

# VILLAGE OF CASNOVIA

Kent & Muskegon Counties

## ZONING ORDINANCE

Effective July 10, 2023

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(Please note revisions are denoted with a  $\Delta$  Delta Symbol at the beginning and end of a change or to indicate a deletion)

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**VILLAGE OF CASNOVIA  
ORDINANCE NO. 1  
Effective May 21, 2001**

AN ORDINANCE to establish zoning districts and regulations governing the incorporated Village of Casnovia, Michigan; to regulate the height, the area, the size, and location of buildings; to regulate non-conforming uses and structures; to provide for the issuance of permits and the collection of fees; therefore, to provide for the administration and enforcement of this Ordinance; to provide penalties for the violation of this Ordinance; to provide for conflicts with other ordinances and regulations, all in accordance with Michigan Zoning Enabling Act, PA 110 of 2006 as amended. (ORD. 1-07; Eff. 3-19-07)

<p><b>CHAPTER I</b></p> <p><b>SHORT TITLE AND PURPOSE</b></p>
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**SECTION 1.01 SHORT TITLE.** This Ordinance shall be known and may be cited as the Village of Casnovia Zoning Ordinance.

**SECTION 1.02 PURPOSE.** This Ordinance is based upon the Village of Casnovia Master Plan and is designed to "...regulate and restrict the use of land and structures; to meet the needs of residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare..." (C.L. 1948, 125.581).

**SECTION 1.03 LEGAL BASIS.** This Ordinance is enacted pursuant to Michigan Zoning Enabling Act, PA 110 of 2006 as amended. (ORD. 1-07; Eff. 3-19-07)

**SECTION 1.04 SCOPE.** It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of law or ordinance, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant or deed; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.



**SECTION 1.05 THE EFFECT OF ZONING.** Except as stated in this ordinance, no land, building, structure, or premises within the Village shall be used or occupied, and no building, structure or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered.

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**CHAPTER 2**

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**ZONING DISTRICTS AND MAP**

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**SECTION 2.01 ZONING DISTRICTS.** The Village of Casnovia is hereby divided into seven zoning districts in order to conduct the purpose of this Ordinance. The districts shall be known and designated throughout this Ordinance as follows:

- A Agricultural District
- R Residential District
- MHP Mobile Home Park District
- B1 Village Business District
- B2 Highway Business District
- PUD Planned Unit Development
- I Industrial District

**SECTION 2.02 ZONING MAP.** The location and boundaries of said zoning districts are hereby established as shown upon a map entitled "Village of Casnovia, Michigan, Zoning Map," as amended from time to time, which map and all amendments thereto hereafter adopted, are hereby made a part of this Ordinance. The Zoning Map shall be kept on display at the Village Hall.

**SECTION 2.03 MAP INTERPRETATION.** Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules of construction and interpretation shall apply:

- a) Boundaries indicated as approximately following the centerlines of streets or alleys are construed to follow such centerlines.
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following Village boundaries shall be construed as following Village boundaries.
- d) Boundaries indicated as approximately following property lines, section lines or other lines of the Government survey shall be construed as following such property lines as of the effective date of this Ordinance or applicable amendment thereto.

**SECTION 2.04 AREAS NOT INCLUDED WITHIN A ZONING DISTRICT.** In every case where land has not been specifically included within a zoning district, such land shall be included in the R, Residential District. In the case of land annexed to the Village, such land shall be

included in the zoning district which most closely approximates the zoning applicable to such land prior to its annexation; provided, however, that if no zoning was in force with respect to such land prior to its annexation, such land shall be included in the R, Residential District.

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**CHAPTER 3**

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**DEFINITIONS**

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**SECTION 3.01 RULES APPLYING TO THE TEXT.** The following listed rules of construction shall apply to the text of this Ordinance.

- a) The particular shall control the general.
- b) Except with respect to the definitions which follow herein, the headings which title a chapter, section or sub-section are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the provisions of this Ordinance in any respect.
- c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d) Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular form shall include the plural form; and (3) words used in the plural form shall include the singular form.
- e) The terms "building" and "structure" includes any part thereof.
- f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
- g) The words "used" or "occupied," as applied to any land, building or structure, shall be construed to include the words "intended," "arranged," or designed to be "used," or "occupied."
- h) The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "build" , "constructed", "reconstructed", "moved upon", or any physical operation or work on the land which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- i) The word "Village" means the Village of Casnovia.
- j) The word "Council" means the Village Council.
- k) The words "Building Inspector" or "Zoning Administrator" mean the Village Building Inspector and Zoning Administrator.

1) The words "legal record" mean the circumstances where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds.

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Any dispute over any language contained in the Zoning Ordinance may be resolved under Chapter 17 pertaining to zoning authority and procedure before the Village Zoning Board of Appeals.

### **SECTION 3.02 DEFINITIONS**

**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 accessory use.

**ADULT DAY CARE HOME:** A private dwelling in which persons 18 years or older are provided supervision, personal care, and protection for periods of less than 24 hours a day, operated by a person who permanently resides as a member of the dwelling.

**ACCESSORY USE:** A use naturally and normally incidental and subordinate to and devoted exclusively to the main use of the land or building.

**ADULT FOSTER CARE FACILITY:** A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended.

**ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

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

**AGRICULTURAL SERVICE ESTABLISHMENT:** Agricultural service establishments engage in performing agricultural or animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer, and other products

essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service, and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.

**ALLEY:** A public way not more than 20 feet wide which affords only a secondary means of access to abutting property.

**ALTERATIONS:** Any change, addition, or modification in construction or type of use or 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."

**ANIMAL HOSPITAL:** An institution in which medical or surgical care is provided for other than human beings.

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

**APARTMENT HOUSE:** See "Dwelling, Multiple Family."

**APPEARANCE TICKET:** A complaint of written notice issued and subscribed by a public servant authorized by law to issue it, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his or her alleged commission of a designated violation or violations of state law or local ordinance.

**AUTOMOBILE SERVICE STATION:** A building designed or used for the retail sale of fuel, lubricants, and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, and servicing.

**AUTOMOBILE WASH ESTABLISHMENTS:** A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**BASEMENT:** A floor or level of a building having one or more of its exterior walls located wholly or partially below finished grade, with grade being determined where the top of the ground rests against the building when construction is completed; not more than one-half of this floor or level shall have its height above grade.

**BILLBOARDS, SIGNBOARDS, OR SIGNS:** Any sign, display, device, figure, painting, structure, drawing, message, placard, poster, billboard, or any other thing intended, designed, or used to advertise, promote, or inform; and which is not necessary except to advertise, promote, or inform an activity conducted on the premises and which can be seen from outside any building or structure, or from the out-of-doors.

**BOARD OF APPEALS:** As used in this Ordinance, this term means the Casnovia Zoning Board of Appeals.

**BOARDING OR LODGING HOUSE:** A building or part thereof, other than a hotel or restaurant, where meals or lodging, or both, are provided, for compensation, for five or more persons not transients.

**BUILDABLE AREA:** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**BUILDING:** Any structure, temporary or permanent, having a roof.

**BUILDING HEIGHT:** The building height is the vertical distance measured from the average lot grade at the front of the building to the highest point of the roof.

**BUILDING INSPECTOR:** That individual appointed by the Village Council as the Building Inspector of Casnovia.

**BUILDING LINE:** A line parallel to, and set back from, the front lot line a distance equal to the depth of the front yard required for the district in which the lot is located.

**BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated.

**BUILDING PERMITS:** A building permit is the written authority as issued by the Building Inspector on behalf of the Village permitting the construction, moving, alteration, or use of a building or structure in conformity with the provisions of this Ordinance.

**CHILD CARE CENTER:** Any facility in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis. Childcare centers do not include Family or Group Day Care Homes, or schools. Childcare and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a childcare center.

**CHILD DAY CARE HOMES:**

(1) *Family day care* means a private residence in which less than seven minor children are given care and supervision for periods less than 24 hours per day, operated by a person who permanently resides as a member of the household, which is registered with the state department of family independence.

(2) *Group day care* means a private residence in which more than six, but less than 12 minor children are given care and supervision for periods of less than 24 hours per day, operated by a

person who permanently resides as a member of the household, which is regulated by the state department of social services.

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

**CONDOMINIUM UNIT:** A portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

**CONVALESCENT OR NURSING HOME:** A convalescent or nursing home is a facility for the care of children or the aged or infirm, or a place of rest for those suffering from bodily disorders, wherein four or more people are cared for. Said facility shall conform to, and qualify for license under, applicable State laws.

**CURB LEVEL:** The grade elevation, as established by the Village, of the curb in front of the center of the building or proposed building, or the elevation of the traveled street in cases where no curb exists.

**DECK:** An uncovered platform which extends above grade.

**DISTRICT OR ZONE:** A portion of the Village 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-IN RESTAURANT:** A drive-in establishment that furnishes the patron with food in a ready-to-consume state, and where the consumption of food is allowed either in the main building, a motor vehicle parked on the premises, another facility on the premises outside the main building, or off the premises.

**DWELLING OR APARTMENT:** A building or portion thereof, designated or used exclusively as a residence or sleeping place for one or more persons, permanently or temporarily, including one-family, two-family, multiple dwellings, apartment hotels with cooking facilities, board and lodging houses, and mobile homes used for such purposes, but not including motels, motor hotel, tourist rooms, travel trailers, motor homes, trailers, or truck campers.

**DWELLING, MULTIPLE:** A building or portion thereof, used or designated for use as a residence for three or more families living independently of each other and each doing their own cooking in said building. This term includes apartment buildings and townhouses.

**DWELLING, SINGLE FAMILY:** A building used or designated for use exclusively by one family.



**DWELLING, TWO FAMILY (DUPLEX):** A detached building used or designated for use by two families living independently of each other and each doing their own cooking in said building.

**EASEMENT:** A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

**ERECTED:** This term 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 erection.

**ESSENTIAL PUBLIC SERVICE STRUCTURES OR BUILDINGS:** Buildings or structures owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations which are not located entirely underground, and similar structures or buildings necessary to furnish adequate service within the Township, but not including Essential Public Service Equipment.

**ESSENTIAL PUBLIC SERVICE EQUIPMENT:** Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, streetlights, or similar equipment located either entirely underground, or on poles not greater than 30 feet in height, but not including Essential Public Service Structures or Buildings.

**EXCAVATING:** Excavating shall be the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever is the highest.

**FAMILY:**

- (a) One or more persons related by blood, marriage, or adoption, including foster children and servants, occupying a single dwelling unit, and living as a single, non-profit housekeeping unit.
- (b) A collective number of individuals occupying a single dwelling unit whose relationship is of a permanent non-transient and distinct domestic character and cooking ;and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order nor does it include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities, as defined by the Township Rural Zoning Act, being Act. No. 184 of PA of 1943, as amended, having more than six individuals.

**FARM:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of not less

than ten acres in area. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, apiaries; but establishments for the purpose of keeping fur-bearing animals or game, or operating fish hatcheries, stock yards, stone quarries, or gravel, dirt, or sand pits shall not be considered farms.

**FARM ANIMALS:** Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

**FARM BUILDINGS:** Any building or accessory structure other than a farm or a non-farm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milkhouses.

**FARM OPERATIONS:** A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketing produce at roadside standards or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

**FARM PRODUCTS:** Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar products; or any other product which incorporates the use of food, feed, fiber, fur or flora.

**FENCE:** Any permanent partition, or structure erected as a dividing structure, barrier, or enclosure, and not part of a building.

**FLOOR AREA:** The sum of the gross horizontal areas of several floors of the building measured from the interior faces of the exterior walls or from the centerline of common walls. Floor area shall not include elevator shafts, stairwells, floor space used for mechanical and utility equipment, attic space having headroom of less than seven feet, or interior balconies or mezzanines. Any space devoted to parking or loading shall not be included.

**FOSTER CARE FACILITY:** means an establishment that provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15(20101) et seq.), or a mental hospital for mental patients licensed under sections 134 - 150 of Act No. 258 of the Public Acts of Michigan of 1974 (MCL 330.1135 et seq., MSA 14.800 (135) et seq.).

- (1) *Family home* means a facility that provides foster care to six or fewer persons.
- (2) *Group home* means a facility that provides foster care to seven or more people.

**GARAGE - PRIVATE:** A detached accessory building or portion of a main building for the parking or temporary storage of not more than three automobiles, including not more than one light delivery or pickup motor vehicle of rated capacity not to exceed one and one-half tons used by the occupants of the premises.

**GARAGE - PUBLIC:** A building, other than a private garage, used for the care, repair, or equipping of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

**GASOLINE SERVICE STATION:** A structure or structures and space combined, used solely for either/or both the sale and installation in or upon motor boats or motor vehicles of the usual operating commodities such as gasoline, fuel oil, oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers, and other minor accessories or services such as washing, wiping, cleaning, and waxing, or repair of tires, lights, charging of batteries, and tune-ups.

**GRADE:** A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

**GREENBELT:** A natural or planted landscaped area consisting of trees, shrubs, bushes, and grasses designed to provide a visual and spatial buffer between land uses.

**HOME OCCUPATION:** An activity conducted for remuneration by a resident conducted as a permitted use in the resident's dwelling unit or accessory building.

**HOTEL:** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests (as distinguished from a boarding house, lodging house or apartment hotel).

**JUNK YARD:** This term includes automobile wrecking yards and salvage areas and includes any area of more than 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.

**KENNEL:** Any premises on which more than three dogs, six months of age or older, are kept for the purpose of breeding, boarding, or sale.

**LOT:** Contiguous land in the same ownership occupied or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required under this ordinance, and having either immediate frontage upon a street or a permanent, exclusive, non-obstructed easement of access or right-of-way to a street, not less than 20 feet wide.

**LOT AREA:** The computed area contained within lot lines, provided that, for the purpose of determining compliance with minimum lot area requirements per dwelling unit, the depth of lot.

shall be measured to the corner of any alley or other permanent open public way or place abutting on the rear, and the depth of such lot shall be further increased by one-half of the amount by which the street on which such lot fronts exceeds 66 feet in width. In the case of a corner lot or a lot the side lot line of which abuts on an alley or other permanent open public way or place, the width of lot shall be interpreted to include one-half the width of the abutting side street, alley or other permanent open public way or place; provided, however, that no public way or place shall be considered more than 100 feet wide for the purpose of computing lot area; and, provided further, that no interior lot shall be credited with an open area more than 10% nor a corner lot more than 25% greater than the net area of the lot contained within its lot lines.

**LOT CORNER:** A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the centerlines of the street is 135° or less or a lot abutting upon a curved street or streets if tangents to the curve at the two points where the lot lines meet the centerline curve form an interior angle of 135° or less.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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

**LOT, DOUBLE FRONTAGE:** Any lot, excluding a corner lot which fronts on two streets which do not intersect.

**LOT, INTERIOR:** A lot which has frontage on only one street.

**LOT LINE:** The property lines bounding the lot.

**LOT LINE, FRONT:** The lot line separating a lot from a street right-of-way, private road, or other thoroughfare.

**LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregular shaped lot or parcel, an imaginary line 10 feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the event that none of these definitions are applicable, the Building Inspector shall designate the rear lot line.

**LOT LINE, SIDE:** Any lot line other than a front or rear lot line.

**LOT LINE, STREET OR ALLEY:** A lot line separating the lot from a street or alley.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required building setback line.

**MOBILE HOME:** A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

**MOBILE HOME PARK:** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MOTEL:** A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

**MOTOR HOME:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**NON-CONFORMING BUILDING OR STRUCTURE:** A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

**NON-CONFORMING USE:** A structure, building, plot, premises, or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

**OPEN AIR BUSINESS:** A business, a substantial part of which involves activities or the display and sale of goods outside of a building, including motor vehicle and boat sales, mobile home sales, lawn and garden centers, golf driving ranges, and similar uses.

**PARK AREA, PRIVATE:** An open area used for the same purposes as a private garage.

**PARK AREA, PUBLIC:** An open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free, or as accommodation for clients or customers.

**PLANNED UNIT DEVELOPMENT:** Land under unified control, to be planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all lands and buildings. Such developments shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements.

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

**PORCH, OPEN:** A covered entrance to a building or structure which is unenclosed except for supporting columns.

**PREMANUFACTURED UNIT:** An assembly of materials or products intended to comprise all or part of a building or structure and which is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to ensure uniformity of quality and material content. Premanufactured unit includes a mobile home.

**PRINCIPAL USE:** The primary or predominant use of the premises.

**PRIVATE ROAD:** (See Section 4.26)

**RESTAURANT:** A public eating place where food is prepared and served or sold for consumption solely within a building on the premises and which, as an incidental part of said principal business, may permit food to be taken from the premises for consumption. Property owned, leased, or in which the owner of a restaurant has an interest shall be considered as restaurant premises if used in the operation of such business.

**RIGHT-OF-WAY:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**RIVER'S EDGE:** The mean annual waterline of the river or tributary.

**ROADSIDE MARKET STAND:** A building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

**SETBACK:** The minimum unoccupied distance between the lot line and the nearest wall of the principal or accessory building.

**SIGN:** Any objective, display, device, or structure or part thereof situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**SIGN, ON-SITE:** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

**SIGN, OFF-SITE:** Any sign relating to matter off the premises.

**STABLE:** A structure, building, or land used for the keeping, care, and raising of horses.

- (a) **COMMERCIAL** - Any lot or parcel where horses are kept for training, riding, stabling, or breeding for compensation.
- (b) **PRIVATE** - Any lot or parcel where horses are kept and used solely by the owner or owners of the lot or parcel with no commercial activities involved.

**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 be no floor above it, then the space between the floor and the ceiling next above it.

A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four feet or more.

**STORY, GROUND:** The lowest story of a building, the floor of which is not more than 12 inches below the level of the adjoining ground.

**STORY, HALF:** The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one half of the area of said full story.

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

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground; including, but without limiting the generality of the foregoing; advertising signs, billboards, tennis courts, swimming pools, and pergolas. Fences, sidewalks, and driveways shall not be considered structures.

**THEATER:** Any building or place used for presentation of dramatic spectacles, shows, movies, or other entertainment, open to the public with or without charge.

**TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. Tower includes those used for transmission for radio and television, microwave, common carrier, cellular telephone, alternative tower structures and the like. Tower includes the structure thereof and any support thereto.

**TOWER HEIGHT:** The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

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



**VARIANCE:** An adjustment of or variation from the requirements of this Ordinance as authorized by the Zoning Board of Appeals or the Zoning Administrator under the provisions of this Ordinance.

