products; metal or rubber stamps, or other small molded rubber products; signs; light sheet metal products, including heating and ventilating equipment or siding; and furniture and fixtures.
2. The assembly, manufacture, fabrication, processing, packaging, or treatment of products including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood and yarns.
3. Research, development and testing facilities.
4. Professional and corporate offices.
5. Public and quasi-public institutional buildings, structures and uses.
6. Vocational schools and technical training schools.
7. Printing, lithography, blueprinting, publishing and similar uses.
8. Tool, die, gauge, and machine shops.
9. Storage (indoor) and sales facilities for building materials, contractor's supplies and similar uses.
10. Mini- or self-storage warehouses.
11. Warehousing and wholesale distribution establishments and trucking facilities.
12. Essential public service buildings and storage yards.
13. Accessory uses to permitted uses such as offices, retail sales, restaurants, fitness centers and similar uses; provided that such use shall not exceed twenty-five percent (25%) of the principal building floor area.
14. Accessory buildings, structures, and uses, customarily incidental to any use, in accordance with Section 2.21.

### SECTION 12.03      SPECIAL LAND USES

The following uses shall be considered Special Land Uses within the I -1 Light Industrial District and may be approved by the Planning Commission subject to the applicable standards in Chapter 14.

1. Adult regulated uses.
2. Automobile body and engine repair facilities.
3. Bottling and packaging facilities.
4. Breweries, distilleries, and wineries.
5. Central dry cleaning plants and laundries.
6. Heating and electric power generating plants.
7. Recycling centers, and composting facilities.
8. Kennels.
9. Lumber yards and planing mills.
10. Open air businesses.
11. Metal plating, buffing and polishing.
12. Recreation facilities (indoor and outdoor).
13. State licensed residential care facilities in accordance with Section 2.32.
14. Water filtration and wastewater treatment plants, reservoirs, and sewage treatment facilities.
15. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services, and related equipment and accessory structures.
16. Accessory fuel services and storage.

**SECTION 12.04 SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 2.
- B. Site Plan Review as may be required in accordance with Chapter 15.
- C. Off-Street Parking as may required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 16.
- E. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	150 feet
MINIMUM FRONT YARD SETBACK	50 feet
MINIMUM SIDE YARD SETBACK	15 feet
	50 feet from abutting Residential Districts or uses
MINIMUM REAR YARD SETBACK	30 feet
	50 feet from abutting Residential Districts or uses

MAXIMUM LOT COVERAGE	Determined by the use and requirements for yards, parking and loading
MAXIMUM BUILDING HEIGHT	45 feet
MINIMUM FLOOR AREA	None Required



**CHAPTER 13**  
**PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT**

**SECTION 13.01 INTENT**

The intent of this Chapter is to offer an alternative to traditional development by permitting flexibility in the regulations for development. The standards contained herein are intended to promote and encourage development on parcels of land which are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.

The PUD Zoning District standards are provided as a design option to encourage innovation in land use in terms of variety, design, layout, and type of structures constructed; to preserve and protect significant natural features and open space; to ensure that new developments are consistent with the small-town character of the community; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites.

**SECTION 13.02 QUALIFYING CONDITIONS**

1. Unified Control: The Planned Unit Development District shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one (1) integral unit.
2. Size: A PUD shall include a parcel or parcels totaling a minimum of ten (10) acres of contiguous land.
3. Recognizable Benefits: The design of the PUD shall provide recognizable benefits to the community. These benefits shall be determined by the following:
  - a. The benefits of a PUD District can be provided through site design elements in excess of the requirements of this Ordinance, such as:
    - i. unique site design features;
    - ii. high quality architectural design;
    - iii. extensive landscaping beyond that otherwise required;
    - iv. efficient consolidation of poorly dimensioned parcels;
    - v. sensitivity to adjacent residential land uses;
    - vi. unified access; and
    - vii. the preservation of open space and significant natural features including the natural topography, woodlands, wetlands, drains, creeks and streams.
4. The proposed development shall provide at least one (1) of the following benefits:
  - a. Significant Natural Assets: The site contains significant natural assets such as woodlands, rolling topography with grades exceeding fifteen percent (15%), significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats.

- b. Recreation Facilities. If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.
  - c. Mixed Use: A site can qualify if the development will provide a complementary and integrated mixture of uses, residential densities and/or housing types. A mixed use project shall be considered a project which proposes a combination of single family detached and multiple family housing or a mixture of compatible residential, commercial and industrial uses.
- 5. Public Utilities: All uses within the PUD District shall be served by public water and sewer systems, or approved private systems.
  - 6. Master Plan: The proposed PUD shall be consistent with the Master Plan.

### **SECTION 13.03 PERMITTED USES**

- A. The uses permitted in the PUD District shall be consistent with and in accordance with the "Permitted Uses" and "Special Land Uses" in the underlying zoning district.
- B. Other uses, including mixed residential, commercial, office, and industrial uses, however, may be permitted upon a finding by the Legislative Body that such uses will be appropriate and compatible with the uses proposed for the development and with the uses surrounding the development.

### **SECTION 13.04 AREA AND BULK REGULATIONS**

The height, bulk and area conditions set forth in the underlying zoning districts and in Sections 13.05 and 13.06 shall be used as guidelines for the use areas set forth in the PUD. However, to encourage flexibility and creativity consistent with the intent of the PUD District, the Legislative Body, upon recommendation by the Planning Commission, may permit specific departures from the requirements of the Zoning Ordinance. Any regulatory modification shall be approved through a finding by the Legislative Body that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

### **SECTION 13.05 DENSITY REGULATIONS**

- A. The density permitted in the PUD shall be based on the underlying zoning district of the proposed parcel, except as noted in Section 13.05, E.
  - 1. Single Family Residential
    - a. Where the underlying zoning is single-family residential, the number of dwelling units allowable within a PUD shall be determined through preparation of a parallel plan.



- i. The applicant shall prepare a parallel design for the project that is consistent with State, County and Village/Township requirements and design criteria for a tentative preliminary plat.
  - ii. The parallel plan shall meet all standards for lot size, lot width and setbacks in accordance with the requirements for the underlying zoning district(s). The parallel plan must also account for public roadway improvements and contain an area which conceptually would provide sufficient area for storm water detention.
  - iii. Lots in the parallel plan shall provide sufficient building envelope size without affecting wetlands regulated by the Michigan Department of Environmental Quality.
2. The Legislative Body shall review the design and determine the number of lots that could be feasibility constructed and be economically viable following the parallel design. This number, as determined by the Legislative Body, shall be the maximum number of dwelling units allowable for the PUD.
3. Multiple Family Residential. Where the underlying zoning is an R-3 District multiple family residential, the density shall be the maximum allowed by the underlying zoning district.
4. Non-Residential. Where the underlying zoning is non-residential, residential may be permitted at the density permitted in the R-3 District. Such density shall be permitted in those portions of the PUD proposed for residential use. Land areas of a PUD proposed for non-residential use shall not be counted towards the maximum allowable density.
5. PUDs with More Than One Underlying Zoning District.
  - a. Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project.
  - b. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the underlying zoning districts.
  - c. The location and distribution of dwellings within the PUD shall be determined through design that meets the intent of this Ordinance, preservation of natural features and compatibility with surrounding land uses.
6. Residential Density Bonus. A variable density bonus of up to twenty-five percent (25%) may be allowed for any residential portion of the PUD at the discretion of the Legislative Body, after recommendation by the Planning Commission, based upon a demonstration by the applicant of design excellence. Projects qualifying for a density bonus shall include at least one (1) of the following elements:
  - a. A high level of clustered development through smaller lot sizes or attached dwellings where a minimum of fifty percent (50%) of the PUD is common open space.

- b. Inclusion of an integrated mixture of housing types.
- c. Removal or renovation of blighted buildings or cleanup of site contamination.
- d. Other similar elements as determined by the Legislative Body.

## SECTION 13.06 DEVELOPMENT REGULATIONS

### A. Open Space Requirements

1. In the **Township**, a PUD shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space held in common ownership. In the **Village**, a PUD shall maintain a minimum of thirty percent (30%) of the gross area of the site as dedicated open space held in common ownership. Except as noted in 2, below, any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space.
2. The following land areas are not included as dedicated open space within a PUD.
  - a. Area proposed as single family residential lots or site condominiums.
  - b. Area proposed to be occupied by multiple family dwellings.
  - c. Any portion of the project used for commercial, office, institutional or industrial purposes including buildings, structures, parking and loading areas. Parking used exclusively for public recreational facilities shall be permitted as open space.
  - d. The area of any street right-of-way, private road easement or access drive.
  - e. Any submerged land area of a pond, lake, river or stream.
  - f. The area within any stormwater detention or retention pond, except that the Legislative Body may permit up to twenty-five percent (25%) of a central detention or retention area as open space when such areas are used to retain stormwater from the entire PUD.
3. Protection of Open Space.
  1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Legislative Body, such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements.
  2. Such conveyance shall assure 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. Such conveyance shall:
    - a. Indicate the proposed allowable use(s) of the dedicated open space. The Legislative Body may require the inclusion of open space restrictions that prohibit the following:
      - i. Dumping or storing of any material or refuse;
      - ii. Activity that may cause risk of soil erosion or threaten any living plant material;
      - iii. Cutting or removal of live plant material except for removal

- iv. of dying or diseased vegetation;
    - iv. Use of motorized off road vehicles;
    - v. Cutting, filling or removal of vegetation from wetland areas;
    - vi. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
  - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
- 4. The dedicated open space shall forever remain open space, subject only to uses approved by the Legislative Body on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.

**SECTION 13.07 APPROVAL PROCEDURE**

A. Qualification and Conceptual Plan (PUD Plan)

- 1. Pre-application Meeting
  - a. Any applicant interested in pursuing a PUD development may request an optional pre-application meeting with community staff, consultants and appropriate agency representatives to review the proposed development.
  - b. Prior to submitting an application, the applicant may conduct an introductory meeting with the Legislative Body to present the concept plan for informal comment.
- 2. Submittal Requirements: The following information shall be submitted to the Legislative Body as part of the application for a PUD:
  - a. Application form and review fee.
  - b. Proof of ownership and sworn statement indicating the date of acquisition of the parcel by the present land owner, or authorization from the land owner to submit the proposal for review.
  - c. Twelve (12) copies of concept plans (PUD plans) at a scale not smaller than one inch equals two hundred feet (1" = 200') providing:
    - i. the location of intended land uses
    - ii. building footprints or lots
    - iii. type and density of dwelling units
    - iv. layout of streets, roads, drives and parking areas
    - v. sidewalks and pathways
    - vi. an indication of whether public or private roads are intended
    - vii. open space areas
    - viii. general landscaping plans
    - ix. indication of natural features present on the site, and highlighting those that will be eliminated and those that are to be preserved
    - x. proposed generalized topography
    - xi. description of the transition technique provided adjacent to

- xii. existing single family developments or residentially zoned areas location and types of recreational facilities proposed
- xiii. conceptual utility plan including sanitary sewer, public water and storm water management facilities.

- d. Twelve (12) copies of separate site analysis map at the same scale as the concept plan, indicating the following:
  - i. existing woodlands and significant trees stands, including any landmark trees;
  - ii. wetland boundaries (documentation by a qualified wetland consultant may be required);
  - iii. water bodies;
  - iv. natural drainage patterns (shown with arrows);
  - v. existing topography at five-foot contour intervals;
  - vi. description of general soil conditions based on the U.S. Soil Conservation Service Soil Survey of Hillsdale County;
  - vii. sight distance limitations along adjacent roadways proposed for access points;
  - viii. existing buildings and structures;
  - ix. existing easements and rights-of-way;
  - x. driveways and intersections on both sides of the street within two hundred and fifty (250) feet of any part of the PUD site;
  - xi. adjacent land uses and zoning;
  - xii. unbuildable areas due to site conditions
- e. Twelve (12) copies of separate parallel plan or development plan at the same scale as the concept plan, based on the current zoning district standards. This plan will be used to determine density and dimensional standards permitted in the PUD.
- f. Written or other documentation indicating how the criteria for qualification for a PUD have been met.
- g. A table which details all deviations from the established zoning district uses; area, height and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD. This table shall clearly identify the allowed regulation in comparison to the requested deviation.
- h. Any additional information requested by the Legislative Body to better assist in the determination of PUD qualification such as, but not limited to: market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments

B. Planning Commission Review. The Planning Commission shall conduct a preliminary review of the request, offer comments and set a public hearing in accordance with the requirements of the Zoning Act.

C. Public Hearing. Following the preliminary review meeting, the Planning Commission shall conduct a public hearing which shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within

300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the community. The notice shall include:

1. The nature of the request.
2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
3. Location and time of the hearing.
4. Where and when written comments may be received.

D. The purpose of the public hearing is for the Planning Commission and the applicant to receive public comment on the PUD.

1. The Planning Commission shall not take action on the request unless there is a specific finding that all review standards have been met.
2. If deemed necessary by the Planning Commission, following the public hearing the applicant shall submit revised plans and a document which point-by-point addresses any issue determined by the Planning Commission to require additional information.
3. Following the public hearing, the Township shall send the proposed PUD to the Hillsdale County Planning Commission in accordance with the procedures required by the Zoning Act.
4. The Planning Commission shall then recommend the PUD to the Legislative Body with their approval, denial, or approval with conditions. The review of the Planning Commission shall be based on the considerations of Section 13.07, E, 2, a-c.