**VEHICLE REPAIR, MAJOR:** General repair, rebuilding or reconditioning of engines, vehicles, or trailers; collision service, including body frame or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.

**VEHICLE REPAIR, MINOR:** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1 1/2 tons capacity, but not including any operation specified under "major automobile repair."

**YARD:** A required yard is an open space of prescribed width or depth 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) **FRONT YARD** - A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front street lot line, describing an unoccupied space between the front lot line and the nearest wall of the main building, excepting steps and unenclosed porches.
- (b) **REAR YARD** - A required rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing an unoccupied space between the rear lot line and the nearest wall of the main building.
- (c) **SIDE YARD** - A required side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line to the nearest wall of the main building.



**CHAPTER 4**

**NON-CONFORMING USES, LOTS AND STRUCTURES**

**SECTION 4.01 CONTINUANCE.** Except as provided by this Chapter, any non-conforming use or structure may be continued or used only in the exact manner as it existed at the time of enactment of this Ordinance\_

**SECTION 4.02 USE OF NON-CONFORMING LOTS.** Except as provided herein, no building or structure shall be expanded or erected upon any non-conforming lot.

a) If a non-conforming lot is 80% or more of the minimum lot area required in the district in which it is located, then a conforming structure or expansion of a conforming structure shall be permitted provided that said use or expansion conforms in all other ways to the provisions of this Ordinance.

b) If a non-conforming lot is less than 80% of the minimum lot area required in the district in which it is located, then the setbacks shall be reduced by the same percentage that the area of the lot bears to the minimum lot size for the district in which it is located.

**SECTION 4.03 ENLARGEMENT OF NON-CONFORMING STRUCTURES.** Non-conforming structures shall not be enlarged, expanded, or otherwise increased unless authorized as provided below.

a) Except in the case of one-family dwellings as provided in Section 4.03(b) below, buildings which are non-conforming because they house, a non-conforming use may be enlarged, expanded, or increased only if authorized as a variance by the Council in accordance with Chapter 18 of this Ordinance and the following conditions:

1. Such expansion shall not exceed 50% of the original building floor area; and
2. Such expansion shall not occupy ground space suitable and otherwise available for meeting any off-street parking, yard, or other space requirements of this Ordinance.

b) One-family dwellings which are non-conforming because they are not a permitted use and any buildings or structures which are non-conforming due only to dimensional characteristics of the structure or its location may be enlarged, expanded, or otherwise increased provided that no additional nonconformance with this Ordinance has thereby been created.

**SECTION 4.04 EXPANSION OF NON-CONFORMING USES.** Non-conforming uses not housed or enclosed by a building shall not be expanded, enlarged, or otherwise increased unless authorized as a variance by the Village Council in accordance with Chapter 18 and the following conditions.

- a) The applicant shall submit evidence that if such an expansion is not granted, then the non-conforming use could not be continued as provided in Section 4.01.
- b) No such expansion shall cause additional nonconformance with this Ordinance.

**SECTION 4.05 RESTORATION AND REPAIRS.** Such repairs and maintenance work as is required to keep a non-conforming building or structure in a sound condition may be made. If a non-conforming building or structure is damaged or destroyed by fire, wind, collapse, explosion, natural catastrophe, or acts of a public enemy to the extent of 60% or more of its real value, its reconstruction and subsequent use shall be in accordance with the terms of this Ordinance. If a non-conforming building or structure has sustained such damage or destruction to a lesser extent, it may be restored to the original dimensions or non-conforming area, or space and its original use resumed. Any such restoration to an original state of nonconformance must be initiated within a period of one calendar year from the date of such damage or destruction.

**SECTION 4.06 UNUSED OR VACATED NON-CONFORMING USES.** Any non-conforming building, structure or use which has been unoccupied, unused, or otherwise vacated for a period exceeding one calendar year shall thereafter be devoted only to a conforming use except as provided by Section 4.07.

**SECTION 4.07 CHANGE OF NON-CONFORMING USE.** The Council may permit a non-conforming building, structure or use to be changed or altered to another non-conforming use if, and only if, it has first been shown that such a change would significantly reduce the degree of nonconformance and would serve to enhance the desirability of adjacent conforming uses. If any non-conforming building, structure, or use has been altered or otherwise modified so as to bring it into conformance with this Ordinance or to lessen its degree of nonconformance, then such original state of nonconformance shall not thereafter be reestablished.

**SECTION 4.08 BUILDINGS OR STRUCTURES UNDER CONSTRUCTION.** Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance, provided that actual construction has been diligently performed. Further, any building permit issued prior to the effective date of this Ordinance shall entitle the bearer of such permit to construct such a building in accordance with the requirements of the permit as long as such permit remains valid.

**CHAPTERS**

**"A" AGRICULTURAL DISTRICT**

**SRC.TTON 5.01 INTENT.** The intent of the "A" Agricultural District is to allow existing agricultural uses to continue within the Village with the knowledge that such uses will be phased out over time as such lands convert to those non-agricultural uses recommended by the Casnovia Master Plan.

**SECTION 5.02 PRINCIPAL USES.** The following uses and structures shall be permitted as principal uses in the "A" Agricultural District:

- a) Gardening and general farming uses; providing that any building in which horses or other farm animals are kept shall be a distance of not less than 100 feet from any lot in the "R" District.
- b) One-family dwellings.
- c) Churches located not less than 30 feet from any lot in the "R" District.
- d) Public and private schools, and school administration and service buildings located not less than 50 feet from any lot in the "R" District.
- e) Essential public services equipment.
- t) Family day care and adult day care homes with no more than six minor children or adults.
- g) State licensed adult foster care family homes with no more than six adults.
- h) Private communication antennas and towers not exceeding 35 feet in height.
- i) Railroad rights-of-way not including switching, storage, freight yards, or sidings unless part of a farming operation.

**SECTION 5.03 ACCESSORY USES.** The following uses and structures shall be permitted as accessory uses in the "A" Agricultural District; provided, however, that except in the case of real estate signs advertising undeveloped property, no such accessory use shall precede the construction or establishment upon the premises of the associated principal use.

- a) Accessory uses and structures customarily incidental to any permitted principal use, located on the same lot not including any business, trade or industry except as is essential to a farming operation.

- b) Living quarters of persons employed on the premises, without kitchen facilities and not rented or otherwise used as a separate dwelling.
- c) Home occupations when conducted entirely within a dwelling and not in any accessory building.
- d) Keeping of not more than two roomers or boarders by a resident family.

**SECTION 5.04 SPECIAL USES.** The following uses and structures shall be permitted in the "A" Agricultural District only upon authorization as a special use by the Village Council following a recommendation by the Planning Commission in accordance with Chapter 12:

- a) Two-family dwellings.
- b) Business, multi-family and non-residential parking lots are subject to the provisions of Section 17.10.
- c) Mobile Homes not included in a mobile home development as a temporary dwelling only during the construction of a permanent dwelling, provided that the initial special use authorization period shall not exceed six consecutive calendar months and provided further, that no more than two permit renewals, neither to exceed a period of 90 consecutive days, shall be granted for such use located anywhere upon the lot.
- d) Mobile homes not included in a mobile home development as an accessory dwelling only incidental and subordinate to a permitted conforming one-family dwelling which is part of an active farming operation and is located on a lot of 10 acres or more; provided, however, that the following conditions shall be met.
  - 1) The principal one-family dwelling shall be occupied by the family owning and/or operating the farm upon which it is located.
  - 2) The mobile home shall be used for dwelling purposes only by those persons engaged in the operation of the farm upon which it is located either as a member of the family occupying the principal one-family dwelling or as an employee whose primary income is gained through said farm operation.
  - 3) The mobile home shall not be erected, installed, or located on any lot unless adequate sewage disposal and water facilities have been installed or secured according to the Village construction codes.
  - 4) Installation of the mobile home shall be in accordance with the minimum installation requirements of the General Rules of the Mobile Home Commission of the Michigan Department of Commerce, as amended from time to time.

- 5) No such mobile home shall be closer to any property line than permitted by Section 5.05(c) below.
- e) Antennas and towers exceeding a height of 35 feet.
- f) Δ All dwellings shall be aesthetically compatible in design and appearance with other dwellings within 600 feet. The review shall include, but not be limited to , roof pitch, scale, size, mass, minimum transprence, orientation to the street, and overhangs. The foregoing shall not be construed to prohibit innovative design concepts involving such as matters as, but not limited to, solar energy, view, or unique land contour.Δ
- g) Essential public service buildings and structures.
- h) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- i) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- j) Child day care centers.
- k) Bed and breakfast establishments.
- l) Foster care group home for seven or more children or adults.
- 1) Golf courses and country clubs.

**SECTION 5.05 DISTRICT REGULATIONS.** Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained:

- a) Minimum lot area and width.
  - 1) Single- and two-family dwellings - 2.5 acres with 264 feet of lot width
  - 2) For all other uses - one acre with 150 feet of lot width.
- b) Minimum required building setbacks.
  - 1) Front - 50 feet.
  - 2) Side - 10 feet on each side.
  - 3) Rear - 50 feet.
- c) Maximum Height - 35 feet. Barns, silos, windmills and similar agriculturally related accessory buildings or structures shall not exceed 75 feet in height.
- d) Maximum Building Lot Coverage - 35 percent.

**SECTION 5.06 MINIMUM FLOOR AREA.** Each dwelling unit in this district shall have a minimum of 1,040 square feet of usable floor area with a minimum of 700 square feet of ground coverage.

**SECTION 5.07 ADDITIONAL REGULATIONS.**

- a) Parking shall be provided in accordance with the requirements of Chapter 17.
- b) Site plan review is required for all Special Land Uses.
- c) Chapter 14 shall regulate site condominiums.

**CHAPTER 6**  
**"R" RESIDENTIAL DISTRICT**

**SECTION 6.01 INTENT.** This district is intended to provide for low density residential development and single family detached dwellings as the predominant land use. Lot sizes are permitted to vary depending upon the availability of public utilities. Certain non-residential uses such as churches, schools, and parks are also allowed uses.

**SECTION 6.02 PRINCIPAL USES.** Land in the R District may only be used for the following purposes:

- a) Single family dwellings.
- b) Churches, provided they are setback 30 feet from all lot lines.
- c) Public and private schools and school administration and service buildings.
- d) Public parks, libraries, museums, community centers, recreation areas and municipal and government office buildings.
- e) Family day care and adult day care homes with no more than six minor children or adults.
- f) State licensed adult foster care family homes with no more than six adults.
- g) Private telecommunication towers and antennas not exceeding 35 feet in height.
- h) Essential public services equipment.

**SECTION 6.03 ACCESSORY USES.** The following uses and structures shall be permitted as accessory uses in the "R" Residential District; provided, however, that except in the case of real estate signs advertising undeveloped properties, no such accessory use shall precede the construction or establishment upon the premises of the associated principal use.

- a) Accessory uses and structures customarily incidental to the permitted principal use, located on the same lot.
- b) Home occupations when conducted entirely within a dwelling and not in any accessory building.
- c) Keeping of not more than two roomers or boarders by a resident family.

**SECTION 6.04 SPECIAL USES.** The following uses and structures shall be permitted in the "R" Residential District only upon authorization as a special use by the Village Council following a recommendation by the Planning Commission in accordance with Chapter 12:

- a) Two family dwellings.
- b) Four family dwellings.
- c) Business, multi-family and non-residential parking lots are subject to the provisions of Section 17.10.
- d) Small retail business uses intended for convenience shopping of the residential neighborhood and not requiring more than 10 parking spaces as provided by Section 17.07 of this Ordinance.
- e) Housing for the elderly, including retirement housing, convalescent and nursing care facilities.
- f) Foster care group home for adults or children.
- g) Group day care homes which provide care to not less than seven and not more than 12 minor children.
- h) Bed and breakfast establishments.
- i) Antennas and towers exceeding a height of 35 feet.
- j) Essential public service buildings and structures.
- k) Child and adult day care homes that provide care to more than six but not more than 12 minor children or adults.
- l) Child day care centers.
- m) Foster care group home for seven or more children or adults.

**SECTION 6.05 DISTRICT REGULATIONS.** Buildings and structures shall not be erected *or* enlarged unless the following requirements are met and maintained.

- a) Minimum Lot Area and Width.
  - 1) Single family dwelling which are served by public sanitary sewer - 7200 square feet with 60 feet of lot width.



- 2) Single family dwellings which are not served by public sanitary sewer - 30,000 square feet with 132 feet of lot width.
  - 3) Two family dwellings - 12,000 square feet with 100 feet of lot width.
  - 4) Three family dwellings - 16,500 square feet with 125 feet of lot width.
  - 5) Four family dwellings - 22,000 square feet with 125 feet of lot width.
  - 6) For all other principal uses - 20,000 square feet with 150 feet of lot width.
- b) Minimum Required Building Setbacks
- 1) Front - 25 feet.
  - 2) Side
    - i) For single family dwellings a total of 15 feet with a minimum of five feet on one side.
    - ii) For two family dwellings 10 feet on each side.
    - iii) For all other principal uses 20 feet on each side.
  - 3) Rear
    - i) For single- and two-family dwellings 30 feet.
    - ii) Fifty feet for all other uses.
- c) Maximum Height - 35 feet.
- d) Maximum Building Lot Coverage - 35%.
- e) Minimum Building Separation - The minimum distance between three and four multiple family dwellings shall be 20 feet.

**SECTION 6.06 MINIMUM FLOOR AREA.**

- a) Each multiple family dwelling shall have a minimum amount of square feet of usable floor area as follows:
  - i) One Bedroom Unit - a minimum of 780 square feet per unit.
  - ii) Two Bedroom Unit - a minimum of 850 square feet per unit.

- iii) Three Bedroom Unit - a minimum of 900 square feet per unit.
  - iv) For each bedroom over three an additional 100 square feet of usable floor area will be required.
- b) Each single- or two-family dwelling shall have a minimum of 1,040 square feet of usable floor area with a minimum of 700 square feet of ground coverage.

**SECTION 6.07 ADDITIONAL REGULATIONS.**

- a) Parking shall be provided in accordance with the requirements of Chapter 17.
- b) Site plan review is required for all multiple family dwellings and for all Special Land Uses.
- c) Chapter 14 shall regulate site condominiums.
- d) Two family dwellings shall, as far as practicable, be designed to have the exterior appearance of a single-family dwelling by appropriate placement of exterior doors, garages, and driveways.
- e) All uses in this district except single- and two-family dwellings shall be served by public sanitary sewer.

**CHAPTER 7**  
**"B1" VILLAGE BUSINESS DISTRICT**

**SECTION 7.01 INTENT.** The intent of the "B1" Village Business District is to provide for business establishments serving the retail and service needs of the Village.

**SECTION 7.02 PRINCIPAL USES.** The following uses and structures shall be permitted in the "B1" Village Business District:

- a) Any recognized retail establishments which include but are not limited to:
  - 1) Bakeries and confectioneries.
  - 2) Clothing and apparel stores.
  - 3) Delicatessens, meat, and fish markets.
  - 4) Florists and lawn and garden stores.
  - 5) Drug stores, optical stores, and other medical supply stores.
  - 6) Hardware, gift, hobby, and sporting goods stores.
  - 7) Packaged beverage and tobacco stores.
  - 8) Supermarket, grocery and produce stores.
  - 9) Furniture and antique stores.
  - 10) Pet shop.
  
- b) Personal service establishments or institutions including but not limited to:
  - 1) Tailoring and clothing repair shops.
  - 2) Barber and beauty shops.
  - 3) Banks or other financial institutions.
  - 4) Funeral homes, and other ancillary funeral operations excluding crematories.
  - 5) Photo studios.

- 6) Frame shops.
- 7) Nursery schools or childcare facilities.
- 8) Hospitals, schools, libraries, museums, art galleries and other such public or private institutions.
- 9) Churches.
- c) Theater, bowling alley, pool or billiard parlor or similar commercial recreation establishments.
- d) Medical clinics, general office buildings and facilities for substance abuse treatment.
- e) Government buildings and post office.
- f) Business schools or private schools, operated for profit. Examples of private schools permitted include but are not limited to dance studios, music and voice schools, and art schools.
- g) Video rental and sales.
- h) Private communication antennas not exceeding 35 feet in height.
- i) Essential public service equipment.
- j) Accessory uses, buildings, and structures customarily incidental to the above uses, including necessary incidental manufacturing when clearly accessory for a permitted use.
- k) Clubs and lodges.
- l) Restaurants, cafes, bars, including entertainment or dancing.
- m) Hotels, motels, and boarding or lodging houses.
- n) Minor automobile repair shops and automobile service/convenience stations.
- o) Photocopying centers.
- p) Self-service and pickup laundry and dry-cleaning establishments.
- q) Carpenter shop, electrical, plumbing and heating or sheet metal shop, printing, publishing or lithographic shop, furniture upholstery, paint, paper hanging and decorating shop, or sign painting, provided that any such operation shall be conducted within a completely

enclosed building, and provided that no part of the building for any such use shall have any opening other than stationary windows or a required fire exit within 50 feet of an "R" District.

- r) Animal hospital and veterinary clinic or kennels; provided no animals are kept outside.
- s) Dwelling units may be permitted within a building where the principal use is commercial subject to the following conditions:
  - 1) Each dwelling unit shall contain a minimum of 600 square feet of floor area.
  - 2) Off-street parking shall be provided as required by this chapter.
  - 3) A building permit shall be obtained to establish a dwelling unit in order to ensure compliance with the requirements of this section and with the building code, fire code and district health department. The entire building containing the dwelling unit shall also be brought into compliance with the building cold and fire code before an occupancy permit is issued.

**SECTION 7.03 SPECIAL USES.** The following uses and structures may be permitted in the "B1" Village Business District only upon authorization as a special use by the Village Council following a recommendation by the Planning Commission in accordance with Chapter 12:

- a) One, two and four family dwellings subject to the requirement of Section 6.05 herein.
- b) Housing for the elderly, retired or those requiring assisted care, including nursing homes.
- c) Antennas and towers exceeding a height of 35 feet.
- d) Essential public service buildings and structures.

**SECTION 7.04 DISTRICT REGULATIONS.** Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

- a) Minimum lot area and width.

None required.
- b) Minimum required building setbacks.
  - 1) Front - none.
  - 2) Side - none except where a B1 zone abuts an R zoned property then a 10 feet setback is required.

- 3) Rear - 10 feet except where a B1 zone abuts an R zoned property then a 20 feet setback is required.
- c) Maximum height - 35 feet.
- d) Maximum building lot coverage - no maximum requirement.
- e) Within the Village district, an overhang or canopy may be constructed to project into the street right-of-way provided the following conditions are met:
  - 1) The projection into the street right-of-way shall not exceed four feet.
  - 2) The projection shall not be closer than four feet from the face of the curb as measured from the curb face perpendicular to the projection.
  - 3) Support for the projection shall not be placed in the street right-of-way.
  - 4) The projection shall have a minimum height of eight feet as measured from the sidewalk.

There shall be no extension or additions to the projection that would exceed the above requirements.

#### **SECTION 7.05 ADDITIONAL REQUIREMENTS.**

- a) Parking shall be provided in accordance with the requirements of Chapter 17.
- b) Site plan review is required for all Special Land Uses.
- c) Chapter 14 shall regulate site condominiums.
- d) Chapter 16 shall regulate signs.

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## CHAPTERS

### "B2" GENERAL BUSINESS DISTRICT

**SECTION 8.01 INTENT.** The General Business District is intended to provide for a broader range of retail, service and office uses and in a different configuration than permitted in the Village Business District. The B1 District is oriented to both vehicular and pedestrian traffic with sufficient off-street parking and appropriate landscaping.

**SECTION 8.02 PRINCIPAL USES.** The following uses and structures shall be permitted in the "B 1" General Business District.

- a) Any use permitted in the Village Business District.
- b) Catering establishments.
- c) Tire shops include recapping and retreading.
- d) Indoor or outdoor commercial recreation facilities such as bowling centers, indoor theaters, skating rinks, racquet clubs, miniature golf, video amusement establishments, pool and billiard establishments or similar uses.
- e) Retail building supply and equipment stores.
- f) Retail nurseries and garden centers.
- g) Printing, lithography, publishing, and photocopy establishments.
- h) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- i) Laboratory, medical or dental.
- j) Electronic data processing centers.
- k) Other similar retail business or service establishments which supply convenience commodities or perform services primarily for the motoring public and local residents when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
  - 1) The size, nature, and character of the proposed use.

- 2) The proximity of the proposed use to adjoining properties.
  - 3) The parking facilities provided for the proposed use.
  - 4) Any traffic congestion or hazard which may be caused by the proposed use.
  - 5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and surrounding neighborhoods.
  - 6) The need or necessity for the proposed use to serve the needs of the motoring public and surrounding neighborhoods.
  - 7) The effect of the proposed use on adjoining properties and surrounding neighborhoods.
- 1) Customary accessory buildings and uses.

**SECTION 8.03 SPECIAL USES.** The following uses may be permitted in the General Business District upon authorization as a Special Use by the Village Council following a recommendation by the Planning Commission in accordance with the provisions of Chapter 12.

- a) Special land uses as permitted in the C-1 zone.
- b) Open air businesses including but not limited to the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes, and similar uses.
- c) Commercial kennels.
- d) Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
- e) Automatic and self-serve vehicle wash facilities.
- f) Adult businesses as listed and regulated by Section 12 herein.
- g) Restaurants which have drive-up or drive through windows.

**SECTION 8.04 DISTRICT REGULATIONS.** Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

- a) Minimum lot area and width.

None required.



- b) Minimum required building setbacks.
  - 1) Front - none.
  - 2) Side - none except where a B2 zone abuts an R zoned property then a 10 feet setback is required.
  - 3) Rear - 10 feet except where a B2 zone abuts an **R** zoned property then a 20 feet setback is required.
- c) Maximum height - 35 feet.
- d) Maximum building lot coverage - no maximum requirement.
- e) Within the B2 District, an overhang or canopy may be constructed to project into the street right-of-way provided the following conditions are met:
  - 1) The projection into the street right-of-way shall not exceed four feet.
  - 2) The projection shall not be closer than four feet from the face of the curb as measured from the curb face perpendicular to the projection.
  - 3) Support for the projection shall not be placed in the street right-of-way.
  - 4) The projection shall have a minimum height of eight feet as measured from the sidewalk.

There shall be no extension or additions to the projection that would exceed the above requirements.

#### **SECTION 8.05 ADDITIONAL REQUIREMENTS.**

- a) Parking shall be provided in accordance with the requirements of Chapter 17.
- b) Site plan review is required for all Special Land Uses.
- c) Chapter 14 shall regulate site condominiums.
- d) Chapter 16 shall regulate signs.

**SECTION 8.06 DESIGN STANDARDS.** The construction of a new building or the alteration of an existing building which is to be used for non-residential use as permitted by this Chapter shall comply with the following standards:

- a) The building shall have roofs compatible with nearby buildings.
- b) The exterior walls shall be brick, wood, aluminum, or vinyl siding which is similar in appearance to adjacent dwellings.
- c) A walkway shall be provided from the existing or proposed sidewalk to the front building entrance.
- d) Required parking shall be provided in the side or rear yard. Off street parking should be designed so vehicles are not required to back onto the public street.
- e) Landscaping or fences required by this ordinance shall be provided along those lot lines which abut residential uses to provide a measure of visual and sound privacy for adjoining residents.
- f) The Planning Commission, in reviewing the site plan for permitted uses, may vary these standards in order to achieve the intent and purpose of this District.
- g) Dumpsters shall not be located within the front yard and shall be screened or located so as to be visually unobtrusive.
- h) Sidewalks shall be installed along the street frontage in accordance with the standards of the Kent or Muskegon County Road Commission, whichever has jurisdiction.

**CHAPTER 9**

**"I" INDUSTRIAL DISTRICT**

**SECTION 9.01 INTENT** It is the intent of this Chapter to provide for the development of a variety of industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations contained in this district are designed to encourage the development of industrial areas which will be compatible with one another and with adjacent or surrounding districts.

**SECTION 9.02 PERMITTED USES.** The following uses and structures shall be permitted as principal uses in the "I" Industrial Districts.

a) Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:

- 1) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.
- 2) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other textile goods.
- 3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
- 4) Lumber and wood products, including millwork, prefabricated structural wood products and containers, not including logging camps.
- 5) Previously prepared chemical products such as plastics, perfumes, and synthetic fibers.
- 6) Furniture and fixtures.
- 7) Paperboard containers, building paper, building board, and bookbinding.
- 8) Printing and publishing.
- 9) Manufacturing of engineering, measuring, optic, medical, lenses, photographic, and similar instruments.'
- 10) Jewelry, silverware, toys, athletic, office, and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.

- b) General manufacturing, fabrication, and assembly operation.
- c) Research and development testing and experimental laboratories and manufacturing.
- d) Essential public services.
- e) Trade and industrial schools.
- f) Tool and die manufacturing establishments.
- g) Private communication antennas and towers which are 35 feet or less in height.
- h) **Mini** warehouses and self-storage facilities.
- i) Any similar industrial uses which meet the intent of this district when authorized by the Planning Commission.
- j) Uses customarily incidental to the permitted principal use.

**SECTION 9.03 SPECIAL USES.** The following uses and structures may be permitted in the Industrial District only upon authorization by the Village Council following a recommendation by the Planning Commission in accordance with Chapter 12.

- a) Asphalt, concrete, or similar refining and manufacturing.
- b) Salvage yards.
- c) Refuse and garbage incinerators.
- d) Scrap tire collection sites and scrap tire processors.
- e) Manufacture of gas, coke, or coal tar products.
- f) Manufacture of ammunition, fireworks, or other explosives.
- g) Stockyards and slaughterhouses.
- h) Blast furnaces, drop forges, petroleum refining, metal stamping, and similar uses.
- i) Solid waste processing facility, including composting as an incidental use.
- j) Essential public service buildings.
- k) Warehousing, storage, or transfer buildings.

- l) Truck terminals, including maintenance and service facilities.
- m) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- n) Central dry-cleaning plants.
- o) Antennas and towers exceeding 35 feet.
- p) Lumberyards and other building equipment supply establishments.
- q) Commercial fuel depot.
- r) Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
- s) Contractor equipment yards and operations.

**SECTION 9.04 DISTRICT REGULATIONS.** Buildings and structures shall not be erected or enlarged in the Industrial District unless the following requirements are met and maintained:

- a) **Minimum Lot Area and Width:** The minimum lot area shall be one acre with a minimum of 100 feet of width at the front lot line.
- b) **Minimum Required Building Setbacks:**
  - 1) Front - 25 feet.
  - 2) Side - 10 feet except where an Industrial Zone abuts a Residential Zoning District or an area recommended for such use in the Village Master Plan, a side yard of at least 50 feet must be maintained.
  - 3) Rear - 25 feet except where an Industrial Zone abuts a Residential Zoning District or an area recommended for such use in the Village Master Plan, the setback shall be at least 50 feet.
- c) **Maximum Building Height - 35 feet.**
- d) **Greenbelt:** A 15 feet wide greenbelt, as determined by the Casnovia landscape regulations, shall be erected, and maintained on the side and rear of any industrial premises where the same abuts a Residential Zone or area Master Planned for Residential Zone or area master planned for residential, and such greenbelts shall also be required where industrial premises and uses abut to existing non-conforming residential uses.

**SECTION 9.05 SITE DEVELOPMENT STANDARDS.** The following development standards are designed to mitigate negative impacts on nearby properties and shall apply to all uses in the Industrial District.

- a) Any material which is stored or kept outside, and which faces or abuts a residential zone or use shall be screened by a solid fence or wall or landscape berm and no material shall be stacked higher than the screen. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
- b) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
- c) Operations which involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.
- d) Any use permitted in the Industrial Zone shall not create a vibration which is discernible to off-site residents or occupants.
- e) Dumpsters shall not be located within the front yard and shall be screened.
- f) Uses which discharge to the Village's wastewater treatment facility may be required to pre-treat waste if the Planning Commission determines pre-treatment is necessary to protect the operation of the treatment facility.
- g) Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining the facade requirements of this section, the following criteria shall be considered:

- (1) The location of the addition or renovation is relative to the existing building.

- (2) The size relative to the existing building.
- (3) The location of the existing building.
- (4) Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- (5) The practicality of requiring compliance with this Section is based on the design and structural integrity of the existing building.
- (6) Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

**SECTION 9.06 ADDITIONAL REQUIREMENTS.**

- a) Parking shall be provided in accordance with the requirements of Chapter 17.
- b) Site plan review is required for all permitted uses and Special Land Uses.
- c) Chapter 14 shall regulate site condominiums.
- d) Chapter 16 shall regulate signs.

**CHAPTER 10**  
**MOBILE HOME PARK DISTRICT**

**SECTION 10.01 PURPOSE AND REGULATION**

The purpose of this district is to allow for the establishment of mobile home parks and related accessory uses. A mobile home park within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 96 of 1987, as amended and the Michigan Administrative Code. A mobile home park established within this district shall be subject to the site plan review procedures of this ordinance herein and all other applicable regulations of this zoning ordinance.



<p style="text-align:center"><b>CHAPTER II</b></p> <p style="text-align:center"><b>PLANNED UNIT DEVELOPMENT</b></p> <p style="text-align:center"><b>DISTRICT</b></p>
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**SECTION 11.01 INTENT.**

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

- a) To encourage the use of land in accordance with its character and adaptability.
- b) To promote the conservation of natural features and resources including prime agricultural land.
- c) To encourage innovation in land use planning and development.
- d) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of Casnovia.
- e) To promote and ensure greater compatibility of design and use between neighboring properties.
- f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.
- g) To encourage the availability of open space, as a part of the development of residential lands, and to promote the development of passive and recreational land uses.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development consistent with the underlying zoning, with modifications and departures from applicable requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making.

**SECTION 11.02 PUD AUTHORIZATION.**

A Planned Unit Development may be approved in any location within the Village of Casnovia by the Village Council. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety and welfare mechanisms being designed into the development, and the following.

**SECTION 11.03 QUALIFYING CONDITIONS.**

- a) In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of two acres except in the case of a two-family or multiple family dwelling project for which the minimum area requirement shall be one acre.

**SECTION 11.04 DEVELOPMENT REQUIREMENTS.**

- a) Density: The density for residential uses shall not exceed the maximum density allowed for the zoning district in which the PUD is to be located. In each case, the maximum density for residential uses shall be determined by the Village Council after review by the Planning Commission based on the standards contained in Section 9A.05(i).
- b) Dwelling Unit Computation: The density permitted by the Village Council shall be multiplied by the net development area of the site in order to determine the maximum number of dwelling units permitted for the site. The net development area is determined by subtracting the following from the gross or total site area:
  - 1) Area within existing road rights-of-way.
  - 2) One-half of the land within the 100-year floodplain.
  - 3) One-half of areas are permanently inundated by water.
- c) Open Space: Ten percent of the gross acreage devoted to residential uses in a PUD shall be set aside as open space for the benefit and use of all residents. The applicant shall provide documentation which demonstrates to the satisfaction of the Village Council that such open space areas are preserved and maintained.

For the benefit of the residents of the PUD, the Planning Commission may also require recreational amenities or facilities such as basketball and tennis courts, play structures, bike paths, ball fields and other similar recreational amenities.

- d) Mixed Uses: Residential and non-residential uses may be permitted within the same PUD district upon demonstration to the Village Council that such uses meet the intent of this chapter. It shall also be demonstrated that the non-residential uses will not negatively impact the residential uses and that the non-residential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.

The permitted density for residential uses in a mixed-use development shall be determined by the Village Council upon recommendation of the Planning Commission.

- e) Applicable Regulations: The Village Council upon the recommendation of the Planning Commission may waive, modify, or otherwise vary the applicable regulations of the

underlying zoning district relative to lot size, lot width, setbacks, structure height, signs, parking and loading, landscaping, general provisions, and other applicable regulations. Such a waiver or modification shall be based on the application of site planning criteria to achieve integration of the project with the characteristics of the project area. In making these determinations, the criteria considered shall include the following:

- 1) Number and type of dwelling units.
- 2) Proximity to adjacent existing and future land uses. The extent to which the PUD is buffered from adjacent and nearby existing land uses, by landscaping or other means.
- 3) Preservation of existing vegetation or other natural features on site.
- 4) Topography on the site.
- 5) Provision of public or community water and sanitary sewer.
- 6) Approval of the Kent or Muskegon County Health Department for private or community septic systems and wells.
- 7) Appropriateness of the lots as building sites.
- 8) The overall design of the project is relative to its compatibility with nearby existing or proposed land uses.

#### **SECTION 11.05 APPLICATION AND PROCESSING PROCEDURES.**

- a) Preapplication Conference. Before submitting an application for a PUD, an applicant may meet with the Planning Commission to submit information regarding a proposed PUD and to confer with the Planning Commission about the proposed application and the PUD.
- b) Application for PUD Approval. An application for PUD rezoning shall be in accordance with the application procedures for site plan review as required by Chapter 13 of this Ordinance.
- c) Preliminary Development Plan.
  - 1) An applicant for PUD rezoning shall submit a site plan in accordance with the requirements for Preliminary Site Plan Review as set forth in Chapter 13 of this Ordinance.
  - 2) If required by the Planning Commission, the preliminary or final development plan shall include any of the following:

- (i) An environmental impact assessment. Such assessment shall describe the effect and impact, whether adverse or otherwise, that the proposed PUD will or may have upon or with respect to the following matters.
  - 1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
  - 2) Population in the immediate area and the Village; local school systems; traffic congestion.
  - 3) Additional costs to governmental units and school districts, police, and fire protection; storm water drainage; water supply and sewage disposal.
  - 4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare.
  - 5) General appearance and character of the area; historic structures and places; archeological site and artifacts.
  - 6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County health department; county road commission; county drain commissioner; department of natural resources; intermediate school district; local board of education; county sheriff's department; local fire department and other appropriate agencies.
    - (i) Traffic impact study.
    - (ii) A community impact analysis.
    - (iii) An economic feasibility study for the principal uses of the proposed PUD.
    - (iv) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

- d) Review of Preliminary Development Plan. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD. A copy of the Planning Commission's recommendations as contained in the minutes of the Planning Commission shall be forwarded to the Village Council. The recommendations of the Planning Commission shall be based on the following considerations:
- 1) The requirements of this Ordinance.
  - 2) The setback and placement of buildings and structures.
  - 3) Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access.
  - 4) Off-street parking and loading areas where required.
  - 5) Screening and buffering, including type, dimensions and character of materials used, therefore.
  - 6) Area and location of yards and other open spaces.
  - 7) Refuse and service area.
  - 8) Water supply and sanitary sewage disposal, including locations, availability and compatibility, the preservation of natural resources and natural features.
  - 9) Open spaces and recreational areas.
  - 10) Drainage courses, food plains, lakes, streams, and wetlands.
  - 11) Gross density of the development.
  - 12) Impact and adverse effects, if any, upon adjacent and nearby lands, the surrounding area, and the Village.
  - 13) Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.
- e) Advisory Public Hearing. In the course of its consideration of the preliminary development plan, the Planning Commission may, in its discretion, convene an advisory public hearing in order to receive public comments concerning the preliminary development plan. For such a hearing, the Planning Commission shall give notice as required by Section 20.06 herein. (ORD. 1-07; Eff. 3-19-07)

- t) Final Development Plan.
  - 1) After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for PUD rezoning shall submit a Final Development Plan to the Village office in accordance with the requirements for Final Site Plan Review as contained in Chapter 13 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.
  - 2) The final development plan shall contain all of the information required for Final Site Plan review unless the same is waived by the Planning Commission as not being necessary for the consideration of the PUD plus the following:
    - (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the final development plan shall indicate such fact and shall state the basis or grounds upon which such recommendation have not been included.
    - (ii) Projected time for completion of the entire PUD; proposed phasing, if any, of the PUD and the projected time for completion of each phase.
    - (iii) Any other information required by the Planning Commission in connection with its review of the PUD and consideration of the rezoning of the lands in accordance with the PUD plan.
- g) Public Hearing on Final Development Plan. The Planning Commission shall hold a public hearing on the final development plan. Notice of the hearing shall be required by Section 20.06 herein. (ORD 1-07; Eff. 3-19-07)
- h) Consideration of Final Development Plan by Planning Commission. After a public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the Village Council.
- i) Standards for Approval. In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:
  - 1) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
  - 2) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the

natural environment unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.