D. Legislative Body Review and Approval.

1. Upon receipt of the Planning Commission recommendation, the Legislative Body shall review the PUD concept plan in consideration of Planning Commission recommendation, public hearing comments, technical reviews from staff and consultants, comments from applicable review agencies, and compliance with the standards of this Chapter and other applicable standards of this Ordinance.
2. The Legislative Body shall approve, approve with conditions or deny the PUD Plan. The decision shall be based on the following:
  - a. Whether the proposal meets the eligibility criteria for qualification of the PUD and promotes the land use goals and objectives of the community.
  - b. Whether all applicable provisions of this Article and this Ordinance have been met. If any provision of this Chapter shall be in conflict with the provisions of any other Article of this Ordinance, the provisions of this Chapter shall apply to the lands embraced within a PUD.
  - c. Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, storm water, solid waste, water supply needs and traffic generated by the proposed project.

E. PUD Agreement

1. If the Legislative Body approves the PUD concept plan, the applicant shall submit a written Agreement stating the conditions upon which approval is based, for review by the Village/Township Attorney.
  2. After review and approval by the Legislative Body, the PUD Agreement shall be entered into between the Village/Township and the applicant and be recorded in the office of the Hillsdale County Register of Deeds, at the expense of the applicant. Approval shall be effective upon recording.
- D. The PUD Agreement shall provide, at a minimum:
1. A survey of the acreage comprising the proposed development.
  2. The manner of ownership of the developed land.
  3. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
  4. Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The community may require conveyances or other documents to be placed in escrow to accomplish this.
  5. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Legislative Body.
  6. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Legislative Body.
  7. Provisions to ensure adequate protection of natural features.
  8. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
- F. Rezoning: The rezoning of the parcel to PUD is concurrent with the PUD Plan approval.
- G. Final Site Plan/Subdivision Plat Review and Approval.
1. Final site plans and subdivision plats, as applicable, shall be submitted for review and approval in accordance with Chapter 15, or the Subdivision Regulations, as applicable.
  2. Final site plans or subdivision plats may be submitted for the entire PUD or for individual phases within the PUD. In reviewing site plans and subdivision plans, the following standards shall apply:
    - a. Site plans or subdivision plans shall be in substantial conformance with the approved PUD plan.
    - b. Each site plan or subdivision plat shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Article and the approved PUD plan regarding layout, density, open space and land use.
    - c. Each plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.
    - d. Any amendment requested to the Agreement approved by the Legislative Body shall be submitted for review by the Village/Township Attorney and approved by the Legislative Body.

- H. Effective Period: Approval of the PUD Plan shall be effective for a period of two (2) years. If final site plans or subdivision plats for at least the first phase of the PUD are not submitted and approved during this two (2) year period, the right to develop under the approved PUD Plan shall terminate and a new application must then be filed and processed.

### **SECTION 13.08 AMENDMENTS AND DEVIATIONS FROM APPROVED PUD PLANS**

- A. Any amendment or deviation from the approved PUD Plan or final site plans shall be submitted to the Zoning Administrator only after final site plan or plat approval has been granted. Such amendment or deviation shall be explained in writing, accompanied by a site plan illustrating the proposed change.
- B. Procedure. Within fourteen (14) days of receipt of a request to amend the Final Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Legislative Body, or minor, allowing administrative approval, as noted below.
- C. Minor Changes
1. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the PUD Agreement, would not reduce the area devoted to open space, and all applicable Zoning Ordinance regulations will be met. The Zoning Administrator shall inform the Legislative Body of such approval in writing.
  2. The Zoning Administrator shall consider the following when determining a change to be minor:
    - a. For residential buildings, the square footage of structures may be reduced by three percent (3%); or increased by three percent (3%), provided the overall density of units does not increase, the minimum square footage and parking requirements are met and the building(s) do not extend into any required open space or required setbacks.
    - b. Gross floor area of non-residential buildings may be decreased; or increased by up to three percent (3%) or two thousand (2,000) square feet, whichever is smaller, provided parking requirements are met and the building does not extend into any required setback or open space.
    - c. Floor plans may be changed if consistent with the character of the use.
    - d. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other standards.
    - e. Height of buildings may be lowered.
    - f. Designated woodlands or areas not to be disturbed may be increased.
    - g. Plantings on the approved landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any regulated trees lost during construction shall be replaced on a caliper-per-caliper basis on the site.
    - h. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, with documentation from Hillsdale County, where appropriate.

- i. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Zoning Administrator.
- j. Grade change of up to one (1) foot, after review and approval by the community Engineer.
- k. Modification of entry design, sign placement or reduction in size of permitted signs, which is consistent with the intent of the PUD, this Article, and the approved PUD Plan.
- l. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
- m. Changes to the location of accessory buildings and structures only when the new location will be consistent with the building envelope identified on the approved plan.
- n. Changes required or requested by the community, County or State for safety reasons.

D. Major Changes

- 1. Where the Zoning Administrator determines a requested amendment to the approved final site plan is major, resubmittal to the Legislative Body shall be required.
- 2. Should the Legislative Body determine that the modifications are inconsistent with the approved PUD Plan, a revised PUD Plan shall be submitted according to the procedures outlined in this Chapter.
- 3. In all cases, a change in use to a more intensive use than approved in the PUD Plan shall be considered major and require resubmission of a PUD Plan.

**SECTION 13.09      LIMITATION ON VARIANCES FROM THE BOARD OF APPEALS**

The decision to grant PUD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a dimensional (non-use) variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD Plan or any condition of the PUD approval.



## CHAPTER 14 SPECIAL LAND USES

### SECTION 14.01 PURPOSE

The purpose of this Chapter is to provide standards for Special Land Uses, which are uses which under usual circumstances, could be detrimental to other land uses permitted within the same zoning district, but may be permitted because of circumstances unique to the location of the particular use. This Chapter will provide standards for the Planning Commission to determine the appropriateness of a given Special Land Use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used and processes employed. Accordingly, Special Land Uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

### SECTION 14.02 APPLICATION PROCEDURE

The following materials shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers the Special Land Use application:

1. A completed application form provided by the community.
2. Twelve (12) copies of a site plan meeting the requirements of Chapter 15.
3. An impact assessment, if required by the Planning Commission. The analysis shall be carried out by qualified individuals and shall include, but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.
4. Payment of the required fee.

### SECTION 14.03 REVIEW PROCEDURE

- A. Before acceptance and consideration by the Planning Commission, the application shall be reviewed by staff for completeness and compliance with appropriate sections of this Ordinance. Incomplete applications shall not be accepted, except that the impact assessment need not be submitted until required by the Planning Commission.
- B. If the application is deemed complete by the Zoning Administrator, a public hearing on the Special Land Use application shall be scheduled in accordance with the notice procedures of the Zoning Act.

A public hearing shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the community. The notice shall include:

1. The nature of the request.
2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
3. Location and time of the hearing.

4. Where and when written comments may be received.
- C. The Special Land Use request and appropriate documents and plans shall be forwarded to the Planning Commission.
- D. The request for Special Land Use shall be reviewed by the Planning Commission in accordance with the following:
  - a. The Planning Commission shall review the Special Land Use application and the Site Plan in terms of the requirements of the Special Land Use General and Specific Standards of this Chapter and the review standards of Section 15.05.
  - b. If the application is determined to be incomplete or more information, such as the impact assessment, is required, then the Planning Commission shall table the request and direct the applicant to prepare the requested additional information or revise the plan; or return the request for additional staff review or analysis.
  - c. Following the public hearing, the Planning Commission shall approve, approve with conditions or deny the Special Land Use and Site Plan.
- E. Upon approval of an application for a Special Land Use Permit the Zoning Administrator shall issue a Special Land Use permit. The Zoning Administrator shall be responsible for insuring that any conditions attached to the approval of the special land use permit are adhered to.
- F. Records of the reasons for the Planning Commission actions, and any conditions attached approvals, shall be kept and made a part of the minutes of the Planning Commission. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the Special Land Use Permit is approved by the body which approved the original Special Land Use Permit.
- G. Conditions of any approval is attached to the land and will remain through subsequent owners, except an expiration date for the Special Land Use may be specified if the Special Land Use is considered to be temporary in nature.
- H. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

#### **SECTION 14.04 STANDARDS FOR APPROVAL**

The Planning Commission shall review each Special Land Use Permit request, and approve said request only upon a finding that all of the following general standards are complied with:

- A. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
- B. The use is, or will be as a result of the Special Land Use Permit, served adequately by public services and facilities, including, but not limited to streets, police and fire

protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.

- C. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
- D. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
- E. The site plan proposed for such use demonstrates compliance with the specific design standards for the Special Land Use as contained in Section 14.09.

#### **SECTION 14.05      CONDITIONS OF APPROVAL**

- A. Prior to granting any Special Land Use permit, the Planning Commission may impose any additional conditions or limitations as, in its judgement, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of Section 14.04 , and the applicable regulations of Section 14.09 are met.
- B. Approval of a Special Land Use, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- C. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the Special Land Use Permit is approved.
- D. A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- E. The Zoning Administrator shall make periodic investigations of developments authorized by Special Land Use Permit to determine continued compliance with all requirements imposed by the Planning Commission and this Ordinance. Noncompliance with the requirements and conditions approved for the Special Land Use shall constitute grounds for the Planning Commission to terminate the approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing and as required by this Ordinance.

#### **SECTION 14.06      VALIDITY OF SPECIAL LAND USE PERMIT**

- A. In cases where actual physical construction of a substantial nature of the structures authorized by a Special Land Use Permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided in 14.06.B, below, the permit shall automatically become null and void and all rights thereunder shall terminate.
- B. Upon written application filed prior to the termination of the one-year period, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from

the applicant that the development has a reasonable likelihood of commencing construction within the one-year extension.

- C. The granting of a Special Land Use Permit shall allow that particular use to be conforming on the subject property, as long as the standards of this Chapter are maintained.
- D. Any use for which a Special Land Use Permit has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned and the Special Land Use Permit shall become null and void.
- E. 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 order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

#### **SECTION 14.07 VARIANCES**

The Zoning Board of Appeals shall not have the authority to grant a variance to allow a Special Land Use which was denied by the Planning Commission. However the Zoning Board of Appeals shall have the authority to act on dimensional or site design variances requested for a Special Land Use. Any variances shall be considered by the Zoning Board of Appeals prior to Planning Commission action on the Special Land Use.

#### **SECTION 14.08 SPECIAL LAND USE AMENDMENTS AND EXPANSIONS**

- A. Amendments: Any person or agency who has been granted a Special Land Use Permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use Permit. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of Chapter 15. A major amendment to a Special Land Use permit shall comply with the application and review procedures contained in this Chapter.
- B. Expansion or Change in Use: The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use permit, with an increase of ten percent (10%) or greater, shall require resubmittal in the manner described in this Chapter. A separate Special Land Use approval shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use which has not previously received Special Land Use approval.

#### **SECTION 14.09 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Chapter. The following uses have such conditions, standards, or regulations:

- A. Accessory fuel services and storage.
- B. Adult regulated uses.
- C. Antennas and towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services, and related equipment and accessory structures, provided

- that such antennas or towers are attached to already existing buildings or structures.
- D. Automobile body and engine repair facilities.
  - E. Banquet, dance, lodge, and union halls; private clubs; and other similar places of assembly.
  - F. Bars, taverns, lounges, brewpubs, and microbreweries (accessory use only).
  - G. Bed and breakfast establishments.
  - H. Bottling and packaging facilities.
  - I. Bowling alleys.
  - J. Breweries, distilleries, and wineries.
  - K. Bus passenger stations.
  - L. Cemeteries.
  - M. Central dry cleaning plants and laundries.
  - N. Churches.
  - O. Commercial and municipal parking lots.
  - P. Commercial greenhouses and nurseries.
  - Q. Commercial removal and processing of soil, sand, gravel, or other minerals.
  - R. Commercial storage warehouses.
  - S. Commercial kennels, veterinary hospitals and animal clinics.
  - T. Essential public service buildings with storage yards.
  - U. Farm labor housing.
  - V. Funeral homes and mortuary establishments.
  - W. Golf courses and driving ranges.
  - X. Greenhouses, orchards, and nurseries, including those selling retail goods on the premises. A residence may also be located on the same property.
  - Y. Heating and electric power generating plants.
  - Z. Hospitals.
  - AA. Hotels and motels.
  - BB. Housing for the elderly.
  - CC. Kennels and veterinary clinics.
  - DD. Lumber yards and planing mills.
  - EE. Metal plating, buffing and polishing.
  - FF. Open air businesses.
  - GG. Public and quasi-public institutional buildings.
  - HH. Public or private campgrounds
  - II. Public and private stables and riding academies.
  - JJ. Public and private recreation facilities (indoor and outdoor).
  - KK. Recycling centers, and composting facilities.
  - LL. Restaurants with drive-through facilities.
  - MM. Retail businesses of greater than fifty thousand (50,000) square feet gross floor area conducting business entirely within an enclosed building.
  - NN. Schools including public, private and parochial; elementary and secondary schools.
  - OO. State licensed residential care facilities in accordance with Section 2.32.
  - PP. State licensed adult and child residential care facilities and State licensed child care facilities in accordance with Section 2.32.
  - QQ. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
  - RR. Two family dwellings.
  - SS. Uses with drive-through, drive-in or open front facilities, such as banks, retail business establishments, and restaurants (including those with seasonal outdoor seating),
  - TT. Vehicle service stations, excluding body shops.
  - UU. Vehicle wash establishments, either self-serve or automatic.