- 3) The PUD will be compatible with the Master Plan of the Village and consistent with the intent and purposes of this chapter.
  - 4) The PUD will not result in significant adverse effects upon nearby or adjacent lands and will not significantly change the essential character of the surrounding area.
  - 5) A PUD shall be designed and laid out so as to provide for the preservation of natural resources and natural features wherever reasonably possible.
- j) Final Consideration of PUD by Village Council. The Village Council shall review the final development plan and the recommendations submitted by the Planning Commission. The Council shall determine whether the final development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Village. Upon a determination that a proposed project meets such standards, conditions, and requirements, the Village Council may approve the final development plan and grant the rezoning request.
- k) Conditions of Approval. The Village Council may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.
- 1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project, and the community as a whole.
  - 2) They shall be related to the valid exercise of police power, and the purposes which are affected by the proposed project.
  - 3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD under consideration and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Council and the property owner. The Village Council shall maintain a record of conditions which have changed.

- 1) Effect of Rezoning. If the Village Council approves the final development plan and the proposed application for rezoning, it may rezone the property. The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this ordinance. An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.

**SECTION 11.06 AMENDMENTS TO APPROVED PUD.**

- a) An approved Final PUD Development Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Village Council and the applicant except as otherwise noted below.
- b) Minor Amendments. A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not change the basic design or alter the conditions of the plan.

The following items shall be considered as minor changes:

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



Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, and welfare.

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

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

#### **SECTION 11.07 PERFORMANCE GUARANTEES.**

The Village Council, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Village Council based on a recommendation from the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Village Council and shall be conditioned upon faithful compliance with all of the provisions and requirements of the PUD and construction and placement of all of the improvements therein. In its discretion, the Council, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Village official.

#### **SECTION 11.08 TIME LIMITATIONS ON DEVELOPMENT.**

Each PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Village Council. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Village Council may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

**CHAPTER 12**  
**SPECIAL LAND USE REGULATIONS**

**SECTION 12.01 INTENT AND PURPOSE.** Various land uses and activities possess unique characteristics which under certain conditions require special limitations and controls to ensure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses or activities and therefore have been designated as "special uses." The intent of this Chapter is to allow land to be used for special uses only after the Village Council approves such use following a recommendation by the Planning Commission.

If necessary, the Council may impose reasonable controls to ensure that public services and facilities will be capable of accommodating increased service and facilities loads, and in order to protect the natural environment and conserve natural resources and energy, and to promote the use of land in a socially and economically desirable manner. No special use shall be engaged in unless a Special Use Permit has been obtained from the Village Council in accordance with the procedures set forth by the terms of this Ordinance.

**SECTION 12.02 APPLICATION PROCEDURE.** The following procedures shall be followed in making application for a Special Use Permit:

- A. **Written Application.** A written application for a Special Use Permit shall be submitted to the Village Clerk indicating the following:
  - 1. The name, address, and telephone number of the applicant; the address or brief description of the location of the property involving the proposed special use; and the date of application.
  - 2. A statement indicating the sections of this Ordinance under which the special use is sought and the grounds upon which it is requested.
- B. **Permit Fees.** Fees for a Special Use Permit shall be paid at the time of application in accordance with the fee schedule established by the Council and amended from time to time.
- C. **Site Plan Required.** Along with the application and fee, a site plan shall be submitted according to the requirements of Chapter 13 herein.

**SECTION 12.03 PUBLIC HEARING.** The Planning Commission shall hold at least one public hearing on all special use requests it receives and shall give notice for said hearing as required by Section 20.06 herein. (ORD. 1-07; Eff. 3-19-07)

**SECTION 12.04 STANDARDS FOR CONSIDERING SPECIAL USES.** Except as they reasonably do not apply, the Planning Commission and Council must find that all of the following standards are satisfied:

- A. Special land use shall be established, laid out and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof.
- B. The proposed use of land, buildings, or structures shall not create substantial adverse or hazardous environmental conditions for adjacent property owners or the surrounding neighborhood. For the purpose of special use review only, "environmental conditions" shall include, but not be limited to the following general categories:
  - 1. Dispersion of light heat or other forms of radiant energy.
  - 2. Soil, air, and water quality and movement.
  - 3. Noise, both volume and pitch.
  - 4. Abundance and type of wildlife and vegetation.
- C. Vehicular and pedestrian traffic circulation shall be designed to minimize conflict upon public streets and the property involved and to provide safe and convenient parking in relation to streets, pedestrian walkways and adjoining properties or parking areas.
- D. Safe and adequate water supply and sewage disposal facilities shall be provided as required by County and State regulations and shall be designed for compatibility with existing systems and future development.
- E. The period of day and time of the year during which a special use activity commences or continues should be related to both the use and the neighborhood or area in which it is proposed.
- F. The proposed use shall not create excessive additional demand, at public cost, for public facilities and services.
- G. The proposed use shall not conflict with the intent and purpose of the zoning district in which it is proposed to be located, with the overall intent and purpose of this Ordinance, and with other applicable ordinances and statutes.

**SECTION 12.05 CONSIDERATION BY PLANNING COMMISSION.** The Planning Commission shall recommend approval, approval with conditions or denial a request for a special land use. The decision shall be incorporated in the minutes or in a separate statement

containing the conclusions relative to the special land use under consideration, specifying the basis for the decision and any conditions recommended by the Planning Commission to be imposed by the Village Council.

**SECTION 12.06 CONSIDERATION BY THE VILLAGE COUNCIL.** The Council shall consider the request and the recommendation of the Planning Commission and shall approve, approve with conditions, *or* deny the Special Land Use request and site plan. The decision shall be incorporated in the minutes or in a separate statement containing the conclusions relative to the special land use under consideration, specifying the basis for the decision and any conditions imposed.

**SECTION 12.07 CONDITIONS OF APPROVAL.** The Village Council may impose reasonable conditions on the approval of special land use. Said conditions shall meet the following requirements:

- A. Be designed to ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.
- B. Be designed to ensure that said use is compatible with adjacent land uses and activities.
- C. Be designed to protect natural resources, the health, safety and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- D. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- E. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- F. The conditions imposed with respect to the approval of a special land use shall remain unchanged except upon the mutual consent of the Village Council and the landowner. The Village Council shall maintain a record of conditions which have changed.

**SECTION 12.08 EXPIRATION OF PERMIT.** A special land use permit shall expire one year after it is granted, unless construction is complete, or commencement of the use has begun. The Village Council may, upon request by the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.

**SECTION 12.09 AMENDMENT TO AN APPROVED SPECIAL LAND USE.** Any person or agency for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved use and site plan. Such proposed amendment shall be considered in the same manner as set forth in Section 13.11 of this Ordinance.

**SECTION 12.10 REAPPLICATION.** Any application for a Special Use Permit which has been denied wholly or in part by the Council shall not be resubmitted until the expiration of one calendar year from the date of such denial except on the conditions found to be sufficient to justify reconsideration by the Council.

**SECTION 12.11 REVOCATION OF PERMIT.** If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Village Council that such violation exists and that the permit will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the Village Council shall revoke the permit. Furthermore, such a violation is hereby declared to be a violation of the Zoning Ordinance, subject to all of the remedies and penalties provided for in this Ordinance.

#### **SECTION 12.12 PERFORMANCE STANDARDS**

Uses permitted as special land use shall be subject to the requirements of the zoning district in which they are permitted. In addition, specific site design and development standards shall apply to the following uses:

(d) **SPECIAL CONTROLLED USES** - In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing the concentration of these uses within any one area or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

(1) Uses subject to these controls are as follows:

- (i) Adult bookstores.
- (ii) Adult cabarets.
- (iii) Adult motion picture theaters.
- (iv) Massage establishments.
- (v) Nude artists and photography studios.

- (2) Definitions. As used in this section, the following terms shall have the indicated meanings:
- (i) Adult Motion Picture Theaters. Any establishment, or part thereof, 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.
  - (ii) Adult Book Store. Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade, videos, books, magazines, or 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.
  - (iii) Specified Sexual Activities. Specified sexual activities are defined as:
    - Human genitals in a state of sexual stimulation or arousal.
    - Acts of human masturbation, sexual intercourse, or sodomy.
    - Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
  - (iv) Specified Anatomical Areas. Specified anatomical areas are defined as:
    - Less than completely and opaquely covered:
      - \* Human genitals, pubic region,
      - \* Buttock, and
      - \* Female breast below a point immediately above the top of the areola; and
    - Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
  - (v) Cabaret. A cafe, restaurant, bar, or any establishment where patrons are entertained by performers who dance, sing, or play musical instruments.
  - (vi) Adult Cabaret. A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
  - (vii) Massage Establishment. Any establishment, or part thereof, having a fixed place of business where massages are administered solely or in combination with any other service or activity for 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, 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. This definition shall not be construed to include exercise clubs exclusively for members without massages in any form.

- (viii) **Massage.** A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.
  - (ix) **Nude Artist and Photography Studios.** 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.
- (3) **Authorization.** The Village Council may, by the issuance of a Special Use Permit, authorize the uses specified within this section only in the "B2" zoning district as noted in Chapter 9 herein and after finding that the following conditions exist:
- (i) The parcel upon which the use is intended is located outside a 300 foot radius of any parcel upon which is located any residence, dwelling place, church, or school unless a petition requesting waiver of this requirement is received and certified by the Village Clerk signed by 51% of those adult persons or institutions residing within or owning residential, school, or church property within a 300 foot radius of the proposed location in which case the Planning Commission may waive this requirement.
  - (ii) The use is not located within a 300-foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
    - That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this section will be observed.
    - That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its surroundings.
    - That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
    - That all applicable state laws and local ordinances will be observed.

- (4) Limit in Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.



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**CHAPTER 13**

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**SITE PLAN REVIEW**

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**SECTION 13.01 PURPOSE.** The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Village, to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Village Planning Commission and Village Council in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance and achieve the purposes of the Casnovia Master Plan.

**SECTION 13.02 SITE PLAN REVIEW REQUIRED.** A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

- A. Planning Commission Review:
  - 1. Any new principal commercial, office, industrial, business, or institutional use or a residential use having more than a two-family dwelling unit.
  - 2. An alteration of the building or property or change in the use of a building or property which results in an increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
  - 3. Special land uses and planned unit developments.
  - 4. All other uses require site plan approval as required by this Ordinance.
  
- B. Staff Review: The following uses shall be reviewed by the Village Zoning Administrator, or the Village Planner and Village Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements. The Zoning Administrator may also refer such uses to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance.
  - 1. Expansion of an existing use or building which does not increase the intensity of the use or results in the need for additional parking as required herein and which would not otherwise require review by the Planning Commission.
  - 2. Construction of a building or structure which is accessory to the principal use or building.

Review of site plans by the Zoning Administrator shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

### **SECTION 13.03 APPLICATION AND PROCEDURES.**

- A. An application for site plan review along with ten (10) sets of the site plan shall be submitted *to* the Clerk in accordance with the submittal schedule established by the Planning Commission along with the fee as set by the Village Council. The application shall at a minimum contain the following information:
1. The applicant's name, address, and phone number.
  2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
  3. The name, address, and phone number of the owner(s) of record if different than the applicant.
  4. The address of the property.
  5. Legal description of the property.
  6. Current zoning.
  7. Project description.
  8. Size of the parcel in acres.
  9. Signature of the applicant and owner of the property.

### **SECTION 13.04 PRELIMINARY SITE PLAN REVIEW.**

- A. If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.

- B. Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.
- C. Upon receipt of the preliminary site plan and application, the Clerk may forward copies to the Village Fire Chief, Planner, Engineer, and others as necessary for review and subsequent report to the Planning Commission. The Clerk shall send the application and site plan to members of the Planning Commission prior to the meeting at which it will be considered.
- D. The preliminary site plan shall be drawn at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission.
  - 1. Existing adjacent streets and proposed streets, public or private, as well as development within 100 feet of the site.
  - 2. Parking lots and access points.
  - 3. Proposed buffer strips or screening.
  - 4. 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.
  - 5. Existing and proposed building.
  - 6. General topographical features including existing contour intervals not greater than ten feet.
  - 7. Proposed method of providing public or private utilities including storm drainage.
  - 8. Also, small scale sketch of properties, streets, and zoned uses of land within one-half (1/2) mile of the site.
- R. The Planning Commission shall review the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this Ordinance.

### **SECTION 13.05 FINAL SITE PLAN REVIEW.**

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- A. If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.
  - B. Final site plans shall be drawn at a scale of not more than one inch to 100 feet and shall contain the following information unless specifically waived by the Planning Commission:
    - 1. The date on which the site plan was prepared.
    - 2. The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
    - 3. A north arrow and legal description based upon the most current survey.
    - 4. Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
    - 5. Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
    - 6. Direction of storm water drainage and how storm water runoff will be managed as well as a statement describing where storm water will be discharged such as a creek, stream, lake, or wetland.
    - 7. Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
    - 8. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also, driveway width, curb radii and design of proposed deceleration lanes.
    - 9. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drain fields, and utility easements.
    - 10. Location and type of all sidewalks, bike paths, and other walkways.
    - 11. Location, type and size of any walls, fences, or other screening devices.
    - 12. Location of all proposed landscape materials, including size and type of plantings.

13. Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening, signs, and existing and proposed utility poles. A roof top or outdoor equipment shall also be indicated, including proposed methods of screening where appropriate.
  14. Proposed parking areas and access drives showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.
  15. Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways.
  16. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.
  17. Location of existing and proposed slopes which are 20 percent or greater.
  18. Zoning and land use on adjacent properties.
  19. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or by state or federal agencies.
  20. The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of the site.
  21. Small-scale sketch of properties, streets, and zoned uses of land within one-half (1/2) mile of the site.
- C. The final site plan for developments which have been proposed in phases shall conform to the approved preliminary plan.
- D. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment, and natural features.

In addition, the Commission may request additional studies, graphics, or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

**SECTION 13.06 FINAL SITE PLAN APPROVAL.**

- A. The Planning Commission shall review the final site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve the conditions of the final site plan.

If approved, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator, Planner, Engineer, Fire Chief or others as necessary to ensure that all revisions as required by the Planning Commission have been made.

- B. Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated, and signed by the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, one shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Clerk.
- C. The Building Inspector shall issue a building permit upon receipt of an approved final site plan, providing all other applicable Village regulations have been met including compliance with the Village building code.

**SECTION 13.07 STANDARDS FOR APPROVAL.** Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other Village ordinances are met, the site plan shall be approved.

- A. The Planning Commission shall have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.
- B. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Village's landscape provisions.
- C. All elements of the site plan shall be designed to consider the site's topography, the size and type of lot, the character of adjoining property and the type and size of buildings. 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.
- D. The landscape shall be preserved in its natural state, as far as practical, by removing only those areas of vegetation or by making those alterations to the topography which are necessary to develop the site in accordance with

the requirements of this Ordinance. A development shall respect the natural resources of the Village.

- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved as far as practical in their natural state to provide<le 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. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Village Fire Department.
- H. A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry.
- J. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and prevent 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.
- K. Exterior lighting shall be arranged so that illumination is deflected away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures shall be minimized to reduce light pollution.
- L. 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

thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height. The finished side of any wall, fence or other screen shall face adjacent properties.

- M. Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or any occupancy permit is granted.

#### **SECTION 13.08 CONDITIONS OF APPROVAL.**

- A. As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of Section 13.07 are met.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership.
- D. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E. 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 as part of the minutes of the Planning Commission.
- F. 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 violations of this Ordinance.

#### **SECTION 13.09 VALIDITY OF FINAL SITE PLANS.**

- A. Approval of the final site plan is valid for a period of no longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.
- B. Upon written application, filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one



year. Such an extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

**SECTION 13.10 PERFORMANCE GUARANTEE.** The Planning Commission may require reasonable performance guarantees in order to assure the completion of the required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The Planning Commission shall determine the amount of the performance guarantee. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein. In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Village official. Furthermore, the Planning Commission may recommend to the Village Council the rebate or refund of a proportionate share of a cash bond.

**SECTION 13.11 AMENDMENTS TO APPROVED SITE PLAN.**

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- B. A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings and/or signs by no more than 10 feet.
3. Plantings approved in the site plan landscape plan being replaced by similar types of landscaping,
4. Changes of building materials to a higher quality,
5. Changes in floor plans which do not alter the character of the use.
6. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
7. Changes required or requested by the Village for safety reasons.

8. Changes will preserve the natural features of the site without changing the basic site layout.
9. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health.

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

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

**CHAPTER 14**  
**SITE CONDOMINIUMS**

**SECTION 14.01 PURPOSE AND SCOPE**

- A. The purpose of this article is to provide procedures for the orderly use and development of property which is not otherwise regulated by the Michigan Land Division Act, Act 591 of 1996 as amended. This article identifies minimum standards for the development of property as site condominiums in the Village and sets forth procedures to be followed by the Village in applying these rules, regulations, and standards.
  
- B. In addition, the purpose of this article is to:
  - 1. Provide for orderly growth and harmonious development of the Village consistent with orderly growth policies.
  - 2. Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
  - 3. Achieve adequate provisions for water, drainage, sanitary facilities, and other health requirements.
  - 4. Encourage the provision of recreational areas and facilities, school sites and other public facilities.
  - 5. Ensure against the creation of unsafe or undesirable conditions.
  - 6. Regulate the density of development in relation to the availability of, or lack of, utilities service.
  - 7. Conserve natural features.
  - 8. Conduct the purpose and intent of the Village's Master Plan and this chapter; and
  - 9. Provide procedures for the achievement of these purposes.
  
- C. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which the condominium unit owner may construct building or other improvements. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit.

- D. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a lot for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.

**SECTION 14.02      DEFINITIONS**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Condominium Act* means Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.).

*Condominium project* means a condominium project developed under the Condominium Act.

*Condominium structure* means the principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures, e.g., in a residential development, the condominium structure would refer to the house and any attached garages.

*Condominium unit* means a condominium unit established in compliance with the Condominium Act, which consists of an area of vacant land and a volume of vacant air space, designed, and intended for separate ownership and use as described in the site condominium project master deed, and within which the condominium unit owner may construct building or other improvements.

*Exempt change* means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this article. Exempt changes shall be limited to the following:

1. A change in the name of the project, in the name of a street within the project, or in the name of the developer of the project.
2. A change in the voting rights of co-owners or mortgages, or

3. Any other change in the site condominium project which, as determined by the Planning Commission, does not constitute a major or minor change, or will not otherwise change the site configuration, design, layout, topography, or any other aspect of a project which is subject to regulation under this chapter.

*Limited common element* means an area appurtenant to a site condominium unit and reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

*Lot* means the same as building site and is that portion of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the master deed. "Lot" may be further defined as:

1. A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by this article; or
2. The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner of the condominium unit for the owner's exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as required by this article.

*Major change* means a change in the site configuration, design, layout, or topography of a site condominium project (or any portion thereof), including any change that could result in:

1. An increase of 20 percent or more in the number of site condominium units.
2. Any other change in the site configuration, design, layout, topography, or other aspect of the project subject to regulation under this chapter, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Planning Commission to constitute a major change to the site condominium project.

*Master deed* means the legal document prepared and recorded pursuant to the Condominium Act to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

### **SECTION 14.03 ADMINISTRATION**

To ensure that site condominium projects comply with this article preliminary review of site condominium project plans by the Planning Commission is required followed by final review and approval by the Village Council. Site condominium projects may be approved as provided by this article in any zoning district for the uses permitted in the zoning district in which the project is located.

**SECTION 14.04 SCHEDULE OF FEES**

The schedule of fees for the review of projects under this article shall be as required by Village Council resolution as amended from time to time.

**SECTION 14.05 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION**

- A. *Required.* Prior to final review and approval of a site condominium project plan by the Village Council, a preliminary site condominium project plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this article.
  
- B. *Application Submittal Requirements* An application for preliminary site plan review along with 10 sets of the plan shall be submitted to the Clerk at least two weeks prior to the next scheduled Planning Commission meeting along with a fee as set by the Village Council. The application shall at a minimum, contain the following information:
  - 1. The applicant's name, address, and phone number.
  - 2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
  - 3. The name, address, and phone number of the owner(s) of record if different than the applicant.
  - 4. The address of the property.
  - 5. Legal description or permanent parcel number of property.
  - 6. Project description.
  - 7. Size of the parcel in acres.
  - 8. Signature of the applicant and owner of the property.
  
- C. *Requirements for Preliminary Plans* The preliminary plan shall at a minimum contain the following items:
  - 1. The name or title of the proposed project.
  - 2. Legal description of the proposed plat.
  - 3. The name, address and telephone number of the property owner and applicant.

4. A statement of the intended use for the proposed plat and showing land intended to be dedicated to set aside for public use or for the common use of property owners in the project, and stating the location, dimensions, and purpose of such land.
5. A small-scale vicinity map showing the location of the project within the Village and the name and location of abutting projects.
6. The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways are included in the plat.
7. The location of all existing features affecting the project, such as railroads, buildings, trees, ditches, watercourses, and other physical features.
8. Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
9. Location of utility and drainage easements.
10. If the proposed project is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.
11. Location and dimension and size of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.
12. When any part of the project lies within or abuts a floodplain area the floodplain, as established by the State Department of Natural Resources, shall be shown within a contour line, and labeled as such.
13. Any restrictions to be imposed upon the use of property in the subdivision.
14. Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.
15. Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.
16. Direction of storm water drainage and how storm water runoff will be managed as well as a statement describing where storm water will be discharged such as a creek, stream, lake, or wetland.
17. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways

within one hundred (100) feet on either side of the site. Also, driveway width, curb radii and design of proposed deceleration lanes.

18. Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways.
19. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
20. Zoning and use on adjacent properties.

In addition, the following requirements and standards shall apply:

21. A condominium project plan shall include the documents and information required by Section 66 of the Condominium Act (MCL 559.166, MSA 26.50(16)), including the signature and seal of the architect, land surveyor, or engineer that prepares the plan.
22. A statement describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities, and a statement from the District County Health Department indicating the suitability of the land for the operation of septic tanks, if proposed, shall be included.
23. All private streets in a site condominium shall comply with the standards for Village public street construction.
24. The location of any and all general and limited common elements, as well as the use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the Master Deed, shall be included.
25. A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities, shall be included.
26. In its review of a site condominium project plan, the Planning Commission may consult with the Village Planner, Engineer, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project.
27. The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the District Health Department,



County Road Commission, County Drain Commission, Michigan Department of Environmental Quality, Michigan Department of Public Health, Michigan Department of Natural Resources and other appropriate state and county review and enforcement agencies having direct approval of permitting authority over any aspect of the proposed site condominium project.

28. The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance for the Zoning District in which it will be located, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side or rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site closest respective front, side, or rear boundary of the building envelope. Building setback lines showing dimensions from all streets and lot lines shall be illustrated on the project plan.
29. If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Village.
30. The site condominium project shall be connected to the Village sanitary sewer facilities as required by the Village Sewer Ordinance. If public water and sanitary sewer facilities, are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be installed according to the standards of the District Department of Health and the Village.
31. A map of the entire area scheduled for development if the proposed project is a portion of a larger holding intended for subsequent development shall be included.
32. A table listing the proposed lots by number, and the respective lot area for each lot shall be included.
33. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward final approval of the project shall be included.

E. *Planning Commission Review*

1. After reviewing the Preliminary Site Condominium Project Plan, the Planning Commission shall prepare a written statement of recommendations regarding the

proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Village Council.

2. If the Preliminary Project Plan does not meet all requirements contained herein, the Planning Commission shall notify the applicant by letter indicating any additional information or changes required.

**SECTION 14.06 REVIEW AND APPROVAL OF FINAL PLANS BY VILLAGE COUNCIL**

- A. After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Village Clerk 10 copies of a Final Site Condominium Development Plan which complies with the requirements for a Preliminary Site Condominium Project Plan. The applicant shall also submit copies of reviews by those agencies with jurisdiction over the project. The Clerk shall forward the copies of the final plan and other information to the Village Council.
- B. The Final Site Condominium Project Plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission as provided by this article prior to approval of the plan by the Village Council.
- C. After receiving the Planning Commission's recommendations on the Preliminary Plan and a Final Site Condominium Development Plan from the applicant, the Village Council shall review and may approve, deny, or approve with conditions the plan in accordance with the standards and requirements of the Village's Ordinance regulating plat development and other applicable procedures, standards and requirements provided by this article.
- D. The Village Council may grant tentative approval of the project and shall set forth in writing the requirements that must be met for approval.
- E. The Village Council shall not review, approve, or reject a Final Project Plan until it has received a report and recommendation from the Planning Commission on the Preliminary Project Plan.

- F. As a condition of approval of a Final Site Condominium Project Plan:
1. The Village Council may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Council covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Village Clerk.
  2. The Village Council may impose additional reasonable conditions of approval necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility load caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- G. Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Village Council in compliance with the procedures, standards, and requirements of this article.

**SECTION 14.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN**

- A. No buildings or structures shall be constructed, nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a Final Site Condominium Project Plan as approved by the Village Council, including any conditions of approval.
- B. Required permits may be issued by the Village Building Inspector, and the developer may proceed with the project provided:
1. A Final Site Condominium Project Plan has been approved by the Village Council and the approved plan signed by the Village Clerk and Village President.
  2. All conditions to commencement of construction imposed by the Village Council have been met; and
  3. All applicable inspections, approvals, or permits from appropriate County and State review and enforcement agencies have been obtained for the project.

**SECTION 14.08 REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECT**

Any change proposed in connection with a project for which a Final Site Condominium Project Plan has previously been approved by the Council shall be subject to review as provided by this Section:

1. Any change that constitutes a major change shall be reviewed by the Planning Commission and reviewed and approved by the Council as provided by this article for the original review and approval of preliminary and final plans.
2. Any change that constitutes a minor change shall be reviewed and approved by the Planning Commission alone without the need for a Council review.
3. Any change that constitutes an exempt change shall not be subject to review by the Village under this article, but a copy of the changes proposed (and of the changes made, if different than proposed) shall be filed with the Clerk.

#### **SECTION 14.09 INCORPORATION OF APPROVED PROVISIONS IN THE MASTER DEED**

All provisions of a Final Site Condominium Project Plan that are approved by the Village Council as provided by this article shall be incorporated by reference in the Master Deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the Master Deed. A copy of the Master Deed as recorded with the County Register of Deeds shall be provided to the Village Clerk within ten days after recording the Plan with the County.

#### **SECTION 14.10 APPROVAL EFFECTIVE FOR ONE YEAR**

No approval of a Final Site Condominium Project Plan by the Village Council shall be effective for a period of more than one year unless construction of the project commences within that one-year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one-year period may be extended by the Council in its discretion for additional periods of time as determined appropriate by the Council if the extension is applied for by the applicant within the effective period of the approval.

#### **SECTION 14.11 VARIANCES**

A variance from the provisions of this article may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this article is impractical or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the Village Council, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this chapter. The Planning Commission and Council may attach conditions to the variance. Variances from regulations not contained but required by this article such as lot width or lot size shall be reviewed by the Zoning Board of Appeals as required by this Ordinance.

**CHAPTER 15**

**GENERAL PROVISIONS RELATING TO ALL DISTRICTS**

**SECTION 15.01 COMPLIANCE REQUIRED.** No structure, land or premises shall hereafter be used or occupied, and no building shall be erected, moved, removed, reconstructed, extended, or altered, except in conformity with the regulations herein set forth.

**SECTION 15.02 STRENGTHENING OR RESTORATION OF UNSAFE STRUCTURES.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the proper governmental officer or agency.

**SECTION 15.03 ESSENTIAL PUBLIC SERVICE EQUIPMENT.** The erection, construction, alteration, or maintenance of essential public service equipment shall be permitted in any zoning district. All such uses, except buildings and structures outside the street right-of-way, shall be exempted from the regulations of this chapter.

**SECTION 15.04 LIMITATIONS ON LOT SPLITS.** No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Zoning Code. If already less than the minimum required, it shall not be further divided or reduced.

**SECTION 15.05 OBSTRUCTIONS AT INTERSECTIONS.** At any intersection of public roads, no fence, structure, wall, shrub, tree, or plant shall be permitted within 20 feet of the right-of-way lines of the public highways which will obstruct the view of the users of the highways.

**SECTION 15.06 FRONT AND SIDE YARDS ON CORNER LOTS.** Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on one abutting street only and the side yard abutting the other intersecting street shall not be less than 15 feet.

**SECTION 15.07 PRINCIPAL USE PER LOT.** A lot or parcel shall not be devoted to more than one principal use or contain more than one principal building except for groups of apartment, retail, office, or industrial buildings used together as a single principal use or as may otherwise be permitted by this chapter.

**SECTION 15.08 HEIGHT LIMITATIONS.**

a) The height requirements of all zones may be exceeded by the following exceptions: parapet walls not over four feet in height, chimneys, silos and farm barns, roof-mounted television and radio antennas, monuments, cupolas, domes, spires, or other ornamental projections, additions to existing buildings up to the existing height of the building, or public water towers.

1 b) In the industrial zones, stack chimneys, cooling and fire towers, elevator buildings and bulkheads, storage tanks and other necessary appurtenances are permitted provided they are located the same distance as their height from any adjoining property line.

**SECTION 15.09 MINIMUM PUBLIC AND PRIVATE ROAD LOT FRONTAGE REQUIREMENTS.** A building, dwelling unit or structure shall be erected only on a lot or parcel which abuts or has frontage on a public or private street in accordance with the lot width requirements for the zoning district in which it is located.

**SECTION 15.10 PERMITTED YARD ENCROACHMENTS.** The following yard encroachments shall be permitted under the provisions of this chapter:

a) Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no more than two feet into required front, side, and rear yards.

b) An unenclosed porch, deck or awning may project into the required rear yard area for a distance not to exceed four feet and into the average front yard for a distance not to exceed four feet; but in no case shall the unenclosed porch, deck or awning be closer than 10 feet from the front lot line. The average front yard shall be determined as set forth in Section 15.20. An unenclosed porch, deck or awning shall not be placed in any required side yard.

**SECTION 15.11 MEASUREMENT OF BUILDING SETBACK.** The building setback shall be determined by measuring the distance between a lot line and the nearest wall of an existing or proposed building excluding steps, unenclosed porches, and decks.

**SECTION 15.12 MOVING OF BUILDINGS INTO VILLAGE.** In all areas of the Village District, no structure or building shall be moved into the Village unless the same complies or will be made to comply, before being used, with the Building Code, as applied to new buildings and structures.

**SECTION 15.13 ACCESSORY BUILDINGS IN RESIDENTIAL ZONES.**

a) Accessory buildings are permitted only in connection with, incidental to, and on the same lot or contiguous lots under the same ownership with a principal building which is permitted in the particular zoning district.

b) All accessory buildings shall comply with the limitations applicable in the zoning district in which it is located.

c) In any district, except as noted elsewhere, an accessory building may be erected detached from the principal building, or it may be erected as an integral part of the principal building.

d) No detached accessory building shall be used in any part for residential purposes.

- e) Each parcel or lot shall have no more than two detached accessory buildings including detached garages.
- f) Detached accessory buildings shall not be erected in the required front yard. When a detached accessory building is located in the rear yard, the foundation of such buildings shall be set back a minimum of five feet from the side and rear lot lines.
- g) Detached accessory buildings shall be a minimum of 10 feet from the principal building or buildings.
- h) When a detached accessory building is located on a corner lot, the accessory building shall not be located within the front or side yard setback and in no case shall it be closer than 15 feet from either the front or street side lot line.
- i) In residential zoning districts, a detached accessory building, excluding garages, shall not exceed 600 square feet in size or 14 feet in height except that for lots which are one acre or more in size, then a 960 square foot accessory building may be permitted.

**SECTION 15.14 EXISTING, NON-CONFORMING RESIDENTIAL LOTS OR RECORD.** In any district in which single family dwellings are permitted, a single-family dwelling and a customary accessory building may be erected on any lot or lots of record as of the effective date of this ordinance or the effective date of any subsequent amendment which makes such lot non-conforming, notwithstanding the requirements of this ordinance, subject to the following:

- a) Required minimum front and rear yard setbacks and the maximum building height limitation shall be complied with. The required minimum side yard setback for a lot which is non-conforming by reason of lot width shall be 10% of the width of the non-conforming lot, but in no event shall the required minimum side yard setback shall be less than five feet on each side.
- b) If two or more lots, or combination of lots or portions of lots, located adjacent to each other are at any time held in common ownership, and if all or part of such lots do not satisfy the minimum requirements for a buildable lot in the zoning district in which they are located, and if such lots are together designated by a single permanent parcel number as of the effective date of this ordinance, then all of such lots shall automatically be considered to be combined for zoning purposes into one conforming lot, or one lot that is more nearly conforming than the individual lots. Such lots shall comply with the setback requirements of Section 15.14(a).
- c) Each individual lot which has been combined for zoning purposes under sub-section (b) shall thereafter cease to be considered a single lot of record and shall no longer be considered to be a buildable lot.
- d) If two or more lots, or combination of lots or portions of lots, located adjacent to each other are at any time held in common ownership, and if such lots are each designated by a separate permanent parcel number as of the effective date of this ordinance, then a single family

dwelling and a customary accessory building may be erected on any of such lots, but sub-section (a), pertaining to required minimum front and rear yard setbacks, maximum building height limitations and required minimum side yards, shall be complied with.

**SECTION 15.15 LOTS WITHOUT PUBLIC ROAD FRONTAGE.** A lot may be created which do not abut a public street. Such lot shall not contain a dwelling unit but may contain farm buildings as defined herein as well as essential service buildings and structures and radio towers and antennas. Such lot need not comply with the minimum lot size requirements of its zoning district.

**SECTION 15.16 TOWERS AND ANTENNAS NOT EXCEEDING 35 FEET IN HEIGHT.** Towers and antennas which do not exceed 35 feet in height shall be allowed in all zoning districts subject to the following requirements:

- a) The antenna or tower shall be permanently secured to a stable foundation.
- b) No part of the antenna or tower shall conduct or display any advertising, message, or other graphic representation.
- c) An antenna or tower shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is greater.
- d) An antenna may be mounted on the roof of a principal or accessory building, but it shall not exceed a height of 10 feet, as measured from the base of the antenna.
- e) All antennas and towers must be grounded to protect against damage from lightning.
- f) Amateur radio antennas operating under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, unless such provisions would preclude or prevent the operation of the antenna, then such provisions shall not apply.
- g) Satellite dish antenna less than one meter across (39.37 inches) shall be exempt from these regulations.
- h) A building permit shall be required for all towers or antennas except those antennas operating under a license issued by the Federal Communications Commission and roof mounted antennas.

**SECTION 15.17 TOWERS AND ANTENNAS EXCEEDING 35 FEET IN HEIGHT.** Towers and antennas which exceed 35 feet in height are allowed in all zoning districts as a Special Land Use subject to the procedures and standards in Chapter 12 herein and the requirements of this section.



a) *Purpose* - It is the general purpose and intent of the Village to comply with the requirements of the Federal Telecommunications Act of 1996 by authorizing towers and antennas needed to operate wireless communication systems. It is the further purpose and intent of the Village to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and quality of the Village.

It is the further purpose and intent of this Section to:

- 1) Facilitate adequate and efficient provision of sites for towers and antennas.
- 2) Ensure that towers and antennas are situated in appropriate locations and relationships to other land uses, structures, and buildings.
- 3) Limit overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- 4) Require adequate information about plans for towers and antennas in order to permit the Village to effectively plan for the location of such facilities.
- 5) Minimize adverse impacts of the technological obsolescence of such facilities.
- 6) Minimize the negative visual impact of towers and antennas on neighborhoods, community landmarks, natural beauty areas and public rights-of-way, by reducing the numbers of towers through co-location where feasible.

b) *Application* - The application for special land use for such antenna or tower shall include the following information, in addition to what is otherwise required by this ordinance:

- 1) A detailed site development plan depicting the nature, type, appearance and location of the antenna and tower, any buildings or other structures and all other external features of the special land use, including driveways, fencing, isolation distances, screening and landscaping and other matters.
- 2) A visual impact analysis which shall include graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area.
- 3) A justification for the proposed height of the antenna and tower and an evaluation of alternative designs which might result in lower heights.
- 4) A maintenance plan and any applicable maintenance agreement, prepared so as to ensure long-term, continuous maintenance of the antenna and tower and any supporting structures.