VV. Water filtration and wastewater treatment plants, reservoirs, and sewage treatment facilities.

**AA. Accessory fuel services and storage.**

1. All federal and state requirements for construction, location, installation, containment areas, and similar matters shall be satisfied. All necessary permits shall be obtained and submitted to the Community prior to construction.
2. The Planning Commission shall determine that vehicles entering and leaving the proposed site will not cause unreasonable danger to traffic.
3. The proposed site shall abut a state highway or county primary road.
4. Retail sales shall not be permitted.
5. No storage shall take place closer than one hundred (100) feet from any property line, or a greater distance if required by applicable state or federal regulations. No storage of explosive, volatile, or toxic chemicals in gaseous form shall be closer than two hundred and fifty (250) feet from any existing dwelling, school, hospital, or place of public assembly.
6. Accessory buildings, if any, shall be approved by the Planning Commission in connection with the Special Land Use approval.
7. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, federal or state requirements may be imposed.
8. Outdoor storage of empty tanks for sale or lease to the public shall be prohibited in any Nonresidential District and shall be subject to all applicable requirements of Nonresidential Districts.
9. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.
10. No advertising or other signs, other than required regulatory or warning signs, shall be permitted on any tank or other storage facility.
11. The site shall be designed so as to permit easy access by emergency vehicles.
12. Total liquid storage capacity on the proposed site shall not exceed seventy-five thousand (75,000) gallons in the HC and I-1 Districts, and fifty thousand (50,000) gallons in any other District.

**B. Adult Regulated Uses.**

1. Intent: It is the intent of this subsection to provide regulations controlling those uses which are recognized as having serious, objectionable, operational characteristics inducing a deleterious impact on adjacent uses and areas. Special regulations of these uses are necessary to insure that the anticipated adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood. Uses subject to these controls include: Adult Bookstores, Adult Motion Picture Theaters, Massage Establishments, Nude Artist and Photography Studios, and Adult Cabarets, as herein defined.
2. Definitions: For purposes of this subsection, the Adult Regulated Uses listed above shall have the meanings as noted in Section 1.21.
3. General Requirements And Restrictions: Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval as provided herein. A Special Land Use for Adult Regulated Uses shall comply with the following requirements:

- a. Adult Regulated Uses shall not be located in any zoning district except the I-1, Light Industrial District.
  - b. Adult Regulated Uses shall not be allowed within two hundred fifty (250) feet of another existing Adult Regulated Use, or within two hundred fifty (250) feet of any Residential District, or within two hundred fifty (250) feet of an existing church, school, park or playground.
  - c. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission.
- 4. All massage clinics are subject to inspection from time to time by the Building Inspector and shall be required to file reports as may be required by the City, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
  - 5. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder.
  - 6. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
    - a. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
    - b. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
      - (1) "Persons under the age of 18 years are not permitted to enter the premises."
      - (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
    - c. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
    - d. No Adult Regulated Use shall be open for business prior to ten o'clock a.m., nor after ten o'clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes.

- C. Antennas and towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services, and related equipment and accessory structures, provided that such antennas or towers are attached to already existing buildings or structures.**
1. All applications for wireless communication towers shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the tower is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion.
  2. The applicant must demonstrate to the Planning Commission that a feasible co-location for the new wireless communication facility is not available for the coverage and capacity needs and that a location on municipal property is not practical.
  3. Any proposed tower for commercial wireless telecommunication services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least three (3) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
  4. Towers for commercial wireless telecommunication services shall be located and designed to be harmonious with the surrounding area through the use of color and architectural treatment, except in instances where color is dictated by other State or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
  5. Wireless communication towers may be considered either a principal or accessory use.
  6. Any part of the structures or equipment placed on the ground pertaining to the tower for commercial wireless telecommunication services shall comply with the following setbacks:
    - a. **Residential Districts.** The Planning Commission shall not approve any tower for commercial wireless telecommunication services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.
    - b. **Nonresidential Districts.** Any part of a commercial wireless telecommunication services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the District in which it is located, except that in no case shall such structures or equipment be located less than fifty (50) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line.
    - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
  7. A minimum of two (2) miles of separation shall exist between freestanding towers.
  8. The maximum height of the new or modified support structure and antennae shall be the minimum height demonstrated to be necessary for reasonable



communication by the applicant (and by other entities to co-locate on the structure). Any accessory building contemplated to enclose such things as switching equipment, shall be limited to the maximum height for accessory structures or buildings within the respective district.

9. The Planning Commission shall require the structure base, accessory buildings and enclosures to be screened with landscaping, berms, walls, or a combination of these elements.
10. Towers for commercial wireless telecommunication services shall not be illuminated unless required by other State or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
11. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to Residential Districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
12. Towers for commercial wireless telecommunication services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.
13. Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication tower.
14. An antenna which is attached to an existing tower may be approved by the Planning Commission and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
  - a. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower.
  - b. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
  - c. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on-site when approved by the Planning Commission.

**D. Automobile body and engine repair facilities.**

1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-

hundred and fifty (150) feet.

3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
6. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
7. Where adjoining Residential District or use property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

**E. Banquet, dance, lodge, and union halls; private clubs; and other similar places of assembly.**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**d. Bars, taverns, lounges, brewpubs, and microbreweries (accessory use only).**

1. Unless a more restrictive provision is otherwise required by the District in which the use is located, public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
2. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

**e. Bed and breakfast establishments.**

1. The establishment shall be serviced by approved water and sanitary sewer services. The establishment shall be located on property with direct access to a paved public road.
2. Such uses shall only be established in a detached single family dwelling.
3. Parking is required in accordance with Chapter 16 and shall be defined as such for guest parking and it shall be located to minimize negative impacts on adjacent

- properties.
4. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
  5. The total number of guest rooms in the establishment shall not exceed seven (7), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.
  6. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
  7. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half ( $\frac{1}{2}$ ) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
  8. The establishment shall contain the principal residence of the operator.
  9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
  10. Meals may be served only to the operator's family, employees, and overnight guests.

#### **H. Bottling and packaging facilities.**

1. The lot location shall be such that at least one (1) property line abuts a major street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
2. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
3. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

#### **I. Bowling alleys.**

1. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
2. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

#### **J. Breweries, distilleries, and wineries.**

1. The lot location shall be such that at least one (1) property line abuts a major street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
2. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.

3. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
4. Limited retail or public exhibit/tour areas may be included as part of the Special Land Use approval provided that the following restrictions are met:
  - a. Such areas shall be limited to no more than one-thousand (1,000) square feet.
  - b. Parking areas shall be provided independent of parking facilities used for employees. Any such parking areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  - c. Any signs related to such activities or facilities shall comply with the sign requirements of the District.

**K. Bus passenger stations.**

1. Minimum lot width shall be two hundred (200) feet.
2. Unless a more restrictive provision is otherwise required by the District in which the use is located, ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
3. All lighting shall be shielded from adjacent Residential Districts or uses.

**L. Cemeteries.**

1. A cemetery is a privately or publicly owned property which provides perpetual care of grounds used solely for the interment of human beings or customary household pets.
2. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, MCLA 333.1101 et seq., Public Act 88 of 1875, as amended MCLA 128.111 et seq., and other applicable state laws.

**M. Central dry cleaning plants and laundries.**

1. The lot location shall be such that at least one (1) property line abuts a major street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
2. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

**N. Churches.**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a

traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

4. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**O. Commercial and municipal parking lots.**

1. Parking areas shall be used for parking or storage of private passenger vehicles only.
2. No business involving the repair or services to vehicles permitted thereon, or sale, or other storage, or display thereof, shall be conducted from or upon such premises.
3. All such facilities shall be in the same zoning district as the principal use to which it is accessory unless a Special Land Use permit is permitted and granted for parking in an adjoining zoning district.
4. No sign shall be erected or placed on the parking area except that not more than one (1) directional sign at each point of ingress and egress may be erected or placed. Such signs may also contain information on charges and duration and shall not exceed twelve (12) square feet per side nor fifteen (15) feet in height.
5. All facilities shall be constructed in conformance with the requirements of this Ordinance pertaining to such parking areas.
6. All facilities shall be effectively screened from adjacent residential properties.

**P. Commercial greenhouses and nurseries.**

1. Any storage or display areas shall meet all the yard setback requirements applicable to any main building in the District.
2. All loading activities and parking areas shall be provided on the same premises (off-street).
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

**Q. Commercial removal and processing of soil, sand, gravel, or other minerals.**

1. No soil, sand, gravel, or other earth material shall be removed from any land within the Community without Special Land Use approval, with the following exceptions:
  - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township or Village;
  - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
  - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
  - d. The earth removal involves less than three hundred (300) cubic yards;
  - e. The earth removal is for the purpose of construction of a swimming pool.
  - f. The soil removal will not be in violation of any other section of this ordinance, other Township or Village ordinance, Soil Erosion and

Sedimentation Control Act of 1972, or any other applicable state or federal law.

2. In addition to the materials required by this Chapter, the application for Special Land Use approval shall include the following:
  - a. A written legal description of all of the lands proposed for the use.
  - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
    - (1) A north arrow, scale, and date;
    - (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
    - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
    - (4) the location and nature of all structures on the lands;
    - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
    - (6) existing elevations of the lands at intervals of not more than five (5) feet;
    - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
    - (8) mineral processing and storage areas;
    - (9) proposed fencing, gates, parking areas, and signs;
    - (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
    - (11) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
    - (12) areas to be used for ponding.
  - c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
  - d. A site rehabilitation plan including the following:
    - (1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
    - (2) a plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
    - (3) a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the

Master Plan and all applicable requirements of this Ordinance.

- e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
  - a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (1) feet of horizontal distance.
  - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential District.
5. The Planning Commission shall approve routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to nearby properties. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
6. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may allow some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than

- one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
8. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
  9. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Village or Township as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
    - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
    - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

**R. Commercial storage warehouses.**

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-2 District.
3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum required ten (10) spaces, to be located adjacent the rental office, for the use of customers.
6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.



**S. Commercial kennels, veterinary hospitals and animal clinics.**

1. The minimum lot size shall be two (2) acres.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than fifty (50) feet to any adjacent occupied dwelling or any adjacent building used by the public.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof by any animals to the extent possible.

**T. Essential public service buildings with storage yards.**

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the District in which it is located.
3. All storage yards shall be constructed in conformance with the requirements of this Ordinance pertaining to parking areas.
4. All facilities and parking areas shall be effectively screened from adjacent residential properties.

**U. Farm labor housing.**

1. Farm labor housing may be occupied for no more than ten (10) months during one (1) calendar year.
2. Farm labor housing may not be used for the housing of persons not at some time employed by the owner of the farm.
3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of farm labor housing shall apply where any dwelling is used to house one (1) or more farm labor workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations, and standards and further to apply the same to the housing of one (1) or more such farm labor workers notwithstanding that such State regulations may have a greater housing unit or farm labor worker threshold.
4. Seasonal dwellings shall be located at least two hundred (200) feet from any public street, at least two hundred (200) feet from any other property line, and four hundred (400) feet from any dwelling of an adjacent property owner.
5. No seasonal dwelling shall have more than one (1) story nor contain more dwelling units than are necessary to meet the needs of the owner of the premises.
6. No seasonal dwelling shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving said other dwelling, and no seasonal dwelling shall be closer than thirty (30) feet to any such drive or roadway.
7. To ensure the health, safety, and welfare of the occupants, all construction shall conform to the most stringent of applicable local, state and federal building codes and health codes and other such codes and ordinances.
8. The premises and all seasonal dwellings shall be available for inspection by the Zoning Administrator and the Building Inspector.
9. All premises and structures shall be regularly maintained.

10. Any deficiencies arising from time to time shall be corrected by the owner within fifteen (15) days notification by a township, county, state, or federal agent or official, or sooner if safety and health conditions warrant.
11. Any seasonal dwelling which is not occupied by farm labor workers during five (5) consecutive seasons shall be removed by the owner within six (6) months of the close of the second season following.

**V. Funeral homes and mortuary establishments.**

1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.
4. The proposed site shall front upon a major street. All ingress and egress shall be from said thoroughfare.

**W. Golf courses and driving ranges.**

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjacent roadways or any Residential District or use.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**X. Greenhouses, orchards, and nurseries, including those selling retail goods on the premises. A residence may also be located on the same property.**

1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
2. All loading activities and parking areas shall be provided on the same premises (off-street).
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
4. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
5. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-2 District.

**Y. Heating and electric power generating plants.**

1. Any such building shall comply with the yard setback requirements of the District in which it is located.
2. All parking areas shall be effectively screened from adjacent residential

- properties.
3. Security fencing and other protective measures shall be provided to effectively prevent unauthorized persons from entering the facility grounds.

**Z. Hospitals.**

1. The minimum lot area shall be at least two (2) acres and have direct access to a major street.
2. The emergency entrance, delivery area, and the refuse disposal container area shall be obscured from the general view.
3. No building shall be any closer than seventy-five (75) feet to any property line or street right-of-way.

**AA. Hotels and motels.**

1. Minimum floor area of each guest unit shall contain not less than two hundred fifty (250) square feet.
2. The minimum lot area shall be twenty-five thousand (25,000) square feet with a minimum width of one hundred (100) feet, provided that there shall be at least five hundred (500) square feet of lot for each lodging unit.
3. The maximum lot coverage of all buildings, including accessory buildings shall not exceed more than thirty-five (35) percent of the lot.
4. All parking areas shall have direct access to a major street.