- 5) A list of all properties investigated for placement of the proposed tower and antenna and the rationale and other background material for selecting the proposed location. The applicant shall provide copies of correspondence to and from owners of properties who have been contacted by the applicant and who have refused to allow their property to be utilized, purchased, or leased by the applicant.
  - 6) A list of other wireless communication providers who have been contacted by the petitioner regarding co-location as well as any correspondence to and from the other providers.
  - 7) A map showing existing and known proposed telecommunications facilities or other structures within and surrounding the Village which could be used by the applicant to co-locate the proposed antenna.
- c) *Co-location* -
- 1) It is the policy of the Village that all wireless communication providers co-locate on existing towers or structures capable of accommodating antennas to minimize the overall number of newly established towers within the Village and to encourage the use of existing towers and structures for new antennas.  
  
The policy of the Village is for co-location. Thus, if a party who owns or otherwise controls a tower as defined herein, shall fail or refuse to allow the alteration of a tower so as to accommodate a proposed and otherwise feasible co- location, such facility shall thereupon and thereafter be deemed to be a non- conforming structure and use, and shall not be altered, expanded or extended in any respect.
  - 2) Approval of co-located antenna. An application for co-location on an existing tower shall require only site plan review in order to obtain approval. The site plan shall be reviewed by the Zoning Administrator in accordance with the requirements of Chapter \_ of this Ordinance. The Zoning Administrator shall also review the application in accordance with the applicable requirements and standards of this Section. The Zoning Administrator shall have the authority to refer the application for co-location to the Village Council.
- d) *Requirements and Standards* - An antenna or tower approved as a special land use shall comply with all of the following requirements:
- 1) Items (a), (b), (e), (f), and (h) of Section 15.16 herein.
  - 2) In addition to the standards for approval of all special land use permit applications contained in Chapter 12, the Village Council shall consider the following factors in determining whether to issue a special use permit.

- (i) Height of the proposed tower.
  - (ii) Proximity of the tower to residential structures and residential district boundaries.
  - (iii) Nature of uses on adjacent and nearby properties.
  - (iv) Surrounding topography.
  - (v) Surrounding tree coverage and foliage.
  - (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - (vii) Proposed ingress and egress; and
  - (viii) Availability of suitable existing towers, or other structures for co-location, or alternative technologies not requiring the use of towers or structures, as discussed in Section 15.17(d)(3) below.
- 3) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Village Council that no existing tower, structures or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Council related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (i) No existing towers or structures are located within the geographic area which meets the needs of the applicant.
  - (ii) Existing towers or structures are not of sufficient height to meet the applicant's needs.
  - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (vi) The applicant demonstrates that there are other material limiting factors that render existing towers and structures unsuitable.
  - (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable.
- 4) Facilities shall be located and designed so as to be harmonious with the surrounding area.
  - 5) There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes.
  - 6) The support system shall be constructed in accordance with all applicable building codes.
  - 7) A proposed tower for commercial telecommunications services shall be required to be designed, constructed, and placed so as to accommodate both the applicant's equipment and comparable equipment for at least three or more additional users. The Village Council may permit a tower design which would allow fewer than three other users if the Council finds that three additional users would not be consistent with the intent and purposes of this section.

The Council may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.

- 8) The Council may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls, or a combination of any of them. The Council may require plantings to be placed on properties adjacent to the tower site in order to provide a more effective visual screen.
- 9) Towers for commercial telecommunications services which are abandoned or unused shall be removed by the owner or operator along with any associated buildings, structures, or equipment within 180 days of a written notice from the Village, unless the Zoning Administrator grants a time extension. One time extension of up to six months shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to insure its removal.

- 10) Tower lighting shall not be permitted unless required by federal or state agencies,
  - 11) Any ancillary building housing equipment needed for the operation of the antenna or tower, or any other appurtenance, shall be of a size, type, color, and exterior materials which are aesthetically compatible with existing principal buildings within the surrounding area.
  - 12) The equipment enclosure may be located within the principal building or an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
  - 13) An antenna or tower shall not be located in any required front yard and shall not be closer to a property line than its height, unless a lesser setback is permitted by the Council based on documentation from the applicant that a closer setback will not create a hazard to adjoining properties or roadways.
  - 14) △ All dwellings shall be aesthetically compatible in design and appearance with other dwellings within 600 feet. The design and appearance review shall include, but not be limited to roof pitch, scale, size, mass, minimum transparency, orientation to the street, and overhangs. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as, but not limited to, solar energy, view, or unique land contour. △
  - 15) The requirements of the Federal Aviation Administration, the Federal Communications Commission and the Michigan Aeronautics Commission shall be fully complied with.
  - 16) In its reasonable discretion, the Council may impose additional terms and conditions regulating the construction, installation, use, repair, maintenance and removal of an antenna or tower in order to achieve the intent and purposes of this section.
- e) *Revocation of Permit* - Failure to comply with conditions of approval stipulated for a tower or antenna under this section may result in the revocation of the Special Use Permit. In considering whether or not to revoke a Special Use Permit, a hearing shall be held by the Council in accordance with the procedures of Chapter 12 herein.

**SECTION 15.18 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE OF MOBILE HOME PARKS.** All dwelling units located outside of mobile home parks shall comply with the following requirements.

- a) All dwelling units shall provide a minimum height between the floor and the ceiling of seven- and one-half feet. If a mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
- b) The minimum width of any single-family dwelling unit shall be 20 feet for at least 67% of

its length, measured between the exterior part of the walls having the greatest length.

- c) Dwelling units shall have a minimum roof pitch of four inches to one foot.

- d) There shall be a foundation of concrete or block, or other material approved by the Village's Construction Code, as amended, around the entire exterior perimeter of all dwellings excluding attached accessory buildings. The foundation shall have a minimum depth of 42 inches below grade. The foundation shall provide a maximum exposed foundation above grade of 16 inches and a minimum exposed foundation above grade of eight inches.
- e) All dwellings shall be attached to the foundation so as to be watertight as required by the construction code adopted by the Village. If a mobile home is built, it shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."
- f) The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
- g) All dwellings shall be connected to a sewer system and water supply system approved by the Village.
- h) All dwellings shall provide steps or porch areas permanently attached to the foundation where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
- i) Additions to the dwelling shall meet all the requirements of this Ordinance.
- j) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.

**SECTION 15.19 FENCES AND WALLS.**

- a) In all residential zoning districts, solid fences, walls, or plantings shall not exceed a height of three feet within the required front yard. See through type fences are permitted in the front yard provided they do not exceed a height of four feet. The height shall be measured from the average grade within a 25-foot radius of the fence, wall, or landscaping.
- b) For all other areas, fences or walls shall not exceed six feet in height.
- c) For corner lots, a six-foot-high privacy fence or wall may be parallel to the side of the house which faces the street subject to the restrictions of clear visions corners as contained herein. Such a fence shall also be set back a minimum of 15 feet from that right-of-way line which is parallel to the side of the house.
- d) The finished side of a fence shall be placed to face adjacent property.

**SECTION 15.20 FRONT YARD AVERAGING.** Where the front yard for existing buildings is less than the minimum required front yard of this chapter, the minimum front yard for a proposed building shall be the average of the front yards of two existing dwellings on both sides of the proposed buildings on the same block and on the same side of the street. There shall be at least two existing buildings on the same block in order to establish an average front yard, otherwise the required minimum yard for the zoning district shall apply. In no case shall the front yard be less than 10 feet.

**SECTION 15.21 SWIMMING POOL**

- a) A swimming pool shall not be constructed, installed, enlarged, or altered until a permit has been obtained from the Building Inspector.
- b) The outside edge of the pool wall shall not be located closer than 10 feet from any rear or side property line. No pool shall be located under any electrical wiring or in the required front yard.

**SECTION 15.22 CUL-DE-SAC LOTS.** In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the minimum required front setback distance for buildings and structures. Such cul-de-sac lots shall have a minimum lot width of 40 feet at the front lot line.

A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac. 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.

**SECTION 15.23 ACCESSORY APARTMENTS**

- a) Intent. It is the intent of this section to permit the establishment of accessory apartments in owner occupied single family dwelling units which will provide homeowners with a means of obtaining, through tenants in accessory apartments, companionship, security and services; provide a means for homeowners to care for elderly or ailing relatives and still allow them to maintain the independence and comfort of separate living quarters; and add inexpensive rental units to the housing stock to meet the smaller household needs of both young and old.

These regulations are also designed to protect the stability, property values, and single-family residential character of a neighborhood by ensuring that accessory apartments are installed only in owner occupied houses in such a manner that the appearance of the building remains that of a single-family residence.

For purposes of this section, an accessory apartment is defined as a dwelling unit designed for and occupied by one family which is a separate housekeeping unit complete with kitchen and bathroom facilities contained within or attached to the structure of a single-family dwelling and which is accessory to it.



b) Authorization and Development Standards. The Zoning Administrator shall only issue a permit for an accessory apartment in those zoning districts which permit single family dwelling units when the following development standards have been met:

- 1) The accessory apartment shall be a complete housekeeping unit, containing kitchen and bathroom facilities, which is separate from the principal single family dwelling unit.
- 2) Only one accessory apartment shall be created within or attached to the principal single family dwelling unit.
- 3) The accessory apartment and principal single family dwelling unit shall be attached by a common wall, ceiling, or floor and shall be contained within a single building.
- 4) The owner(s) of single-family dwelling unit in which the accessory apartment is created or to which it is attached shall occupy one of the dwelling units in the building.
- 5) The accessory apartment shall comply with all applicable requirements of the Casnovia BOCA/National Building Code as amended and shall consist of a minimum of 300 square feet of floor area.

The entire accessory apartment shall consist of no more than 35% of the total square footage of the principal single family dwelling unit but shall not result in the floor area of the principal building being reduced below the requirements of the zoning district in which it is located.

- 6) A minimum of three parking spaces shall be provided on the premises for use by occupants of the accessory apartment and the principal single family dwelling unit.
- 7) The accessory apartment shall be installed or constructed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. Exterior doorways constructed to serve the accessory apartment shall, where possible, be located on the side or rear of the building. If an exterior doorway is to be constructed to face the street, it shall be subject to review and approval of the Zoning Administrator.
- 8) An accessory apartment shall be constructed in compliance with all applicable Zoning Ordinance regulations as contained herein.
- 9) A site plan shall accompany a permit application for an accessory apartment. For purposes of this section, the site plan shall illustrate, at a minimum, the following:

- (i) Dimensions of the site.
  - (ii) Dimensions of the building, including any additions required for the accessory apartment.
  - (iii) Existing and proposed building setback distances.
  - (iv) Floor plan of the accessory apartment illustrating room dimensions and location of the accessory apartment relative to the original single-family house.
  - (v) Location of existing and proposed exterior doorways.
  - (vi) Dimensions and location of existing and proposed off-street parking area.
- c) **General Regulations.** Accessory apartments shall also comply with the following general regulations:
- 1) The establishment of an accessory apartment in a single-family dwelling unit shall not result in any building site or use situation which is non-conforming.
  - 2) An accessory apartment shall not be subject to the regulations contained herein which are applicable to two-family dwelling units.
  - 3) The following shall not be considered as accessory apartments:
    - (i) A single-family dwelling unit whose occupants share kitchen and bathroom facilities.
    - (ii) A detached single family dwelling unit located on the same lot with an existing single family dwelling unit.
    - (iii) Dwelling units designed for and occupied by transient or migrant workers.

**SECTION 15.24 PRIVATE ROADS.** Private roads shall be permitted within all zoning districts, and shall comply with the following regulations:

- a) The private road shall be constructed in accordance with the Village standards.
- b) Residential, commercial, and industrial structures and lots served by a private road shall be subject to the development requirements of the zone in which the structure or lot is located.
- c) Provisions shall be made to insure the continued repair and maintenance of the private road, and financing of the costs by the property owners benefiting from the private road. This

shall be accomplished through the use of a recorded agreement between the parties of interest in the private road or through a restrictive covenant.

d) An easement shall be maintained that meets the requirements of this Section and the Village's specifications for street construction and shall be continuously maintained in such a way that it will not constitute a danger to health, safety, and welfare of the inhabitants of the Village and such that it is accessible and usable to emergency vehicles in all types of weather.

e) A private road ending in a cul-de-sac shall not serve more than 50 lots unless a secondary means of access is provided to a private road.

### **SECTION 15.25 LANDSCAPE REGULATIONS**

The intent of this section is to set forth minimum standards for landscaping. Landscaped areas are intended to maintain or improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.

### **SECTION 15.26 APPLICABILITY**

a) The standards contained in this article shall be applicable to any site plan, special land use request, condominium subdivision plan or PUD submitted for review and approval under this article, subject to the limitations given in subsection (b) of this section. The regulations of this article shall not apply to single-family, two-family, and three and four family dwelling units.

b) For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed as far as practical. The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this article. In doing so, the Commission shall consider the following criteria:

- 1) The amount of space on the site available for landscaping.
- 2) Existing landscaping on the site and on adjacent properties.
- 3) The type of use on the site and size of the development.
- 4) Existing and proposed adjacent land uses.
- 5) The effect the required landscaping would have on the operation of the existing or proposed land use.

### **SECTION 15.27 GREENBELTS**

- a) Greenbelts shall be required where non-residential use abuts a residential, public, religious, or institutional use. Where a landscape greenbelt is required, the following minimum landscape requirements shall be observed.
- 1) One canopy tree, one evergreen and one understory tree for each 50 feet in length of the buffer strip measured along the outer periphery of the current landscape area. Trees shall be grouped or otherwise arranged to provide an aesthetic appearance and a screened view from adjacent properties.
  - 2) All plantings in the buffer strip shall be maintained intact and in an orderly manner. Dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- b) Landscaping shall be located so it does not obstruct the vision of drivers or pedestrians entering or leaving a site.

#### **SECTION 15.28 PARKING LOT LANDSCAPING**

- a) All parking areas more than 5,000 square feet in area, except those parking areas for industrial uses which are located in the rear yard, shall be landscaped with two canopy trees for every ten parking spaces, a minimum of two trees shall be planted, adjacent to or within the parking area.
- b) Landscape islands or peninsulas shall be installed at the end of those parking rows which are more than 20 spaces long. Within such rows, a landscaped island shall be installed every 20 spaces.
- c) Landscape islands or peninsulas at the end of parking rows shall be a minimum of 10 feet in width by the length of the parking space or spaces, with an appropriate curb radius. Islands within parking rows shall be a minimum of six feet wide by the length of the parking space or spaces. Islands shall be separated from the parking area by a rolled or stand-up curb.
- d) Each island or peninsula within a parking area shall contain a minimum of one canopy tree.
- e) Landscaping in and adjacent to parking areas shall be of a height and location which will not block the vision of drivers or pedestrians.

#### **SECTION 15.29 FRONT YARD LANDSCAPING**

- a) Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements. If the building is not set back sufficiently to allow adequate area for such landscaping, the Planning Commission shall determine the proper number of plantings.

- 1) One canopy tree and one evergreen tree for each 75 feet in length of road frontage.
  - 2) One ornamental tree for each 75 feet in length of road frontage.
- b) Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.
- c) Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.

**SECTION 15.30 HOME OCCUPATIONS.** Home occupations are permitted in any zone. A home occupation is any use that:

- a) Is conducted entirely within a principal residential building without being visible or evident in any way from the street or from any neighboring premises.
- b) Does not change the character of the building in which it is conducted and does not constitute, create, or increase a nuisance.
- c) Is continued only by the inhabitants of the building in which conducted plus not more than the one person who is not such an inhabitant.
- d) Employs only mechanical equipment similar in power and type usual and permissible for household purposes and hobbies and does not affect the insurance rates on premises other than where employed.
- e) Displays one sign not to exceed four square feet.
- f) Provides off-street parking as required by Section 17.
- g) Devotes not more than 50% of the floor area of one story of the building to such home occupation.

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**CHAPTER16**

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**SIGNS**

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**SECTION 16.01 DESCRIPTION AND PURPOSE** This chapter is intended to regulate the size, number, location, and manner of display of signs in Casnovia in a manner consistent with the following purposes.

- a) To protect and further the health, safety and welfare of residents, property owners and visitors.
- b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract, or confuse drivers, or are improperly secured or constructed.
- c) To conserve and enhance community character.
- d) To promote uniformity in the size, number, or placement of signs within districts.
- e) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- t) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communication.
- g) It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
- h) The purpose of this ordinance does not include the regulation of the content, or any information included on the sign.

**SECTION 16.02 DEFINITIONS**

- a) **Banner Sign**: A portable sign of fabric, plastic, or other non-rigid material without an enclosed structural framework.
- b) **Billboard**: A sign located within 500 feet of the right-of-way of U.S. 131 which advertises an establishment, product, service, or activity not available or not conducted on the lot on which the sign is located.
- c) **Commercial Establishment** - A business operating independent of any other business located in a free standing building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.
- d) **Community Service Group Sign** - A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycee's, Lion's Club or Ambuc's.

- e) **Construction Sign:** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- f) **Directional Sign, On-Site:** A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.
- g) **Flag Sign** - A flag which is attached to a pole, and which contains the name, logo or other symbol of a business, company, corporation, or agency of a commercial nature.
- h) **Flashing Sign** - Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.
- i) **Freestanding Sign:** A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
- j) **Government Sign:** A sign erected or required to be erected by the Village of Casnovia, state or federal government, or any agency thereof.
- k) **Ground Sign:** A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.
- l) **Incidental Sign:** A small sign, emblem or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or restroom sign or sign indicating hours of business, or signs on gas pumps.
- m) **Memorial Sign** - A sign, tablet; or plaque memorializing a person, event, structure, or site.
- n) **Mural:** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- o) **Nameplate:** A non-illuminated, on-premises sign giving only the name, address and/or occupation of an occupant or group of occupants.
- p) **Non-Commercial Sign** - A sign either portable or non-portable not advertising commerce, trade, or location and not otherwise defined herein. A political sign is a non-commercial sign.
- q) **Off-Premises Sign** - A sign structure advertising a service, establishment, merchandise, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
- r) **On-Premises Sign** - A sign structure advertising an establishment, service, merchandise, or entertainment which is sold, produced, manufactured, or furnished at the property on which said sign is located.
- s) **Placard:** A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing", "No Hunting" signs or "Gas Main" signs.
- t) **Pole Sign** - A free standing sign which is supported by a structure, or poles, or braces which are less than 50 percent of the width of the sign.
- u) **Portable or Temporary Sign:** A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as A frame signs or signs on moveable trailers whether rented or owned, devices such as banners, pennants, flags (not including flags of state or organizational flags when displayed in the manner prescribed by law), search lights, twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air or gas filled figures.
- v) **Projecting Sign** - A display sign, which is attached directly to the building wall, extends more than 12 inches from the face of the wall and projects in such a way that the message is not parallel to the wall to which it is attached.

- w) Reader Board: A portion of a sign on which copy is changed manually.
- x) Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- y) Residential Subdivision Sign: A sign identifying or recognizing a platted subdivision, site condominium, multi-family, or other residential development.
- z) Roof Linc: The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- aa) Roof Sign: A sign erected above the roof line of a building.
- bb) Sign: A device, structure, fixture, or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity or otherwise intended or used to advise or inform.
- cc) Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.
- dd) Window Sign: A sign installed inside a window and intended to be viewed from the outside.

**SECTION 16.03 SIGNS PROHIBITED.** A sign not expressly permitted by this Ordinance is prohibited. The following types of signs are expressly prohibited:

- a) Any sign, including window signs, which have flashing, moving, oscillating, or blinking lights excluding automatic changeable copy signs and barber pole signs which are permitted.
- b) Roof signs.

**SECTION 16.04 SIGNS EXEMPTED** The following signs shall be exempted from the provisions of this Ordinance except for the regulations of Section 16.06.

- a) Official traffic signs erected by a government agency.
- b) Government signs two square feet or less.
- c) Non-commercial signs two square feet or less.
- d) Window signs.
- e) Memorial signs.
- f) Murals.
- g) Community service groups or agency signs two square feet or less.
- h) Nameplates two square feet or less.
- i) Incidental signs two square feet or less.
- j) Temporary banners or portable signs erected by a government or community service group/agency or school announcing a public or community event.

### **SECTION 16.05 SIGN PERMITS AND APPLICATION**

- a) Permits Required A sign permit shall be required for the erection, use, construction of all permanent signs except those exempted herein.



- b) Application An application for a sign permit shall be made to the Village Zoning Administrator along with a fee as required by Village Council resolution. The Zoning Administrator shall furnish the application form.
- c) Issuance of Sign Permit The Building Inspector/Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Village ordinances are met. A sign authorized by a permit shall be installed or under construction within one year of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

### **SECTION 16.06 DESIGN, CONSTRUCTION AND LOCATION STANDARDS**

- a) All signs and supports shall be properly maintained and shall not be allowed to become unsightly or unsafe through disrepair or as a result of the weather.
- b) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- c) Signs shall not be placed in, upon or over any public right-of-way, or alley, except as may be otherwise permitted by the Kent or Muskegon County Road Commission or Michigan Department of Transportation.
- d) A light pole, or other support structure not specifically designed as sign support structure may not be used for the placement of any sign unless specifically approved for such use.
- e) A sign shall not contain flashing, moving or animated parts except for automatic changeable copy signs or barber pole signs.

### **SECTION 16.07 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

The following sign regulations are applicable to all zoning districts.

- a) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises except for billboards and non-commercial signs and portable signs as permitted herein.
- b) Any pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- c) Real estate signs are permitted in any District but shall be removed within 30 days after completion of the sale or lease of the property.
- d) Construction signs are permitted within any District but shall be no larger than 32 square feet and not exceed eight feet in height.
- e) On-Site Directional signs are permitted in any district subject to the following restrictions:
  - I. Such a sign shall not exceed four square feet in area and three feet in height and shall be set back at least five feet from any lot line.
  - 2. Directional signs shall be limited to traffic control functions only.
- f) Non-commercial signs are permitted in all zoning districts subject to the following restrictions:

1. Such signs shall be subject to the regulations for signs in the zoning district in which the sign is located.
2. Non-commercial signs erected on billboards are subject to the regulations of Section 16.08.
3. Non-commercial signs may remain until such signs are in disrepair and are deemed to no longer comply with Section 17.06 of this Ordinance.

### **SECTION 16.08 BILLBOARDS**

Billboards are permitted only in those areas which are within 200 feet of M-37, and which are not zoned R, Residential or Mobile Home Park.

- a) Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "B" below.
- b) No billboard shall be located within 1,320 feet of another billboard measured in any direction.
- c) No billboard shall be located within 250 feet of a residential zone or mobile home park zone.
- d) No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
- e) Billboards may be constructed to a maximum size of 672 square feet per face provided they are located within 100 feet of a highway right-of-way. Any billboard placed farther than 100 feet but no more than 200 feet from the highway right-of-way shall not exceed 64 square feet per face.
- f) The height of a billboard shall not exceed 35 feet above; (1) the grade of the ground on which the billboard sits or, (2) the grade of the abutting roadway, whichever is higher.
- g) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- h) The adjacent area to M-37 is the area measured from the nearest edge of the right-of-way of said highway and extending 200 feet perpendicularly and then along the line parallel to the right-of-way line, on both sides of the freeway.
- i) The non-conforming use provisions of Chapter 16 of this Ordinance shall apply to pre-existing outdoor signs and billboards.
- j) The provisions of this subsection shall not apply to the following types of signs:

- 1 Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with rules promulgated by the State Department of Transportation relative to the lighting, size, number and spacing thereof.
  2. Signs advertising the sale or lease of real property upon which they are located.
- k) Signs advertising the person's own business, products, or profession by means of sign located on his/its own premises.

#### **SECTION 16.09 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES**

- a) Every legal permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- b) Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be altered, expanded, enlarged, or extended.
- c) A non-conforming sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- d) A sign accessory to a non-conforming use may be erected in the Village in accordance with the sign regulations for the district in which the property is located.

#### **SECTION 16.10 MEASUREMENT OF SIGNS**

- a) Unless otherwise specified within this ordinance for a particular type of sign, 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, or 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 freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one 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 except for billboards as specified herein.

#### **SECTION 16.11 RESIDENTIAL AND AGRICULTURAL DISTRICTS**

The following signs are permitted in the R, MHP and A, Zoning Districts.

- a) Signs as permitted and regulated by Sections 16.04, 16.05 and 16.07 and 16.08.
- b) **WALL SIGN** - For non-residential uses only:

1. One sign per street frontage to be placed on that side of the building which directly faces the street.
  2. A wall sign shall not exceed 64 square feet.
- c) **GROUND SIGN** - For residential subdivisions or site condominiums, multiple family developments, elderly housing, mobile home or manufactured home parks, schools, churches, or other permitted non-residential uses:
1. One per parcel not to exceed 32 square feet in area.
  2. The height of a ground sign shall not exceed six feet above grade.
  3. Ground signs shall be setback a minimum of 10 feet from the front lot line and a minimum of 25 feet from all other lot lines.
- d) **NON-COMMERCIAL SIGN** - For signs exceeding two square feet, one per candidate or issue with each sign not to exceed six square feet in area and six feet in height. All signs shall be setback a minimum of 5 feet from all lot lines.
- e) **REAL ESTATE SIGN**
1. For single- and two-family dwellings one sign per parcel. Such signs shall not exceed six square feet in area and six feet in height and shall be setback a minimum of 10 feet from all lot lines.
  2. For new subdivisions, site condominiums and mobile or manufactured home parks one sign advertising the project is permitted at the main entrance. Such a sign shall not exceed 32 square feet in area or six feet in height and shall be setback a minimum of 10 feet from all lot lines. The sign shall be removed when 75 percent of the units are occupied, or 75 percent of the lots are sold or built upon.
  3. For non-residential uses - a real estate sign not to exceed 32 square feet in area is permitted. Such sign shall not exceed six feet in height and shall be setback a minimum of 10 feet from all lot lines.
- g) **BILLBOARDS** As regulated by Section 16.08 herein.

## SECTION 16.12 COMMERCIAL DISTRICTS

The following signs are permitted in the Village and General Business Zoning Districts.

- a) Signs as permitted and regulated by Sections 16.04, 16.05, 16.07 and 16.08.
- b) **WALL SIGNS**
1. Each commercial establishment shall be permitted to have one wall sign. For each commercial establishment on a corner lot, one wall sign per public or private street frontage is permitted. Each commercial establishment shall have no more than one sign per wall.  
Wall signs shall not exceed 10% of the area of the wall to which it is attached.
- c) **PROJECTING SIGNS**
- One sign per building not to exceed eight square feet. The sign shall be a minimum of eight feet above the ground and not project more than five feet from the building or be two feet from the edge of the street, whichever is less.

d) **FREE STANDING and GROUND SIGNS** - Free standing and ground signs are permitted in the General Business District but not in the Village Business District. In the General Business District only one ground sign or one pole sign per lot shall be permitted subject to the following regulations:

1. **Pole Sign** - A sign of no more than 64 square feet shall be permitted for each lot and shall also be subject to the following:
  - (a) The leading edge of the sign may be parallel with the front lot line.
  - (b) For those lots with more than one commercial establishment, the size of the pole sign may be increased by 50 percent of the size allowed by Section d)1 above up to a maximum size of 96 square feet.
  - (c) Pole signs shall not exceed 35 feet in height and shall have a minimum height between the bottom of the sign and the ground of eight feet. The support structure(s) for a pole sign shall not be more than two feet wide on any one side.
  - (d) The design plans for any pole sign which is 26 feet or higher, shall be sealed by a professional engineer to ensure the structural integrity of such signs for the safety of the public.
2. **Ground Signs** - One sign of no more than 64 square feet shall be permitted for each lot and shall also be subject to the following:
  - (a) The height of a ground sign shall not exceed six feet above ground.
  - (b) Ground signs shall be set back a minimum of five feet from the front and side lot lines.

e) **NON-COMMERCIAL SIGNS**

One per candidate or issue with each sign not to exceed 32 square feet in size. Such signs shall be set back a minimum of 5 feet from the front lot line and at least 5 feet from all other lot lines.

f) **REAL ESTATE SIGNS**

One sign for each public or private street abutting the lot. Each sign shall not exceed 32 square feet in area and six feet in height. Such signs shall be set back a minimum of 5 feet from the front lot line and 5 feet from all other lot lines.

g) **VEHICLE SERVICE STATION SIGNS**

Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of such signs shall not exceed three square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be permitted.

h) **FLAG SIGNS**

One per lot not to exceed 24 square feet. The flag sign shall be displayed on a pole. If the flag sign shares the same pole as the United States flag, the flag sign shall be the smaller of these two flags.

i) **PORTABLE SIGNS.**

One portable sign per parcel shall be permitted for any 30 days within a period of 120 days. A portable sign shall not exceed 32 square feet in area and shall not have any flashing, colored or glaring lights. Such signs shall be placed outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site.

j) **BILLBOARDS** As regulated by Section 16.08 herein.

## SECTION 16.13 INDUSTRIAL DISTRICT

The following signs are permitted in the "I" zoning district.

- a) Signs as permitted and regulated by Sections 16.04, 16.05, 16.07, and 16.08.
- b) **WALL SIGNS**
  - 1. Each industrial establishment shall be permitted to have one wall sign. For each industrial establishment on a corner lot, one wall sign per public or private street frontage is permitted. Each commercial establishment shall have no more than one sign per wall.
  - 2. The size of the wall sign shall not exceed 100 square feet in area.
  - 3. Wall signs shall not face a residential zoning district unless the district and the building are separated by a public or private street or another non-residential zoning district.
- c) **GROUND SIGN**

One ground sign per lot subject to the following regulations:

  - 1. The sign shall not exceed 64 square feet in area.
  - 2. The height of a ground sign shall not exceed six feet in height.
  - 3. Ground signs shall be set back a minimum of five feet from the front lot line and five feet from side lot lines.
- d) **INDUSTRIAL PARK IDENTIFICATION SIGN**

One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within.
- e) **NON-COMMERCIAL SIGNS**

One sign per candidate or issue with each sign not to exceed 32 square feet in area and six feet in height. Such signs shall be set back a minimum of 10 feet from the front lot line and 10 feet from all other lot lines.
- f) **REAL ESTATE SIGNS**

One sign per lot not to exceed 32 square feet in area and six feet in height. Such a sign shall be set back a minimum of 10 feet from the front lot line and 10 feet from all other lot lines.
- g) **FLAG SIGNS**

Each flag sign shall not exceed 24 square feet and shall be displayed on a pole. More than one flag sign is permitted.
- h) **BILLBOARD SIGNS**

As regulated under the provisions of Section 16.08

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**CHAPTER 17**

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**OFF STREET PARKING**

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**SECTION 17.01 PURPOSE**

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other effects of parking areas.

**SECTION 17.02 SCOPE**

- a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Article.
- b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Chapter.
- c) Parking areas must be in the same zoning classification as the property it serves.

**SECTION 17.03 LOCATION OF PARKING AREAS**

- a) For all residential uses, the number of parking spaces required by this Chapter shall be located on the same lot or parcel as the dwelling units served.
- b) For all other uses, the number of parking spaces required by this Chapter shall be located on the same lot, or lots under the same ownership, within 100 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.

Parking on lots under different ownership within 100 feet of the building it is intended to serve shall also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties is provided.

**SECTION 17.04 GENERAL REQUIREMENTS**

- a) Definitions - For purposes of determining off street parking requirements the following definitions shall apply:
- 1) *Gross Floor Area* - The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise or seating for a restaurant.
  - 2) *Usable Floor Area* - That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.
  - 3) *Parking Area* - For the purposes of this chapter, the parking area shall include the space where vehicles are parked, as well as access aisles, driveways, and loading and unloading areas.
- b) Units of Measurement
- 1) Where benches, pews, or other similar seating are used as seats, each 24 inches of such seating facility shall be counted as one seat.
  - 2) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
  - 3) When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.
- c) Shared Parking and Mixed Occupancy
- 1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
  - 2) Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses if evidence



of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission.

d) Parking Requirements for Uses Not Listed

- 1) The minimum parking space requirements for all uses shall be as listed in Section 17.07. For uses not specifically listed in Section 17.07, the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed in Section 17.07.

**SECTION 17.05 DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS**

The following regulations shall apply to all uses except one- and two-family dwellings and farm uses.

a) Parking Lot Surface and Drainage

All off street parking spaces including drives, driveways, and parking spaces shall be surfaced with asphalt or cement pavement. Such surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.

In order to reduce the amount of impervious surface and the corresponding storm water runoffs as well as improve parking lot aesthetics, the Planning Commission may approve alternate parking lot surfaces for overflow parking or employee parking. Such alternate parking lot surfaces may include but shall not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces.

b) Lighting

Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to direct light downward away from any adjoining properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 100 feet of a Residential Zoning District or an area recommended for such use in the Village Master Plan shall not exceed 23 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff.

c) Parking Lot Setback

All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of 5 feet from the rear and side lot lines, and a minimum of 15 feet from the front lot line. The Planning Commission may permit parking aisles or vehicle maneuvering areas to encroach within the parking setback where substantial additional screening or landscaping acceptable to the Planning Commission is provided.

## d) Traffic Islands

Parking areas shall be designed to delineate access aisles or drives and to provide drivers with a proper sight distance at the end of parking rows where such rows intersect access aisles or drive. The Planning Commission may require traffic islands, striped pavement, or other methods to achieve this.

## e) Parking Lot Screening

Off street parking areas with more than five spaces shall be effectively screened on any side that adjoins or faces premises situated in any residential district, by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties request in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four or more than six feet in height maintained in good condition.

## f) Driveways

Driveways serving off-street parking areas shall be at least 20 feet from any residentially zoned property.

## g) Side and Rear Location

Parking areas wherever reasonably possible shall be placed at the side or rear of buildings.

**SECTION 17.06 SIZE OF PARKING SPACE AND AISLE**

Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 17-1

**TABLE 17-1  
MINIMUM STANDARDS FOR SIZE OF PARKING AISLES AND DRIVEWAYS**

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	8.5 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	9.0 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9.0 feet	18 feet	48 feet	60 feet

**SECTION 17.07 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

Each use shall provide spaces in conformance with the following schedule of requirements:

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
<i>a) Residential</i>	
1) Single family, two- family, or multiple family with three or more bedrooms.	Two for each dwelling unit.
2) Multiple family with one or two bedrooms.	Two for each two-bedroom dwelling unit and 1.5 for each one-bedroom dwelling unit.
3) Efficiencies	One for each dwelling unit.
4) Mobile Home Parks	Two for each mobile home or mobile home site.
5) Elderly housing or retirement communities.	Two for each mobile home or mobile home site.
	For independent living units, one for each unit. For "interim" or "intermediate care" units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use.
6) Bed and breakfast, boarding houses.	One for each guest room plus two for the dwelling unit.
<i>b) Institutional/Public Assembly</i>	
1) Churches, temples, mosques, synagogues, or similar types of facilities.	One space per each of the four seats in the worship room.
2) Hospitals.	One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
3) Outpatient care stations.	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
4) Child Care Centers.	One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
5) Elementary, junior high, middle schools.	Two spaces per classroom, plus one and space for each three seats of maximum seating

- 6) High schools. capacity for that indoor place of assembly having the greatest seating capacity. Eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
- 7) Private club and lodges. One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
- 8) Auditoriums (non-school), stadiums, and sports arenas. One space per each three seats.
- 9) Conference rooms, exhibit halls, halls, ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private. One space per each four persons allowed within the banquet maximum occupancy load as determined by the Village building or fire codes.
- 10) Libraries, museums, and non-commercial art galleries. One parking space per 400 square feet of gross floor area.
- c) Offices*
- 1) Medical/dental clinics or offices. Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
- 2) General office buildings. One space per 300 square feet of gross floor area. A minimum of four spaces shall be required.
- 3) Banks, credit unions, or savings and loans. **Six** spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive-up window or drive through automatic teller.
- d) Retail and Service Uses*
- 1) Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet. Four spaces per 1,000 square feet of stores, and usable floor area.
- 2) Retail centers containing between 400,000 and 600,000 square feet. Four and one-half spaces per 1,000 square feet of usable floor area.