**BB. Housing for the elderly.**

1. All dwelling units shall have a minimum of seven-hundred and twenty (720) square feet per unit.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet, unless a greater distance is otherwise required by this Ordinance.
3. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

**CC. Kennels and veterinary clinics.**

Same requirements as Commercial kennels, veterinary hospitals and animal clinics.

**DD. Lumber yards and planing mills.**

1. Minimum lot area shall be three (3) acres.
2. Maximum lot coverage by buildings and parking area shall not exceed forty percent (40%) of total lot area.
3. Minimum lot width shall be two hundred (250) feet.
4. The Planning Commission may require a fence of up to six (6) feet in height to be constructed along the rear and/or sides of the lot or parcel, so as to assist in keeping trash, paper, and other debris from blowing off the premises.
5. The lot area used for parking and drives shall be hard-surfaced and the display

- or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. Ingress and egress shall be provided as far as practicable from each of two (2) intersecting streets. Unless a more restrictive provision is otherwise required by the District in which the use is located, locations of ingress and egress shall be at least one hundred and fifty (150) feet from a street intersection.
  7. All outdoor lighting fixtures shall be shielded so that the lighting is directed downward and so that such lighting does not shine onto adjacent Residential Districts or uses.
  8. Outdoor storage of materials shall comply with all yard setback requirements applicable to any building under the terms of the District in which the lands are located.
  9. All loading activities and parking areas shall be provided off street and on the same premises as the Special Land Use.
  10. The storage of any materials shall be sufficiently contained to prevent any adverse effect upon adjacent or nearby lands.

**EE. Metal plating, buffing and polishing.**

1. The lot location shall be such that at least one (1) property line abuts a major street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
2. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.

**FF. Open air businesses.**

1. Minimum lot area shall be one (1) acre.
- 2.. Minimum lot width shall be two hundred (200) feet.
3. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The Planning Commission may require the applicant to furnish a performance bond in accordance with the requirements of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.
5. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. Unless a more restrictive provision is otherwise required by the District in which the use is located, ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
7. All lighting shall be shielded from adjacent residential areas.
9. Except as noted in 10, below, no display area shall be located within ten (10) feet of a road right-of-way line.
10. In the case of a plant materials nursery:
  - a. Any storage or display areas shall meet all the yard setback requirements applicable to any main building in the District.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).

- c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

**GG. Public and quasi-public institutional buildings.**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

**HH. Public or private campgrounds**

1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.
4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.
6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
7. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Hillsdale County.
8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

**II. Public and private stables and riding academies.**

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.

**JJ. Public and private recreation facilities (indoor and outdoor).**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings and outdoor activity areas shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

**KK. Recycling centers, and composting facilities.**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. All such uses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The Planning Commission may require the applicant to furnish a performance bond in accordance with the requirements of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.
5. The lot area used for parking and maneuvering areas shall be hard-surfaced and storage areas provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection, unless a more restrictive provision is otherwise required by the District in which the use is located,.
7. All lighting shall be shielded from adjacent residential areas.
8. The Planning Commission may require a six (6) foot fence or wall to be constructed along all sides of the area in which activities are conducted to keep trash, paper, and other debris from blowing off the premises.

**LL. Restaurants with drive-through facilities.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**MM. Retail businesses of greater than fifty thousand (50,000) square feet gross floor area conducting business entirely within an enclosed building.**

1. Unless a more restrictive provision is otherwise required by the District in which the use is located, public access to the site shall be located at least one hundred (100) feet from any public or private street intersection and not less than fifty (50) feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of said access.
2. Any principal building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
4. No mechanical rooms or loading area shall be located nearer than fifty (50) feet to any Residential District or use property line.

**NN. Schools including public, private and parochial; elementary and secondary schools.**

1. No building shall be closer than forty (40) feet to any property line or street right-of-way line.
2. No more than twenty-five (25) percent of the gross site area shall be covered by buildings.

**OO. State licensed residential care facilities in accordance with Section 2.32.**

1. The minimum lot area shall be at least one (1) acre.

2. No building shall be closer than forty (40) feet to any property line or street right-of-way.
3. Off-street parking shall be provided for family members and employees of the facility. Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
4. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
5. The facility shall be in compliance with all applicable State licensing requirements.

**PP. State licensed adult and child residential care facilities and State licensed child care facilities in accordance with Section 2.32.**

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client making up the licensed capacity of the facility.
2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

**QQ. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

**RR. Two family dwellings.**

1. No dwelling unit shall have its principal access more than one hundred (100) feet from either an access drive, public street, or required off-street parking area.

**SS. Uses with drive-through, drive-in or open front facilities, such as banks, retail business establishments, and restaurants (including those with seasonal outdoor seating),**



1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station, outdoor teller station, or automated teller facility shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Unless a more restrictive provision is otherwise required by the District in which the use is located, public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**TT. Vehicle service stations, excluding body shops.**

1. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
2. Unless a more restrictive provision is otherwise required by the District in which the use is located, no more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and one (1) for any other street, or as may otherwise be required by the District in which the use is located if more restrictive.
3. Unless a more restrictive provision is otherwise required by the District in which the use is located, no drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line, No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway or as may otherwise be required by the District in which the use is located if more restrictive. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
4. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
5. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
6. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

7. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.
9. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission . If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission .
10. The lot shall be located such that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
11. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
12. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
13. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

**UU. Vehicle wash establishments, either self-serve or automatic.**

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in the front yard setback area.
3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

**VV. Water filtration and wastewater treatment plants, reservoirs, and sewage treatment facilities.**

1. Any such building or outdoor use area shall comply with the yard setback requirements of the District in which it is located.
2. All parking areas shall be effectively screened from adjacent residential properties.
3. Security fencing and other protective measures shall be provided to effectively prevent unauthorized persons from entering the facility grounds.

## CHAPTER 15 SITE PLAN REVIEW

### SECTION 15.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

### SECTION 15.02 SITE PLANS REVIEWED

- A. In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:
1. All Permitted Uses within any District as follows:
    - a. The construction of a new building or construction of a structure enclosed floor area equal to or greater than five thousand (5,000) square feet;
    - b. Any addition to a building or structure adding an enclosed floor area greater than 25 percent (25%) of the existing enclosed building or structure floor area, except that such addition shall be at least equal to or greater than five thousand (5,000) square feet.
  2. Special Land Uses in all Zoning Districts.
  3. Site condominiums in any district.
- B. Single family and two-family dwellings (except for those that are part of a site condominium), farms, roadside stands, state licensed residential family care facilities, family day care homes, and home occupations, or any other use or structure not covered in Section 15.02, A, shall not be required to submit a site plan for review by the Planning Commission. The Zoning Administrator shall review such plans to determine compliance with the requirements of this Ordinance and any other applicable ordinances.

### SECTION 15.03 SITE PLAN APPLICATION REQUIREMENTS

- A. Preliminary Site Plan Review.
1. If desired by the applicant, a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
  2. Twelve (12) copies of a preliminary site plan shall be submitted for review by the Planning Commission prior to final site plan submittal. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.

- a. Small scale sketch of properties, streets and use of land within one half (½) mile of the area, including the zoning of surrounding property.
  - b. Site plans shall be drawn at a scale not less than 1"=30' for property under five (5) acres and at least 1"=100' for those five (5) acres or more; unless another scale is approved for submission by the Zoning Administrator. The following items shall be shown on the plan:
    - (1) Existing adjacent streets and proposed streets.
    - (2) Lot lines and approximate dimensions.
    - (3) Parking lots and access points.
    - (4) Proposed buffer strips or screening.
    - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
    - (6) Location of all preserved landmark trees and locations of landmark tree removals and replacements, if any.
    - (7) Land uses and proposed buildings.
    - (8) General topographical features including contour intervals no greater than ten (10) feet.
    - (9) All buildings and driveways within one hundred (100) feet of all property lines.
- B. A narrative (shown on the site plan or submitted separately) describing in general terms:
- 1. An overall description of the proposed development.
- C. Dwelling unit densities by type, if applicable.
- D. Proposed method of providing sewer and water service, as well as other public and private utilities.
- E. Proposed method of providing storm drainage.
- 1. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this article. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance or denial of the plan.
- F. Final Site Plan Review
- 1. If desired by the applicant, a final site plan may be submitted for review without first receiving approval of a preliminary site plan.
  - 2. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Zoning Administrator:
    - a. A completed application form, as provided by the Community.
    - b. An application fee, as may be established by the Legislative Body from time to time.
    - c. The narrative required by Section 15.03, A, 2, c.
    - d. Twelve (12) copies of a final site plan prepared and sealed by a professional competent in such matters. The final site plan shall include

the following information, unless deemed unnecessary by the Zoning Administrator.

- (1) The date, north arrow, and scale. The scale shall be not less than 1"=30' for property under five (5) acres and at least 1"=100' for those five (5) acres or more; unless another scale is approved for submission by the Zoning Administrator.
- (2) The name and firm address, and the name of the professional individual responsible for the preparation of the site plan or as directed by the Zoning Administrator.
- (3) The name and address of the property owner or petitioner.
- (4) A location sketch.
- (5) Legal description of the subject property (may be submitted separately if allowed by the Zoning Administrator).
- (6) The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- (7) Property lines and required setbacks shown and dimensioned.
- (8) The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
- (10) The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
- (11) The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.
- (12) The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
- (13) The existing zoning and use of all properties abutting the subject property.
- (14) The location of all significant natural features and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. The location of all preserved landmark trees and locations of landmark tree removals and replacements, if any, shall also be shown.
- (15) Size and location of existing and proposed public, or private community sewer or water supply systems, including any proposed connections thereto.
- (16) The location and size of all surface water drainage facilities.
- (17) Existing and proposed topographic contours at a minimum of two (2) foot intervals.
- (18) Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.
- (19) Any other physical improvements.

- G. Required site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator by the petitioner or his designated agent, at least thirty (30) days prior to the next available Planning Commission meeting at which the site plan is to be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next available Planning Commission meeting.

#### **SECTION 15.04 SITE PLAN REVIEW AND DECISIONS**

- A. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the review standards of Section 15.05. Reasons for approval, denial, or approval with conditions, and any conditions or modifications desired by the Planning Commission shall be recorded in the minutes.
1. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of this Article are met and shall meet the requirements of the Zoning Act. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
  2. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
  3. Three (3) copies of the final approved site plan shall be signed and dated by a designated member of the Planning Commission and the applicant. One (1) of these approved copies shall be kept on file by the Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or his designated representative.
  4. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below.
    - a. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
    - b. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
    - c. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.
- B. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

**SECTION 15.05 REVIEW STANDARDS**

The following standards shall be utilized in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. 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.
- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings shall be arranged so as to permit reasonable necessary emergency vehicle access as requested by the Fire Department serving the Community.
- H. All streets and driveways shall be developed in accordance with the Community Subdivision Control Ordinance, the Hillsdale County Road Commission, or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. The Planning Commission may impose more stringent requirements than those for the Road Commission or Michigan Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.

- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored, or proposed to be stored.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural and small town character of the community.
- K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- M. Site plans shall conform to all applicable requirements of County, State, Federal, and community statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and community permits before final site plan approval or an occupancy permit is granted.
- N. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- O. The general purposes and spirit of this Ordinance and the Master Plan.

#### **SECTION 15.06 CHANGES IN THE APPROVED SITE PLAN**

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed



as part of the original approval. Minor changes shall include the following:

1. Change in the building size, up to five percent (5%) in total floor area.
  2. Movement of buildings or other structures by no more than ten (10) feet.
  3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or comparable size.
  4. Changes in floor plans which do not alter the character of the use or require an increase in parking requirements.
  5. Changes required or requested by the community, the Hillsdale County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

### **SECTION 15.07 APPEAL**

An appeal in writing may be taken to the Zoning Board of Appeals by any person aggrieved by the action of the Planning Commission regarding a site plan review. Such appeal shall be filed within twenty one (21) days after the date of the final vote taken for such action. The Zoning Board of Appeals shall fix a time and place for a public hearing to be published in the same manner as required for the public information meeting of Section 15.04, A. After such hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant and to the Planning Commission.

### **SECTION 15.08 PLAT REQUIREMENTS**

In those instances in which Act 288, Public Acts of 1967, as amended, the Land Division Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.



## CHAPTER 16 PARKING AND SIGN REQUIREMENTS

### SECTION 16.01 SCOPE

In all Zoning Districts, off-street parking facilities, including all parking spaces, maneuvering areas, and access points for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such facilities shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

### SECTION 16.02 LOCATION OF PARKING

The off-street parking required by this Chapter shall be provided in accordance with the following requirements.

- A. Single and Two Family Dwellings: The off-street parking facilities required for single and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. Multiple Dwellings: The off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Chapter. In no event shall any uncovered parking space in the R-3 District be located nearer than ten (10) feet to any main building.
- C. Manufactured Home Parks: The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements of this Chapter.
- D. Other Land Uses: The off-street parking required may be located on each site or in parking lots within three hundred (300) feet of and readily accessible to each site.

### SECTION 16.03 PARKING LOT REQUIREMENTS

- A. All parking facilities, access driveways, and commercial storage areas, but excluding those for single and two family dwellings outside manufactured home parks **within the Village of Jonesville** shall be constructed with a pavement having an asphalt or concrete binder or other equivalent material. **Within Fayette Township**, such areas shall be constructed with a pavement having an asphalt or concrete binder, or with a minimum of six (6) inches of compacted gravel, or other equivalent material.
  1. All parking and maneuvering areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area.
- B. In Nonresidential Districts the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be constructed with a pavement having an asphalt or concrete binder or other equivalent material, if the

connecting roadway is paved.

- C. Any illumination for parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day. The source of illumination in all parking lots abutting a Residential District or use shall not be higher than twenty (20) feet above the parking lot surface and shall use cut-off style fixtures designed to direct light downward.
- D. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which said parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provision of this Ordinance.
- E. Required nonresidential parking lots abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall, or a landscaped equivalent.
- F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.
- G. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. Such devices shall be securely anchored into the parking lot to ensure that they remain stationary.
- H. Plans for the layout of off-street parking facilities shall be in accordance with the Parking Space Dimensions table and the following minimum regulations. The minimum parking space dimensions for a layout not provided for in the regulations shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred and sixty-two (162) square feet in area.

**SECTION 16.04 PARKING LOT PLANS**

Parking Pattern	Aisle Width		Parking Space		Total Width <sup>3</sup>	
	2 Way	1 Way	Width <sup>1</sup>	Length <sup>2</sup>	1 Way	2 Way
Parallel	18 ft.	12 ft.	9 ft.	25 ft.	30 ft.	36 ft.
30-75%	24 ft.	12 ft.	9 ft.	21 ft.	48 ft.	60 ft.
76-90%	24 ft.	15 ft.	9 ft.	18 ft.	55 ft.	60 ft.

- 1 Measured perpendicular to the longitudinal space centerline.
- 2 Measured along the longitudinal space centerline.
- 3 Total width of two tiers of parking spaces plus maneuvering lane

**Parking Space Dimensions**

- A. The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before a Certificate of Occupancy is issued.
- B. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, dimensions of typical

parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot.

- C. The plans are to be prepared in a presentable form by person or persons competent in such work and shall conform to the provisions of Section 16.03.

#### **SECTION 16.05 PARKING RESTRICTIONS**

- A. In any District, it shall be unlawful to use required off-street parking areas for the storage or parking of vehicles in excess of twenty four (24) hours, except as may be permitted for a commercial use or vehicles utilized on a regular basis by the residents or owners of the lot on which the parking is located.
- B. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying such vehicles for sale, except in approved and licensed car sales lots.
- C. After the effective date of this Ordinance it shall be unlawful on lots or parcels of less than one and one-half (1½) acres for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking, either day or night, thereon of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes (other than for residential purposes, where otherwise permitted), construction equipment, and/or any other similar equipment or machinery used for commercial purposes for a period exceeding forty eight (48) hours. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and equipment necessary to be parking overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.
- D. No vehicle parking, storage, or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

#### **SECTION 16.06 OFF-STREET PARKING REQUIREMENTS**

- A. The Planning Commission may defer construction of a portion of the required number of parking spaces for nonresidential uses if the following conditions are met:
1. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Section. Such areas shall not be used for any other purpose required by this Ordinance (such as landscaped buffers, etc.) and shall be kept open.
  2. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator based on parking needs and shall require the submission and approval of an amended site plan, as required by Chapter 15.

- a. Required off-street parking spaces are noted in the tables below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
- b. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

Use	Parking Space Per Unit of Measurement
<b>Residential</b>	
Single family dwellings	Two (2)
Two family dwellings	One (1), plus two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for every two (2) units
<b>Institutional</b>	
Group day care homes and group foster care homes	One (1) space for each four (4) clients
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each five (5) seats or each ten (10) feet of pew length or one (1) space for and each four (4) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating

Use	Parking Space Per Unit of Measurement
<b>Commercial</b>	
Vehicle wash establishment (self service or automatic)	One (1) space for each five (5) stalls
Bed & Breakfast	One (1) space per guest room plus two (2) spaces for principal residence of the operator
Beauty/barber shop	Two (2) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet UFA or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater

Use	Parking Space Per Unit of Measurement
<b>Commercial</b>	
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of UFA or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet UFA
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet UFA
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet UFA
Open air businesses	One (1) space for each two hundred (200) square feet of indoor UFA plus one (1) space for each one thousand (1000) square feet of outdoor display area
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet UFA
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet UFA

Use	Parking Space Per Unit of Measurement
<b>Offices</b>	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet UFA plus two (2) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet UFA
Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
<b>Industrial</b>	



Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (2000) square feet GFA plus those spaces required for offices located on the premises

**SECTION 16.07 OFF-STREET LOADING REQUIREMENTS**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the HC District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. I-1 Light Industrial District
  - 1. In the I-1 District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
  - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

**SECTION 16.08 SIGNS - DESCRIPTION AND PURPOSE**

These provisions are intended to regulate the size, number, location, and manner of display of signs, consistent with the following purposes. Sign regulations within the Village of Jonesville are found in Chapter 19 of the Ordinances of the Village of Jonesville and are not part of this Zoning Ordinance.

- A. To protect the safety and welfare of Fayette Township residents; to conserve and enhance the character of the community; and to promote the economic viability of commercial and other areas by minimizing visual clutter.
- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.

- C. To promote uniformity in the size, number, and placement of signs within zoning districts.
- D. To promote the identification of establishments and premises in the community.

## **SECTION 16.09 SIGNS - DEFINITIONS**

For the purposes of the provisions of this Chapter related to signs, the following words and phrases are defined as follows:

- A. **Construction Sign:** A sign which identifies the owners, contractors, architects, and/or engineers of a building(s) or development project under construction.
- B. **Commercial Establishment:** A business operating independently of any other business located in a freestanding building; in a group of stores or similar establishments that are located side-by-side in a single building, sometimes call a strip mall, as a business completely separated from other businesses by walls from the ground up and separate entrances.
- C. **Directional Sign:** A sign which gives directions, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs.
- D. **Freestanding Sign:** A sign not attached to a building or wall and which is supported by one (1) or more poles or braces or which rests on the ground or on a foundation that rests on the ground.
- E. **Governmental Sign:** A sign erected or required to be erected by the Township, Village, Hillsdale County, or by the state or federal government.
- F. **Memorial Sign:** A sign, tablet, or plaque memorializing a person, event, structure, or site.
- G. **Political Sign:** A sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.
- H. **Portable Sign:** A sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame, "T" shaped, or inverted "T" shaped sign structures, and signs affixed to movable trailers.
- I. **Projecting Sign:** A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.
- J. **Real Estate Sign:** A sign advertising the real estate upon which the sign is located as being available for sale, rent, or lease.

- K. Sign: A device, structure, fixture, or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, commodity, or activity, or displaying or depicting other information.
- L. Special Event Sign: A temporary or portable sign erected for a limited time for the purpose of calling attention to special events of interest to the general public and which are sponsored by governmental agencies, schools, or other non-profit groups whose purpose is of a public, charitable, philanthropic, religious or benevolent nature.
- M. Subdivision Identification Sign: A sign identifying or otherwise stating the name of a platted subdivision, site condominium development, multifamily development, or other residential development.
- N. Temporary Sign: A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including special event signs, and other such signs as may be allowed in this Chapter.
- O. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building, extending not more than twelve (12) inches from the exterior face of the wall to which it is attached.

#### **SECTION 16.10 SIGNS PROHIBITED**

The following types of signs are expressly prohibited:

- A. Any sign which has flashing, moving, oscillating, or blinking lights, excluding time and temperature signs and barber pole signs, which are permitted.
- B. Signs imitating or resembling official traffic or governmental signs or signals.
- C. Projecting signs.
- D. Any sign not expressly permitted by this Ordinance.

#### **SECTION 16.11 SIGNS EXEMPTED**

The following signs shall be exempt from the provisions of this Chapter.

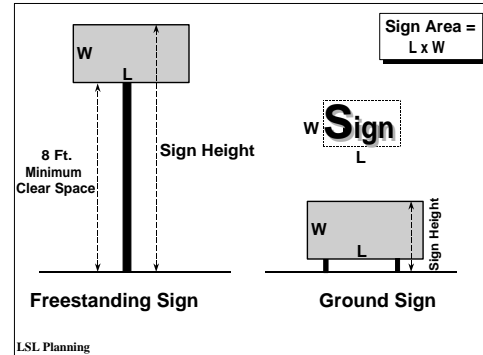
- A. Governmental signs.
- B. Signs for essential services
- C. Historical markers.
- D. Memorial signs or tablets.
- E. Political signs, except that such signs shall be removed within the time stated in Section 16.14, D.
- F. Signs with an address and/or name of the owner or occupant, of not more than two (2)

square feet in area, attached to a mailbox, light fixture, or exterior wall.

- G. Real estate signs six (6) feet or less in area shall not require a permit, but shall comply with other applicable provisions of this Ordinance.

**SECTION 16.12 MEASUREMENT OF SIGNS**

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo and any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a free-standing or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except that if two (2) such faces are placed back to back and are of equal size, the area of the two (2) back to back faces shall be counted as one (1) face. If the two (2) back to back faces are of unequal size, the larger of the two (2) sign faces shall be counted as one (1) sign face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- D. Any freestanding sign not resting directly on the ground shall not exceed three (3) feet in height, or if supported on poles, shall have a clear area of at least eight (8) feet between the bottom of the sign and the grade of the adjacent street(s).



**SECTION 16.13 SIGN APPLICATION AND PERMITS**

- A. A sign permit shall be required for the erection, use, construction or alteration of all signs, except for those exempted by the terms of this Chapter. For purposes of this Section, alteration of a sign shall mean any substantial change therein, but shall not include normal maintenance or repair thereof.
- B. An application for a sign permit shall be made to the Zoning Administrator, and shall include submission of such fee as may be required by resolution or other action by the Legislative Body. The application shall include the following:
  1. Name, address, and telephone number of the applicant and the person, firm, or corporation erecting the sign.
  2. Address or permanent parcel number of the property where the sign will be located.
  3. A sketch showing the location of the building, structure, or parcel of land upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures, together with the depth of setback from lot lines.
  4. Two (2) scaled blueprints or drawings of the plans and specifications for the sign and information on the method of construction and attachment to structures or

- the ground.
5. Any required electrical permit.
  6. Identification of the zoning district in which the sign is to be located, together with any other information which the Zoning Administrator may require in order to determine compliance with this Chapter.
- C. All signs requiring electrical service shall be reviewed for compliance with the electrical code applicable to the community.
- D. The Zoning Administrator shall issue a sign permit if all provisions of this Chapter and other provisions of this Ordinance and other applicable community ordinances are satisfied. A sign authorized by such a permit shall be installed or shall be under construction within six (6) months of the date of issuance of the sign permit. or the permit shall expire. A new permit may be issued upon the filing of a new application and payment of the required fee.

#### **SECTION 16.14 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

- A. It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any lands in the community except in accordance with the provisions of this Ordinance.
- B. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for political signs and special event signs.
- C. Real estate signs shall be removed within ten (10) days after completion of the sale or lease of the property.
- D. Political signs shall be removed within ten (10) days after the election or referendum to which the sign refers.
- E. No sign shall be placed in, or extend into, any public street right-of-way or other location that might interfere with vehicular or pedestrian traffic or obstruct vision for motorists or be placed so as to block any sidewalk, building entrance, or door.
- F. Construction signs are permitted, subject to the following restrictions:
1. Construction signs shall not be larger than thirty two (32) square feet and shall not exceed twelve (12) feet in height.
  2. Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
  3. Construction signs shall be removed immediately upon issuance of any occupancy permit for any part of the building or structure which is the subject of the construction sign.
- G. Special event signs may be permitted for a period not to exceed thirty (30) days.
- H. Directional signs shall not exceed six (6) square feet in area per sign.
- I. No wall sign shall project above the building roof line.

- J. Flashing and intermittently illuminated signs are prohibited. Any sign lighting shall be shielded from vehicular traffic and adjacent residential properties.

**SECTION 16.15 NONCONFORMING SIGNS**

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter is deemed to be nonconforming.
- B. Nonconforming signs may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.
- C. A nonconforming sign may be diminished in size or dimension, or the copy on the sign may be amended or changed, without adversely affecting the status of the sign as a nonconforming sign.

**SECTION 16.16 SIGNS IN RESIDENTIAL DISTRICTS**

In addition to signs permitted and as regulated in all districts, the following nonilluminated signs are permitted in Residential Districts:

Sign and Number Permitted	Area	Height	Location
1 subdivision identification sign per entrance road	32 sq. ft.	8 ft.	At least six (6) feet from any lot line.
			A subdivision sign shall be separated by at least 1,320 feet on the same street from any other subdivision sign for the same subdivision
1 freestanding sign for permitted nonresidential uses	16 sq. ft.	6 ft.	Minimum of 15 feet from each side lot line
2 signs per lot advertising the sale of produce grown on the premises			Minimum of 15 feet from each side lot line

**SECTION 16.17 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

In addition to signs permitted and as regulated in all districts, the following signs are permitted in the Nonresidential Districts.

- A. One (1) freestanding sign for each lot or parcel of land, not to exceed sixty-four (64) square feet in sign area and not to exceed twenty (20) feet in height.
- B. Wall Signs in Commercial Districts
  - 1. Each commercial establishment shall be permitted to have one (1) wall sign. For each commercial establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted.
    - a. Commercial establishments located in a freestanding building with one hundred (100) feet or less of freestanding building frontage shall be

- permitted a wall sign area not to exceed one (1) square foot of sign for each lineal foot of street frontage of such freestanding building,
- b. Commercial establishments with more than one hundred (100) feet of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign for each of the first one hundred (100) lineal feet of freestanding building frontage and one and one-half (1 1/2) square feet of sign for each three (3) lineal feet in excess of one hundred (100) lineal feet.
  - c. Wall sign area for a commercial establishment consisting of a separate business located in a building with other businesses but with a separate and independent entrance shall be calculated in the same manner as in a freestanding building, using the building frontage of such commercial establishment.
2. The wall sign shall be attached to the same wall which is used to determine its size.
  3. Awning signs are permitted in the HC District where no wall sign exists on the same wall as the awning, subject to the following requirements.
  4. A minimum clear space of seven (7) foot-six (6) inches must be maintained from bottom of the awning to which the sign is attached to the surface below the sign.
  5. Signs on awnings may not exceed thirty percent (30%) of any face of the awning to which the sign is affixed.
- C. Wall Signs in the I-1, Light Industrial District
1. Each industrial establishment shall be permitted to have one (1) wall sign. For each industrial establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted. Each industrial establishment shall have not more than one (1) wall sign per wall.
  2. The size of the wall sign shall comply with the following regulations:
    - a. Industrial establishments with up to one hundred (100) lineal feet of wall fronting a street are permitted to have a sign area not to exceed thirty two (32) square feet.
    - b. Industrial establishments with more than one hundred (100) lineal feet of wall fronting a street are permitted to have a sign area of thirty two (32) square feet plus one (1) additional square foot of sign area for each four (4) lineal feet of wall exceeding one hundred (100) lineal feet.
  3. Wall signs shall not face a Residential District unless the district and the building are separated by a public or private street or other Nonresidential District.
  4. The wall sign shall be attached to the same wall which is used to determine its size.

## **SECTION 16.18 SIGNS FOR OTHER LAND USES**

- A. Signs in the Planned Unit Development District shall comply with the sign provisions of this Chapter most applicable to the uses approved as part of the development.
- B. Signs for Special Land Uses shall comply with the sign requirements of the District in

which the Special Land Use is located, except to the extent that such requirements may be altered or modified in the approved conditions for the Special Land Use.



## CHAPTER 17 ZONING BOARD OF APPEALS

### SECTION 17.01 AUTHORIZATION

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Board of Appeals.

### SECTION 17.02 MEMBERSHIP - TERMS OF OFFICE

- A. **The Board of Appeals of the Village of Jonesville** shall consist of five (5) members appointed by the Village President. **The Board of Appeals of Fayette Township** shall consist of five (5) members appointed by the Supervisor.
1. The first member of such Board of Appeals shall be a member of the Planning Commission; the second member may be a member of the Legislative Body but shall not serve as the chairperson of the ZBA; the additional members shall be selected from the electors residing in the municipality for which the Board is constituted.
  2. The additional members shall not be elected officers or employees of the Legislative Body. The additional members shall be appointed for three (3) year terms; the Planning Commission and Legislative Body representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.
- B. The Legislative Body may appoint up to two (2) alternate members for the same terms as the regular members.
1. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days.
  2. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
  3. The alternate member shall serve in the case until a final decision is made.
  4. The alternate member shall have the same voting rights as a regular member when called.

### SECTION 17.03 DUTIES AND POWERS

The Board of Appeals shall have the following specified duties and powers:

- A. Appeals: The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Community in the administration of this Ordinance.
- B. Interpretation: The Board of Appeals shall have the power to:

1. Hear and decide upon request for the interpretation of the provisions of this Ordinance; and
  2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator upon said subject.
- C. Variances: The Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.
- D. The Board of Appeals shall not have the authority to approve any sign type which is not permitted by this Ordinance within a zoning district.

#### **SECTION 17.04 MEETINGS**

Meetings shall be open to the public, and shall be held at the call of the Chairman and at such other times as the Board of Appeals shall specify in its rules of procedure.

#### **SECTION 17.05 APPLICATIONS AND HEARINGS**

- A. An application to the Board of Appeals shall consist of a completed application form, provided by the Community, a fee as established by the Legislative Body, which shall be paid to the Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Board of Appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.
- B. Upon receipt of a complete application the Secretary shall notice the public as follows:

A public hearing shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the community. The notice shall include:

1. The nature of the request.
2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
3. Location and time of the hearing.
4. Where and when written comments may be received.

#### **SECTION 17.06 DECISIONS**

- A. The concurring vote of a majority of the membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; to effect any variance in this Ordinance.
- B. The Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held, unless an extension of time is agreed upon

with the applicant and the Board.

- C. Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Board of Appeals, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. The decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.
  - 1. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by such decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
- E. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

#### **SECTION 17.07 APPEALS**

- A. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the community. Applications for appeals shall be filed within twenty one (21) days after the date of the decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown.
- C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant which was not otherwise available to the person or body making the decision from which the appeal was taken.

#### **SECTION 17.08 REVIEW STANDARDS FOR VARIANCES**

- A. Non-Use Variance: A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:
  - 1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.

2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.
3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district.

Exceptional or extraordinary circumstances or conditions include:

- a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
  - b. exceptional topographic conditions;
  - c. by reason of the use or development of the property immediately adjoining the property in question; or
  - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.
5. That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
  6. That the variance is not necessitated as a result of any action or inaction of the applicant.

B. Use variance: A use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that ALL of the following conditions are met:

1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located;
2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
  - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
  - b. exceptional topographic conditions;
  - c. by reason of the use or development of the property immediately adjoining the property in question; or
  - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary;
3. That the proposed use will not alter the essential character of the neighborhood.
4. That the variance is not necessitated as a result of any action or inaction of the

applicant.

- C. A use variance shall be passed with a two third ( $2/3^{\text{rd}}$ ) majority of ZBA membership.
- D. Prior to Board of Appeals decision on a request for a use variance, the Board of Appeals may request that the Planning Commission consider such request and that the Commission forward a report to the Board of Appeals.
  - 1. The report of the Planning Commission may include the opinion of the Commission as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood.
  - 2. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.



## CHAPTER 18 ADMINISTRATION AND ENFORCEMENT

### SECTION 18.01 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by Fayette Township on November 1, 1966, and the Village of Jonesville on September 12, 1966, and all amendments thereto for each Ordinance, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### SECTION 18.02 INTERPRETATION

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

### SECTION 18.03 REMEDIES AND ENFORCEMENT

- A. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- C. The civil fine for a municipal civil infraction shall be as noted in **the Fayette Township Municipal Civil Infraction Ordinance** and the **Village of Jonesville Municipal Civil Infraction Ordinance**.

- D. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- E. The **Township Board for Fayette Township** and the **Village Council for the Village of Jonesville** or their duly authorized representative(s) is hereby charged with the duty of enforcing the Ordinance and said Legislative Bodies are hereby empowered, in the name of Fayette Township or the Village of Jonesville, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Hillsdale County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Legislative Body in such a suit to abate the same.
- F. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

#### **SECTION 18.04 PUBLIC NUISANCE, PER SE**

Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

#### **SECTION 18.05 PERFORMANCE GUARANTEES**

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Legislative Body are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project which is the subject of such guarantee.
- B. Such performance guarantee shall be deposited with the Clerk at the time of the issuance of the permit by the community authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If said improvements are not completed such security shall be forfeited, either in whole or in part.
- C. The Community shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Community to complete the required improvements. The balance if any shall be returned to the depositor.



**SECTION 18.06 FEES**

- A. The Legislative Body shall, by resolution, establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during regular office hours at the Township and Village Hall. Such fees may be changed from time to time by resolution of the Legislative Body.
- B. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, or any other request or application under this Ordinance for which a fee is required.
- C. In addition to regularly established fees, the Legislative Body in its discretion may also require an applicant to submit to the community an amount of money determined by the community to be a reasonable estimate of the fees and costs which may be incurred by the community in reviewing and acting upon any such application or related matters. Such estimated fee and costs shall be submitted prior to any community review of an application or request.
- D. The community shall not charge fees or assess costs to the applicant for the time expended by community employees (except as authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the community during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.
- E. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the reasonable costs and expenses, may include but shall not be limited to community attorney fees, engineering fees, costs and fees for services or outside consultants, fees and expenses of other professionals who may assist the community, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.
- F. Any monies paid or deposited by an applicant which are not used or spent by the community shall be refunded to the applicant.

**SECTION 18.07 PERMITS**

- A. No dwelling, building or structure subject to the provisions of this Ordinance shall be erected, altered, enlarged or moved upon any lot or premises until a zoning permit has been issued by the Zoning Administrator in conformity with the provisions of this Ordinance. Such permit shall be nontransferable and shall be good for one (1) year with the right of renewal in the discretion of the Zoning Administrator upon proper application and must be granted before any work of excavation, construction, alteration, enlargement or movement is begun.
- B. All applications for a zoning permit shall be submitted to the Zoning Administrator and shall be accompanied by a site plan as set forth in Chapter 15 of this Ordinance titled Site Plan Review.
- C. For each zoning permit issued a fee shall be charged as set forth in Section 18.06 of this

Ordinance. No zoning permit shall be valid until the required fee has been paid. Zoning permits may be renewed for a second year at no cost when no significant changes of plans has occurred. When significant changes, if determined by the Zoning Administrator, have occurred a new applicant for zoning permit and fee shall be required.

- D. Nothing in this section of the Zoning Ordinance shall be construed as to prohibit the applicant or their agent from preparing their own plans and specifications, provided the same are clear and legible and adhere to the required information as set forth in this Ordinance.
- E. Within ten (10) days after receipt of the completed zoning permit application, the Zoning Administrator shall issue a zoning permit to the applicant or their duly authorized agent provided the dwelling, building or structure and the land used thereof as set forth in the application are in conformity with the provisions of this Ordinance, and when such permit is refused, the Zoning Administrator shall state such refusal in writing with cause. The Zoning Administrator shall file one (1) copy of the application, with proper notations thereon or attached thereto relative to his/her approval or disapproval including the date thereof as record. A copy of the application shall be returned to the applicant with similar notation.
- F. Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof shall not require a separate zoning permit.

#### **SECTION 18.08 STOP WORK ORDERS**

- A. Notice to Owner: Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. Unlawful Continuance: Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

#### **SECTION 18.09 PROPERTY SURVEYS**

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, or Legislative Body pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to insure that all requirements of this Ordinance will be met, such survey and related information may be required by the community and shall be paid for and provided by the property owner or applicant and no building permit or other community permit(s) shall be issued or approved until and unless such survey and related information has been provided to the community.

**SECTION 18.10 ZONING ADMINISTRATOR**

- A. Each Legislative Body shall appoint a Zoning Administrator. Each Legislative Body may also appoint a Deputy Zoning Administrator authorized to act during periods of absence of the Zoning Administrator, or assist the Zoning Administrator with his responsibilities, with the same powers as granted the Zoning Administrator.
- B. The Zoning Administrator and Deputy shall not be members of the Legislative Body, Planning Commission, or Zoning Board of Appeals.
- C. The Zoning Administrator and Deputy shall be appointed for such term and subject to such conditions and at such rate of compensation as the Legislative Body determines.
- D. The Legislative Body may instruct the Zoning Administrator in writing to initiate an enforcement action or other legal action as may be permitted by this Ordinance. The Zoning Administrator shall keep a record of every written complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint. These records shall be a matter of public record.
- E. Reports
1. The Zoning Administrator shall prepare and file an annual report to the Legislative Body on the operation of the Zoning Ordinance including recommendations as to the enactment of any changes, amendments, or supplements to the Zoning Ordinance.
  2. The Zoning Administrator shall issue to the respective legislative body a semiannual report on permits issued, variances issued, special use permits and complaint of violation and the action taken thereon.
- F. Duties and Responsibilities
1. The Zoning Administrator(s) shall administer the provisions of this Zoning Ordinance.
  2. The Zoning Administrator is authorized to review applications for permits as set forth in this Ordinance and to grant or deny such permits.
  3. The Zoning Administrator is to refer all matters that relate to the Legislative Body, Planning Commission, or Zoning Board of Appeals as set forth in this Ordinance.
  4. The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly administer and enforce this Ordinance.
- G. Should the Zoning Administrator have a personal or financial interest in the use of land, or the construction of any dwelling, building or structure subject to the provisions of this Ordinance, the Deputy Zoning Administrator shall examine the plans, inspect such dwelling, building or structure and issue the necessary permits, approvals and certificates.

**SECTION 18.11 SHORT TITLE**

This Ordinance shall be known as the “**Fayette Township Zoning Ordinance**” and the “**Village of Jonesville Zoning Ordinance**,” as applicable to each community.

**SECTION 18.12 PURPOSE**

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things:

- A. encourage the use of lands, waters and other natural resources in accordance with their character and most suitable use;
- B. to limit the improper use of land and resources;
- C. to provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued;
- D. to reduce hazards to life and property;
- E. to provide for orderly development;
- F. to avoid overcrowding of the population;
- G. to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered;
- H. to lessen congestion on the public roads and streets;
- I. to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses;
- J. to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements;
- K. to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

**SECTION 18.13 THE EFFECT OF ZONING**

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations for the Zoning District in which it is located; these limitations being the minimum legislation necessary to promote and protect the general safety and welfare of the community.
- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to Law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.
- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.
- D. The term "community" refers to both the Village of Jonesville and Fayette Township. Where this Ordinance contains regulations that are intended to apply only to the Village of Jonesville or only to Fayette Township, the language of the Ordinance shall so state.

Where no individual references are noted, the regulations of this Ordinance will apply to both the Village of Jonesville and to Fayette Township.

#### **SECTION 18.11 SEVERABILITY**

The Ordinance and various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any Chapter, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

#### **SECTION 18.12 ENACTMENT**

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Adoption" in a newspaper circulating within the Community. The effective date of this Zoning Ordinance for the Village of Jonesville is \*\*. The effective date of this Zoning Ordinance for Fayette Township is \*\*



**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, VILLAGE OF JONESVILLE, MICHIGAN BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 19, SIGNS.**

**THE VILLAGE OF JONESVILLE ORDAINS THAT:**

**CHAPTER 19  
SIGNS**

**SECTION 19.01 PURPOSE**

The purposes of this chapter are: to encourage the effective uses of signs as a means of communication in the Village; to maintain and enhance the aesthetic environment, to augment historical preservation and the Village's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety and public health, to minimize the possible adverse effect of signs on nearby public and private property, to keep signs within a reasonable scale with respect to the buildings and the property to which they relate, and to enable the fair and consistent enforcement of these sign restrictions.

**SECTION 19.02 DEFINITIONS**

The following words shall have the meanings set forth in this Section:

- A. Aggregate square footage: The total sum of all signs and their areas per parcel.
- B. Abandoned sign: Any sign that is still on the premises 45 days after a business ceases to operate or moves from the location.
- C. Animated: Any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene. For the purposes of this chapter, this term shall not refer to changeable copy signs.
- D. Awning: A retractable shelter constructed of non-rigid materials on a supporting framework that project from the exterior wall of a building.
- E. Awning sign: A sign affixed flat against the surface of an awning.
- F. Banner Sign: A temporary sign, constructed of canvas, paper, vinyl, or other similar materials, which is not permanently affixed to any wall or sign structure and is intended for a limited period of display.
- G. Billboard: A sign that advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- H. Business Center: Any two (2) or more businesses which:
  - 1. are located on a single parcel; or
  - 2. are connected by common walls, partitions, canopies, other structural members, or walkways to form a continuous building or group of buildings; or
  - 3. share a common parking area; or
  - 4. otherwise present the appearance of a single continuous business area.
- I. Canopy: A permanent roof like shelter extending from part or all of a building face over a public access area.
- J. Changeable copy sign: Any sign designed or constructed whereby the lettering or message usually contained thereon is capable of being changed by rearranging or installing new letters without moving, replacing, or resurfacing the face of such sign.

- K. Construction Sign: A sign which identifies the owners, and/or financiers, and/or contractors, and/or architects, and/or engineers of a project under construction.
- L. Directional Sign: A sign which gives directions, instructions, identifying logos without text, or facility information related to the use on the property on which the sign is located, such as parking or exit and entrance signs and which sets forth no advertisement.
- M. Essential Services: Those services that are provided pertaining to health, safety, and welfare of the general public.
- N. Freestanding Sign: A sign supported by one (1) or more up-rights, poles or braces placed in or upon the ground and not attached to any building and having an overall height not exceed eight (8) feet. Minimum clearance of sign's bottom edge shall be one (1) foot from ground.
- O. Government Sign: A temporary or permanent sign erected by a Governmental Entity.
- P. Ground Sign: A sign resting directly on a solid base with zero ground clearance not attached to a building or wall.
- Q. Historical Sign: A sign for which certain criteria has been recognized, and has been granted a historical variance.
- R. Home Occupation: An incidental and secondary use of a dwelling unit for business purposes, the home occupations are clearly secondary uses of residential buildings and must not alter the residential character of the neighborhoods involved.
- S. Illuminated Sign: A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light within such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- T. Incidental Sign: A sign that identifies street address, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement.
- U. Marquee: A permanent structure that projects from the exterior wall of a building.
- V. Marquee Sign: A sign attached to a marquee, canopy or awning projecting from and supported by the building.
- W. Mean Grade: A reference plane representing that arithmetic mean of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a sign structure, or in the area between the sign structure foundation line and the lot line, in the case where the sign structure foundation line is less than five (5) feet from the lot line.
- X. Mural: A design or representation painted or drawn on a wall that does not advertise any business, establishment, product, service or activity.
- Y. Placard: A sign not exceeding two (2) square feet which provides notice of a public nature, such as "No Trespassing" or "No Hunting" signs.
- Z. Housing Development Entry Sign: A sign placed at a road entrance to a subdivision, manufactured home park, or multiple-family development, containing only the name of the subdivision, manufactured home park, multiple-family development.
- AA. Political Sign: A temporary sign used in connection with an official Village of Jonesville, school district, township, county, state, or federal election or referendum. .
- BB. Portable Sign: A sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame, "T" shaped, or inverted "T" shaped sign structures, and signs affixed to movable trailers.
- CC. Projecting Sign: A sign attached to a building or wall that extends more than (18) eighteen inches from the face of the building or wall. Total square feet allowed by a projecting sign shall not exceed twelve square feet (3' x 4'). If a projecting sign is created it may not be used in conjunction with a wall, freestanding or pylon sign. Projecting signs may be used in conjunction with window and "A" frame, "T" or inverted "T" portable signs. For businesses with a publicly accessible rear entrance a wall sign



may be used to identify the business on the rear of the building, but still must meet all other regulations as contained in the ordinance. All projecting signs must be securely attached to the building at a height of at least eight (8) feet from the bottom of the sign to the ground. All such signs shall be attached to building face using decorative wrought iron or other decorative bracing. All applications for projecting signs shall be subject to approval by the Planning Commission prior to final approval. The Planning Commission shall have the ability to accept or reject any and all applications due to size, sign design, sign materials, sign attachment/bracing materials, design and any other applicable sections of this ordinance or other Village Ordinances. All projecting signs shall require a setback of five (5) feet from any traveled road surface, drive, alley or on-street parking area.

- DD. Pylon Sign: A sign supported by one (1) or more up-rights, poles or braces placed in or upon the ground and not attached to any building and having clear space of at least eight (8) feet from the ground to the bottom of the sign and an overall height not to exceed twenty-five (25) feet.
- EE. Real Estate Sign: A sign which advertises the fact that specific land and/or premises is available for sale, lease or rent.
- FF. Roof Line: That line which represents the highest portion of any part of the roof structure, excepting gables, chimneys or other incidental architectural features.
- GG. Roof Signs: Any sign erected, constructed and maintained wholly upon or over the roof or parapet of any building with its principal support on the roof structure.
- HH. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.
- II. Special Event Sign: Temporary and/or portable signs containing public messages concerning special events.
- JJ. Street Frontage: The width of a lot or parcel meeting the minimum requirements of the Zoning Ordinance for the district in which it is located.
- KK. Suspended sign: A sign suspended from a horizontal plane surface, and is supported by such surface.
- LL. Temporary Sign: A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including special event signs and other such signs as may be allowed in this Chapter.
- MM. Wall Sign: A sign which is attached directly to or painted upon a building wall and which does not extend more than twelve (12) inches there from with the exposed face of the sign in a plane parallel to the building wall.
- NN. Window Sign: A sign installed inside a window and intended to be viewed from the outside.
- OO. Vehicle Sign: A sign mounted or painted on a vehicle for advertising purposes, parked and visible from the public right-of-way except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of the businesses.
- PP. Village: For the purposes of this Chapter, "Village" refers to any and all properties within the Village of Jonesville corporate boundaries.

### **SECTION 19.03 SIGNS PROHIBITED**

A sign not expressly permitted by this Section is prohibited.

**SECTION 19.04 GENERAL SIGN PROVISIONS**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a Village zoning/sign permit and County building permit, provided the following signs shall not require a zoning and/or building permit:
1. Directional signs of six (6) square feet in size or less
  2. Government signs - 20 square feet in size or less.
  3. Placards - 20 square feet or less.
  4. Window signs - 20 square feet or less. not to exceed 50% of window space.
  5. Political signs - 20 square feet or less.
  6. Real estate signs - 20 square feet or less.
- B. Signs, except for home occupation and projecting signs may be internally illuminated or if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or any Residential District or property.
- C. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Chapter or other Ordinance of the Village.
- D. No light pole, utility pole, tree within a public right of way, or other supporting member shall be used for the placement of any sign unless specifically designed and approved by Zoning Administrator for such use.
- E. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- F. Commercial vehicles, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall not be parked in any area abutting the street, unless no other parking area is available.
- G. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
- H. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- I. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- J. No roof sign shall be erected above the roof line of a building.
- K. All ground, wall, and freestanding and pylon signs may include reader boards.
- L. Political signs shall be removed within ten (10) days after the official election or referendum to which such sign pertains.
- M. Real Estate signs shall be removed within thirty (30) days after the date of closing.
- N. Portable Signs commonly referred to as "Sandwich Board" or "A-Frame" shall be limited to commercial businesses only, and shall be allowed to have one (1) for the purpose of temporary advertising. These signs shall not exceed two (2) feet width and four (4) feet length to a flat side and will be allowed to have changeable text. The placement of such a sign shall not interfere with the free and unobstructed travel of pedestrians on sidewalks or walkways, nor with the view of drivers at any intersection. The sign must be removed at the end of each business day and placed indoors or placed flat against the business storefront. Sandwich Board/A-Frame signs that are left out shall be in violation of this ordinance under section 19-8. This provision shall also apply to T-shaped or inverted "T" signs and shall be subject to the same restrictions with each business allowed only one (1) such sign per business, regardless of Type (A-Frame, T-

shaped or inverted "T").(June 3, 2003)

#### **SECTION 19.05 EXEMPTED SIGNS**

The following signs shall be exempt from the provisions of this Ordinance, except for the provisions of Section 19-4.

- A. Government signs not exceeding the size permitted by similar signs within the same zone district
- B. Historical markers erected by a federal, state, or local government
- C. Window signs - 20 square feet or less, not to exceed 50% of window space.
- D. Memorial signs or tablets not exceeding twenty (20) square feet
- E. Murals
- F. Signs not visible from any street
- G. Signs for essential services
- H. Placards not exceeding two (2) square feet
- I. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
- J. Flags or insignia of any nation, state, city, community organization, or educational institution



**SECTION 19.06 MEASUREMENT OF AREA AND HEIGHT OF A SIGN**

- A. The measurement of the area of a sign shall include the entire area within extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed.
- B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet apart from one another. The area of such back to back signs shall be taken as the area of one (1) face if the two (2) faces are of equal area or the area of the larger face if the two (2) faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the mean grade of the ground immediately beneath the sign, whichever is less.
- D. Any sign, including any awning to which a sign is affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- E. For buildings with multiple tenants, sign areas for wall signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign limits for that portion of the total wall.

**SECTION 19.07 SIGNS PERMITTED IN ALL DISTRICTS**

The following signs are permitted in all zone districts:

- A. Construction signs, subject to the following restrictions:
  - 1. Not exceed 16 square feet in size in Residential Zones.
  - 2. Construction signs in all zones outside Residential shall be no larger than thirty-two (32) square feet and not exceed six (6) feet in height.
  - 3. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
  - 4. Construction signs shall be removed immediately upon the issuance of an Occupancy Permit for the building or structure which is the subject of the construction sign.
- B. Special event signs, including banner signs, are permitted in any zone district, subject to the following restrictions:
  - 1. Special event signs may be located either on or off the lot on which the special event is held.
  - 2. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
  - 3. The location, maximum size, and height of such signs shall be determined by the Zoning Administrator. The Zoning Administrator shall determine that such signs shall not create a hazard, block the vision of pedestrians and vehicles, or create any other unsafe condition.
  - 4. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.

- C. Directional signs are permitted subject to the following restrictions:
  1. A directional sign may contain a logo of the establishment to which it is associated, but no written advertising.
  2. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
  3. Directional signs shall be limited to traffic control functions only.
- D. Incidental signs pertaining to any conforming accessory activity being conducted on the premises are permitted in any District, subject to the following restrictions:
  1. No individual sign shall exceed six (6) square feet in area.
  2. Only those signs which, in the opinion of the Zoning Administrator, are necessary to indicate entrances, exits, safety precautions, including identifying logos without text, and other such incidental language shall be permitted.

### **SECTION 19.08 VIOLATIONS**

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, and by State Law:

- A. To install, create, erect, or maintain any sign in violation of any provision of this ordinance;
- B. To install, create, erect, or maintain any sign in a manner that is inconsistent or, not in conformity with any approved plan or permit governing such sign or the property on which it is located;
- C. To install, create, erect or maintain any sign requiring a permit without such permit;
- D. To fail to remove any sign that is installed, created, erected, or maintained, in violation of this ordinance, or for which the sign permit has lapsed;
- E. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation; and
- F. Each day on which a violation continues shall constitute a separate violation of this ordinance.

### **SECTION 19.09 ENFORCEMENT AND REMEDIES**

Any violation or attempted violation of this ordinance or of any condition or requirement Adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the Village shall include the following:

- A. Issuing a stop work order for any and all work on any signs;
- B. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of its non-conformity;
- C. Imposing any penalties that can be imposed directly by the Village under this ordinance.
- D. Seeking in court the imposition of any penalties that can be imposed by such court; and
- E. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the Village under the applicable provisions of Municipal and Building code for such circumstances.
- F. The Village shall have such other remedies as are and as may from time to time be provided for or allowed by State Law for the violation of the zoning ordinance.
- G. All remedies provided herein shall, to the extent allowed by, be cumulative for each Violation to which they apply.

**SECTION 19.10 PENALTIES**

- A. Violation of any provision of this ordinance shall constitute a misdemeanor, punishable as provided in Section 1-13 of the Code of Ordinances - Village of Jonesville, Michigan.
- B. The owner and if applicable, the tenant of any building, structure, premises, or part thereof, who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 19.11 APPEALS & VARIANCES**

Any person aggrieved by a decision of the Zoning Administrator relative to the placement, area, height, or construction of a sign may appeal such decision to the Zoning Board of Appeals. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause Unnecessary hardships, within the meaning of this Ordinance, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that one or more of the following facts and conditions exist:

- 1. The variance would not be contrary to the public interest or general purpose and intent of this chapter, and the variance would not adversely affect properties in the immediate area of the proposed sign.
- 2. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Meetings of the Zoning Board of Appeals and notices required for said meetings shall be governed By **Chapter 17** of the Village of Jonesville Zoning Ordinance.

**SECTION 19.12 HISTORIC VARIANCES**

Historical sign variances may be sought by application directed to the Zoning Board of Appeals. Variances shall be granted upon factual proof presented by the applicant, and found to be satisfactory and credible to the Zoning Board of Appeals that one or more of the following criteria apply. For the period of one year from the effective date of this Ordinance, historical sign variances may be sought, without fee.

- A. The sign is associated with historic figures, events, or places;
- B. The sign is significant as evidence of the history of the product, business, or service advertised;
- C. The sign is significant as reflecting the history of the building or the development of a historic district;
- D. The sign is characteristic of a specific history period, such as gold leaf, neon, or stainless steel lettering;
- E. The sign is integral to the building's design or physical fabric, or if the removal will cause

- significant harm to the integrity of the building;
- F. The sign, by reason of craftsmanship, materials, or design, is an outstanding example of sign maker art;
  - G. The sign is a local landmark, recognized as a popular focal point in the community; and/or
  - H. The sign contains elements important in defining a district, such as marquees in a theater district.

### **SECTION 19.13 PERMIT AND FEE SCHEDULE**

The Village Council shall, by resolution, establish fee schedules for sign permits, awning permits, variance requests and other applications which may be required by this ordinance.



**R-1, R-2, R-3, PUD and MHP RESIDENTIAL DISTRICTS - PERMITTED SIGNS**

**Plat entry signs for residential subdivision, manufactured home parks, and multiple family complexes.**

Number	One (1) per major entrance.
Size	No greater than thirty-two (32) square feet.
Location	Minimum of fifteen (15) feet from any side or rear property line, ten (10) from front.
Height	Maximum of eight (8) feet.

**Temporary sign advertising real estate in a residential subdivision, manufactured home park, or multiple family complex.**

Number	One (1) per major entrance.
Size	No greater than thirty-two (32) square feet.
Location	Minimum of fifteen (15) feet from any side or rear property line, 10 feet front.
Height	No higher than eight (8) feet.
Time	Sign must be removed within one (1) year of issuance of first building permit for any dwelling unit or structure, or when a plat entry sign is erected, whichever occurs first.

**Wall Signs for Home Occupation**

Number	One (1) per lot or parcel.
Size	No greater than four (4) square feet.
Location	On wall of house facing street.

**Wall Signs for non-residential uses other than home occupations.**

Number	One (1) per street frontage.
Size	No greater than twelve (12) square feet.
Location	On wall of building facing street.

**Ground Signs for non-residential uses**

Number	One (1) per lot, parcel, or use.
Size	No greater than thirty-two (32) square feet.
Location	Minimum of ten (10) feet from any property line, one (1) foot from right-of-way.
Height	No higher than six (6) feet

**Political and Real Estate Signs**

Number	One (1) per street frontage, issue or candidate per lot or parcel.
Size	No greater than six (6) square feet for unoccupied properties or lots; sixteen (16) square feet for vacant lots or parcels over one (1) acre in size.
Location	Minimum of fifteen (15) feet from any side or rear property line, one (1) foot from right-of-way.
Height	No higher than six (6) feet.

<b>CBD CENTRAL BUSINESS DISTRICT - PERMITTED SIGNS</b>	
<b>Pylon Signs</b>	
Number	One (1) per lot or parcel.
Size	No greater than one hundred (100) square feet in area per side.
Location	Anywhere except right-of-way.
Height	No higher than twenty-five (25) feet.
<b>Wall signs</b>	
Number	One (1) per street frontage plus one (1) per each side facing a public or private parking area (if not a street side)
Size	No greater than five percent (5%) of the wall area of the first floor.
Location	On wall of building facing street or public or private parking area
<b>Business center signs</b>	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of one (1) foot from any property line, one (1) foot from right-of-way.
Height	No higher than six (6) feet
<b>Political signs</b>	
Number	One (1) per issue or candidate per lot or parcel
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line, one (1) foot from right-of-way.
Height	No higher than six (6) feet
<b>Real estate signs</b>	
Number	One (1) per street frontage
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line, one (1) foot from right-of-way.
Height	No higher than six (6) feet
<b>Freestanding Signs</b>	
Number	One (1) per lot or parcel
Size	No greater than forty-eight (48) square feet in area per side.
Location	Anywhere except right-of-way
Height	No higher than eight (8) feet in height and minimum of one (1) foot clearance of sign's bottom edge from ground.

<b>HC HIGHWAY COMMERCIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Ground signs</b>	
Number	One (1) per lot or parcel, except that parcels with two (2) or more public street frontages each of which equal or exceed three-hundred (300) feet shall be permitted two (2) signs, which may either be pylon, freestanding, ground sign or a combination. Each of which must meet the other regulations applicable to the sign.
Size	No greater than forty-eight (48) square feet for each sign allowed
Location	Minimum of ten (10) feet from the front, side or rear property line
Height	No higher than six (6) feet .
<b>Wall signs</b>	
Number	One (1) per street frontage plus one (1) per each side facing a public or private parking area (if not a street side)
Size	No greater than twenty (20) % of the wall area to which the sign is attached.
Location	On wall of building facing street or public or private parking area
<b>Political signs</b>	
Number	One (1) per issue or candidate per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
<b>Awning/Canopy, Marquee Signs</b>	
Number	One (1) per street frontage or marquee face
Size	No greater than thirty (30) % of any face of the marquee to which the sign is Affixed
Location	On face of marquee
Height	Minimum clear space of eight (8) feet from bottom of marquee
<b>Real estate signs</b>	
Number	One (1) per street frontage
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
<b>Pylon</b>	

Number	One (1) per lot or parcel, except that parcels with two (2) or more public street frontages each of which equal or exceed three-hundred (300) feet shall be permitted two (2) signs, which may either be pylon, freestanding, ground sign or a combination. Each of which must meet the other regulations applicable to the sign.
Size	No greater than one-hundred twenty (120) square feet in area per side.
Location	Minimum of fifteen (15) feet from any side or rear property line, one (1) foot from right-of-way.
Height	No higher than twenty-five (25) feet
<b>Business center signs</b>	
Number	One (1) per lot or parcel, except that parcels with two (2) or more public street frontages each of which equal or exceed three-hundred (300) feet shall be permitted two (2) signs, each of which must meet the other regulations applicable to the sign.
Size	No greater than two hundred (200) square feet in area per side
Location	Min. of fifteen (15) feet from any side/rear property line, one (1) foot from front right-of-way.
Height	No higher than twenty-five (25) feet
<b>Freestanding Signs</b>	
Number	One (1) per lot or parcel, except that parcels with two (2) or more public street frontages equal or exceed three hundred (300) feet shall be permitted two (2) signs, which may either be freestanding, pylon or ground signs or a combination, each of which must meet the other regulations applicable to the sign.
Size	No greater than forty-eight (48) square feet in area per side.
Location	Anywhere except right-of-way, three hundred (300) feet apart if two (2).
Height	No higher than eight (8) feet in height and minimum of one (1) foot clearance of signs bottom edge from ground.

<b>I-1 LIGHT INDUSTRIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Ground signs</b>	
Number	One (1) per lot or parcel.
Size	No greater than forty-eight (48) square feet
Location	Minimum of ten (10) feet from any front, side or rear property line
Height	No higher than six (6) feet.
<b>Wall signs</b>	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed.
Location	On wall of building facing street
<b>Political signs</b>	
Number	One (1) per issue or candidate per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
<b>Real estate signs</b>	
Number	One (1) per street frontage
Size	No greater than thirty two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line, one (1) foot from right-of-way.
Height	No higher than six (6) feet
<b>Billboards</b>	
Number	One (1) per street frontage
Size	No greater than one hundred (100) square feet
Location	Minimum of twenty (20) feet from the front, side and rear property line. A minimum of one thousand two hundred (1,200)feet from any other billboard or residential zone.

**SECTION 19.14 CONSTRUCTION AND MAINTENANCE**

- A. All signs shall be constructed and maintained in accordance with the BOCA National Building Code adopted by the Village of Jonesville.
- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- C. All signs, sign supports, frames, braces, wiring, guys and anchors shall not be maintained in such a manner which, in the opinion of the Zoning Administrator, has the potential to create a hazard for pedestrians and vehicles.
- D. Signs shall not be allowed to become unsightly through disrepair or action of the elements.
- E. Applicants for Housing Development Signs and Temporary Signs shall file a cash bond with the Village Clerk to guarantee proper maintenance during the permit period and timely removal of the signs. The amount of cash bonds shall be established by resolution of the Jonesville Village Council. In the event the applicant fails to maintain any sign properly or fails to remove the sign at the time of expiration of the permit, such bond shall be entirely forfeited and the applicant shall be required to remove such sign. An inspection fee, as determined by the Resolution of the Village Council, shall be paid to the Zoning Administrator for each such sign at the time of the original permit and at each renewal thereof.
- F. A building permit shall be required for the erection, construction or alteration of any sign exceeding twenty (20) square feet in area, and all such signs shall be approved by the Zoning Administrator as to their conformance with the requirements of the Zoning District in which they are located and this Section.
- G. All signs shall be designed to ensure a dead load and wind load in any direction of not less than thirty (30) pounds per square foot of area. All signs shall be securely anchored or otherwise made immobile.

**SECTION 19.15 NON-CONFORMING SIGNS**

- A. Signs lawfully erected prior to the adoption of this Chapter or applicable amendment thereto which do not meet the standards of this Chapter may be continued, except as hereinafter provided. No non-conforming sign shall:
  - 1. have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;
  - 2. be structurally altered so as to change the shape, size, type or design of the sign; or
  - 3. be re-established or continued after the activity, business, or use to which it applied has been discontinued for ninety (90) days or longer.
- B. Signs lawfully erected prior to the adoption of this Chapter or applicable amendment thereto which do not meet the size limitations of this Chapter may be changed to another non-conforming sign, provided that the sign replacing the original non-conforming sign is at least thirty percent (30%) smaller in area than the original non-conforming sign.
- C. No sign shall be required to be removed which was erected in compliance with this Chapter if such sign becomes non-conforming due to a change occurring after the

adoption of this Chapter or applicable amendment thereto in the location of a building, streets, or other signs, and which change is beyond the control of the owner of the premises on which the sign is located.

- D. If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered non-conforming, such sign must be removed or made to conform to this Chapter.

#### **SECTION 19.16 DISCONTINUANCE OR ABANDONMENT**

Whenever the activity, business or use of a primary premises to which a sign is attached or related has been discontinued for a period of forty-five (45) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon the sign attached or related thereto. At the end of this period of abandonment, the sign shall either be removed or altered to conform to the provisions of this Chapter. All costs of removal shall be at the property owner's expense.

#### **SECTION 19.17 ORDINANCES IN CONFLICT**

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

#### **SECTION 19.18 PUBLICATION**

The Village Clerk shall cause this Ordinance to be published within fifteen (15) days after its passage, in full, in a newspaper of general circulation within the Village of Jonesville, Michigan and this Ordinance shall be recorded in the Ordinance Book of the village and such recording authenticated by the signatures of the Village President and Village Clerk.

**SECTION 19.19 EFFECTIVE DATE**

This Ordinance shall be effective as of the 22nd day of December, 1997. PASSED and adopted by the Village of Jonesville, Michigan, on this 19th day of November, 1997.

Robert E. Snow  
President

(SEAL) AYES: Steel, Arno, Dunn, Wright, Warne and Snow

Attest: NAYS: None

Pamela Jo Wise  
Village Clerk

I hereby certify that the attached is a true and complete copy of Ordinance No. 182, duly adopted by the Village of Jonesville, County of Hillsdale, State of Michigan, at a Regular Meeting held on November 19, 1997, and that public notice of said meeting was given pursuant to Act. No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen hours prior to the time set for the meeting.

I further certify that the following Councilpersons were present at said meeting Cecelia Steel, Gerald Arno, Jennifer Dunn, Ken Wright, Roy Warne and Bob Snow and that the following Councilpersons were absent at said meeting Chuck Johnson, Jr.

I further certify that Councilperson Steel moved adoption of said Ordinance and that Councilperson \_\_\_\_\_ Arno supported said motion.

I further certify that the following Councilpersons voted for adoption of said Ordinance 182 Steel, Arno, Dunn, Wright, Warne, and Snow and that the following Councilpersons voted against adoption of said Ordinance 182 none.

I further certify that said Ordinance has been recorded in Ordinance book of the Village and such recording has been authenticated by the signatures of the Village President and Village Clerk.

\_\_\_\_\_  
Pamela Jo Wise  
Village Clerk

**REVISED JUNE 3, 2004 AND APPROVED BY THE JONESVILLE PLANNING COMMISSION (MAY 4, 2004) AND THE JONESVILLE VILLAGE COUNCIL (MAY 19, 2004).**