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| 3) Retail centers containing greater than 600,000 square feet.   | Five spaces per 1,000 square feet of usable floor area.   |
| 4) Other retail uses not otherwise specified herein.   | One space per 200 square feet of usable floor area plus one per employee.   |
| 5) Supermarkets and grocery stores.  | One space per 200 square feet of usable floor area.   |
| 6) Personal service establishments not otherwise provided herein.  | One space per 300 square feet of usable floor area plus one per employee.   |
| 7) Appliance stores.   | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.   |
| 8) Automobile service stations.  | Two parking spaces per each service bay, plus one per each per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space. |
| 9) Automobile wash establishments (automatic).   | One parking space per employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.  |
| 10) Automobile wash establishments (self-service).   | One parking space per employee, plus three on-site waiting spaces at each wash-bay entrance.  |
| 11) Barber shops, beauty salons.   | Two for each barber or beauty operator chair/station plus one for every two employees.  |
| 12) Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area. | One space per 200 square feet of usable floor area plus one for each employee.  |
| 13) Building supply store, home improvement store, paint, and hardware store with more than 25,000 square feet of gross floor area.  | Three and one-half spaces per 1,000 square feet of usable floor area plus one for each employee.  |
| 14) Convenience stores.  | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.   |

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| 15) Dry cleaners.  | Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.  |
| 16) Funeral homes and mortuaries.  | One space per 50 square feet of parlor and chapel areas.   |
| 17) Furniture, carpet, and home furnishing stores.                             | One space per 800 square feet of usable floor area.  |
| 18) Hotel, motel, or other commercial lodging establishment.                   | One space for each guest room, plus one for each two employees, plus the amount required for accessory uses provided at the rate of fifty percent of the requirements for such uses as specified herein. |
| 19) Laundromats.   | One space per each three washing machines.   |
| 20) Mini-storage houses/warehouses.  | Six spaces.  |
| 21) Motor vehicle dealerships.   | One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.                               |
| 22) Quick oil change establishments.   | Two spaces per bay plus one per each employee.   |
| 23) Recreational vehicle and boat dealerships.                                 | One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.  |
| 24) Restaurants that serve non-fast food and have no drive-through window.     | Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.   |
| 25) Restaurants that serve mostly take out, with six or less booths or tables. | Six spaces plus one for each employee.   |
| 26) Restaurants that serve fast food and have no drive through window.         | Seven spaces per 1,000 square feet of gross floor area.  |
| 27) Restaurants that serve fast food and have a                                | Fifteen spaces per 1,000 square feet of gross  |

drive through window and indoor seating.	floor area, plus three designated drive-through short-term waiting spaces plus 10 on-site waiting spaces.
28) Restaurants that serve fast food and have drive through window, but no indoor seating.	Fifteen spaces
29) Video rental stores.	One space per 100 square feet of gross floor area plus one per employee.
30) Service companies doing repairs.	Two spaces per 1,000 square feet of electrical, and plumbing work gross floor area. A minimum of five spaces shall be required.
<i>e) Recreational Entertainment</i>	
1) Arcades.	One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
2) Batting cage facilities.	Three spaces per cage.
3) Bowling centers.	Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc.
4) Golf driving ranges.	One and one-half spaces per tee.
5) Golf courses, miniature.	One and one-half spaces per hole.
6) Golf courses, par-three.	Three spaces per hole.
7) Golf courses.	Five spaces per hole.
8) Health fitness centers.	Five spaces per 1,000 square feet of gross floor area.
9) Movie theaters.	One space per each four seats, plus four spaces per screen.
10) Racquetball and tennis centers.	Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.

- 11) Public recreation centers. Five spaces per 1,000 square feet of gross floor area.
- 12) Roller/ice skating rink. **Six** spaces per 1,000 square feet of gross floor area.

*f) Industrial Uses*

- 1) Manufacturing, light industrial, and research establishment. One and one-half parking spaces per 1,000 square feet of gross floor area.
- 2) Wholesale, warehouses, or distribution facilities, and trucking terminals. One parking space per each 1,500 square feet of gross floor area or one per employee whichever is greater.

*g) Deferred Parking Construction*

In order to avoid excessive amounts of impervious surface, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking space will meet the projected parking needs of the project due to:

- 1) The nature, size, density, location, or design of the proposed development, including the design of the circulation and parking plan.
- 2) The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, will remain available to provide additional off-street parking space if additional parking space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development.
- 3) Characteristics of the development which will affect the parking needs, including factors such as nonconflicting peak hours of operation and the sharing of spaces by different uses; and
- 4) Any other factors related to the need for parking for the proposed development.

**SECTION 17.08 BARRIER FREE PARKING AND DESIGN REQUIREMENTS**

- a) Barrier free parking shall be provided as follows:

<b>Total Parking in Lot</b>	<b>Minimum Number of Accessible <u>Spaces Required</u></b>
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1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	1 per 50 spaces provided or fraction thereof
Over 1,000	20 plus 1 per 100 over 1,000 or fraction thereof.

- b) Requirements for barrier free parking spaces, curb, ramps, and signs shall be as required by the Village Building Code and the Michigan Barrier Free Rules.

### **SECTION 17.09 OFF-STREET LOADING REQUIREMENTS**

- a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
- b) Required loading spaces shall not be included in the count of off-street parking spaces.
- c) Loading spaces shall not use any portion of any public right-of-way.
- d) Maneuvering space for trucks using the loading spaces shall be provided on-premises and shall not necessitate the use of public right-of-way.
- e) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.
- f) Off-street loading spaces shall be no closer than 50 feet to any Residential Zone unless such space is within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

### **SECTION 17.10 OFF STREET PARKING LOTS IN RESIDENTIAL DISTRICTS**

- a) *Permitted.* The preceding requirements of this Chapter notwithstanding, an off-street parking lot designed to serve a commercial, office, industrial, multifamily, public/institutional use, hospital, or church may be established in a residential zoning district if approved by the Village Council as a special land use in accordance with the requirements of Chapter 12 herein.

- b) *Location requirements.* The proposed parking lot shall be in a residential zoning district and satisfy one of the following conditions in order to be considered under this section:
- 1) The parking lot is on a separate abutting parcel than the parcel containing the use which the parking lot is designed to serve.
  - 2) The parking lot is directly across the street from the use it is designed to serve.
- c) *Design requirements.* Off-street parking lots in residential districts shall comply with the following design requirements. It is the intent of these requirements to achieve a parking lot that can serve non-residential use while affording adequate protection for nearby residents from the operating characteristics of the parking areas.
- 1) All parking areas shall be landscaped, screened, surfaced, and drained as provided herein.
  - 2) Parking areas shall comply with the setback requirements of the zoning district in which they are located. The front, side and rear yards shall be landscaped as required by the Council to provide reasonable screening for nearby residential uses and to meet the intent of this section.
  - 3) All such parking areas shall be at least 40 feet in width. Such parking areas shall be used solely for the parking of passenger vehicles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lots.
  - 4) No sign, other than entrance, exit and condition of use signs, shall be maintained; and the aggregate area of all such signs shall not exceed 12 square feet. Such signs shall not obstruct the vision of drivers entering or leaving the site. The sign may contain the logo of the use it serves or the name of the use in addition to a directional message.
  - 5) Each entrance to and exit from such parking lot shall be at least 20 feet distant from any adjacent property line located in any residential zone and shall not be wider than 24 feet.
  - 6) The Council may impose conditions to ensure that the proposed parking lot is safely related to traffic needs and building and pedestrian walkways, and that surrounding properties are adequately protected from detrimental effects. Such conditions shall be in accordance with the standards for conditions on special land uses contained in this Ordinance.

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**CHAPTER 18**

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**BOARD OF APPEALS**

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**SECTION 18.01 CREATION.** There is hereby created under the State of Michigan City-Village Zoning Act a Village Board of Appeals, referred to in this Ordinance as the "Board of Appeals."

**SECTION 18.02 MEMBERSHIP TERMS OF OFFICE.** The Board of Appeals shall consist of the Casnovia Village Council. The term of the Council member shall expire with that of the Council office.

**SECTION 18.03 ORGANIZATION AND PROCEDURES.** The Board of Appeals shall proceed with its various duties in the following manner:

- A. **Officers.** The Board of Appeals shall elect from its membership a Chair, a Vice-Chair, and such other officers as it may deem necessary.
- B. **Rules of Procedure.** The Board of Appeals shall adopt its own rules of procedures as may be necessary to conduct its meetings properly.
- C. **Majority Vote.** The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to affect any variation in the Ordinance.
- D. **Meetings.** Meetings shall be open to the public and shall be held at the call of the Chair and at such other times as the Board of Appeals shall specify in its rules of procedure.
- E. **Records.** Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case together with votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall become matters of public record.
- F. **Legal Counsel.** The Village Attorney shall function as legal counsel for the Board of Appeals and shall be present at all meetings upon the request of the Board of Appeals.
- G. **Hearings.**
  - a. An application for a variance shall be filed in proper form with the Village Clerk or Zoning Administrator. A public hearing on the variance shall be held. Notice of the public hearing shall be made in accordance with the requirements of Section 20.06 herein. (**ORD 1-07; Eff. 3-19-07**)

- b. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. (ORD 1-07; Eff. 3-19-07)

H. Decisions. Decisions made by the Board of Appeals shall not create inconsistencies with the intent and purpose of this Ordinance, nor shall any decision of the Board of Appeals be made which directly results in the creation of substantial incompatibilities between the subject of the decision and: (1) adjacent land uses, (2) the natural environment and (3) the capacities of any public services and facilities which are likely to be affected.

The decision of the Zoning Board of Appeals shall be final, and any party aggrieved by any such decisions may appeal to the Circuit Court for Muskegon/Kent County. The records of the Zoning Board of Appeals shall be made available for the courts review. Such appeal shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of this decision. (ORD 1-07; Eff. 3-19-07)

**SECTION 18.04 APPEALS.** Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, or board of the Village. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within ten days after the date of the Zoning Administrator's decision which is the basis for the appeal. The person making the appeal must file with the Zoning Administrator a notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Board of Appeals all papers constituting the record upon which the action appealed was taken.

**SECTION 18.05 STAY.** An appeal stays 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.

**SECTION 18.06 REPRESENTATION.** Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

**SECTION 18.07 FEES FOR APPEAL.** A fee as established by the Council shall be paid to the Village Clerk at the time of filing the application with the Board of Appeals.

**SECTION 18.08 JURISDICTION.** The Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of zoning maps. It shall hear and decide all appeals from and review any order, requirements, decision, or determination made by the Zoning Administrator or other administrative officers charged with the enforcement of the provisions of this Ordinance.

The Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect or part of an application for approval for a special land use or planned unit development and shall have no jurisdiction or authority to hear an appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.

**SECTION 18.09 APPLICATIONS FOR BOARD ACTION.** The Board shall have the power to hear applications for relief as follows:

- a) Where it is alleged that there is error or misinterpretation in any order, requirements, decisions, grant, or refusal made by the Zoning Administrator or any other administrative board or official charged with the enforcement of the provisions of this Ordinance.
- b) Whereby reason of the exceptional narrowness, shallowness, or shape of a lot or parcel of land, by reason of exceptional topographic conditions or extraordinary conditions of land, buildings or structures, there are practical difficulties or unnecessary hardship in conducting the literal requirements of this Ordinance.
- c) Whereby reason of the uses of adjacent or nearby lands or for other reasons, there is or would be unnecessary hardship in conducting the literal requirements of this ordinance.

**SECTION 18.10 DIMENSIONAL VARIANCES.** If an applicant seeks a variance from the provisions or requirements of this Ordinance because of dimensional characteristics of the lot or parcel of property, or because of exceptional topographic or other conditions of the land, buildings or structures, the applicant must demonstrate, and the Board must make findings based upon competent, material, and substantial evidence on the whole record that all of the following exist:

- a) That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.
- b) Those special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.

d) That the special conditions or circumstances do not result from the actions of the applicant.

e) That the authorizing of such variance will not be of substantial detriment to the neighboring properties and will not be contrary to the spirit and purpose of this Ordinance.

No non-conforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a variance.

**SECTION 18.11 USE VARIANCES.** If an applicant seeks a variance from the provisions or requirements of this Ordinance because of the actual or proposed use of the property requested by the applicant, the applicant must demonstrate, and the Board must make findings based upon competent, material, and substantial evidence on the whole record that all of the following exist:

a) That the enforcement of the literal requirements of this Ordinance would cause unnecessary hardship.

b) Those special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

c) That the property could not be used for the purposes permitted in that zoning district.

d) That the special conditions or circumstances do not result from the actions of the applicant.

e) That the authorizing of such variance will not be of substantial detriment to the neighboring properties and will not be contrary to the spirit and purpose of this Ordinance.

No non-conforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a variance.

**SECTION 18.12 CONDITIONS OF APPROVAL.** In authorizing a variance or exception, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach such other conditions deemed necessary for the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

**SECTION 18.13 TIME LIMIT FOR VARIANCE GRANTED.**

a) Each variance granted under the provisions of this Ordinance shall terminate unless the construction, occupancy, or other actions authorized by such variances have commenced within one year of the granting of such variances.

b) Upon written application filed with the Village Clerk prior to the termination of the one-year time period, the Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one year upon the finding by the Board of Appeals that the project has a reasonable expectation of being completed.

**SECTION 18.14 RESUBMISSION.** No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

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**CHAPTER 19**

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**AMENDMENTS**

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**SECTION 19.01 AMENDMENTS**

The Village Council may, from time to time, amend, supplement, or change by ordinance; the boundaries of districts or regulations herein established in accordance with the procedures of Michigan Act 207 of 1921 as amended.

**SECTION 19.02 INITIATION OF AMENDMENTS.**

- A. Amendments may be initiated by the Village Council, City Planning Commission or any person or agency. All proposed amendments shall be referred to the City Planning Commission for public hearing before any action may be taken by the Village Council.
  
- B. Requests for a zoning text amendment or zoning map change shall be made to the Clerk on an application form provided by the Clerk which shall contain the following information as applicable:
  - 1. Name, address, and phone number of applicant.
  - 2. Name, address, and phone number of property owner.
  - 3. A legal description and street address accompanied by a drawing illustrating the location of the property, dimensions of all property lines, zoning of abutting property and abutting streets.
  - 4. Filing date of application.
  - 5. Nature of the request.
  - 6. Signature of applicant and property owner or others having a legal or equitable interest in the land proposed for rezoning.
  - 7. The application form shall be accompanied by a fee determined by resolution of the Village Council.

**SECTION 19.03 PROCEDURE**

The Clerk shall immediately forward one copy of the application to the Planning Commission and one copy to the Village Council and the following procedure shall be followed:



- A. The Planning Commission shall set the time, date, and place for a public hearing on the request in accordance with the adopted By-laws of the Planning Commission.
- B. Notice of the public hearing shall be given in accordance with the requirements of Section 20.06 herein. (ORD 1-07, Eff. 3-19-07)
- C. After the public hearing, the Planning Commission shall forward its report and recommendation in writing to the Village Council. Such a report shall include a summary of the comments submitted at the public hearing.
- D. Upon receipt of the report and recommendation of the Planning Commission, the Village Council may, in its discretion, schedule a public hearing on the request. Notice of the hearing, if a hearing is scheduled, shall be given as provided in subsection 2 and 3 herein.
- E. Where a proposed text amendment or zoning map change is legally protected by owners of 20% or more of the frontage to be altered or by owners of 20% of an area within 100 feet of the land to be changed, such amendment or change shall not be passed except by the 3/4 vote of Village Council.
- F. Following adoption of a Zoning Ordinance text or map change, one notice of adoption shall be published in a newspaper of general circulation in the City within 15 days of adoption.

#### **SECTION 19.04 AUTHENTICATION OF OFFICIAL ZONING MAP**

Whenever there has been an ordinance approved which changes the Official Zoning Map, the Village Council shall direct the Clerk Administrator to change the Official Zoning Map so that it may be kept current.

**CHAPTER 20**  
**ADMINISTRATION AND ENFORCEMENT**

**SECTION 20.01      ORDINANCE ADMINISTRATION**

Except as otherwise provided, the provisions of this Ordinance shall be administered and enforced by a Zoning Administrator, or any other employee as designated by the Village Council.

**SECTION 20.02      ZONING PERMIT**

- (a) It shall be unlawful for any person to commence excavation for, or construction of, any building or structure, parking area or to make structural alterations in any existing building or structure, without first obtaining a Zoning Permit from the Village Zoning Administrator as hereinafter provided. A building plumbing, electrical, mechanical, or other permit shall not be issued until the Zoning Administrator has determined that the plans and proposed use will conform to the provisions of this Ordinance.
- (b) The application for a Zoning Permit shall designate the existing or intended use of the structure or premises, or part thereof which is proposed to be altered, erected, or extended, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two ink, blueprint or photostat copies of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, and other information necessary to demonstrate compliance with the Ordinance. The Zoning Administrator may waive or vary portions of the foregoing requirements not necessary for determination of compliance with this Ordinance or require the submission of additional information which is necessary to make such a determination.
- (c) One copy of the plans and specifications shall be filled in and retained by the Office of the Zoning Administrator, and another shall be delivered to the applicant when the Zoning Administrator has approved the application and issued the permit, and a copy of the permit shall also be provided to the Village Building Inspector.
- (d) Every permit granted under this section shall no longer be valid unless the excavation, construction, alteration, erection or extension shall have been commenced within 180 days from the date of issuance of the permit; and every permit so granted shall further no longer be valid unless all exterior aspects of the construction, alteration; erection or extension shall have been completed within 18 months from the date of issuance of the permit.

**SECTION 20.03      OCCUPANCY**

It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended, or erected, until the Village Building Inspector shall have inspected the premises and shall have approved the same for occupancy in writing. The Building Inspector shall not issue a certificate of occupancy until it has been ascertained that there has been compliance with all of the requirements of this Ordinance.

**SECTION 20.04 FEES**

All applicants for permits, special land use, rezoning, site condominiums, variances, site plan approval, and other land use review or approval required by this Ordinance, shall pay the fee and any escrow established by resolution of the Village Council from time to time. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Village Council shall not consider any application for land use approval for which the required fee has not been paid, or any escrow maintained at the required level.

**SECTION 20.05 PERFORMANCE GUARANTEES**

- (a) The Planning Commission, Zoning Board of Appeals, and Village Council are empowered to require, as a condition of land use approval, that the applicant give financial security to ensure that all roads, landscaping, public utilities, and other improvements associated with a development are made in full compliance with all Village ordinances and conditions placed upon such land use approval. The amount of such security may be up to the full amount of the estimated cost of the improvements.
- (b) Security shall be in the form of a cashier's check payable to the Village of Casnovia, or by establishment of a performance bond or letter of credit in favor of the Village. Any performance bond or letter of credit shall, at a minimum: (i) be issued by a financial institution or insurer satisfactory to the Village; (ii) continue until the project is completed; (iii) and allow full or partial draws upon certification by the Village Zoning Administrator that improvements have not been completed as required.
- (c) The Village shall use the security only for the purpose of completing improvements if a developer fails to do so, including payment of engineering, legal, and other professional services associated with such default. In no event shall the Village be under any obligation to complete improvements on behalf of a developer.
- (d) Upon certification by the Zoning Administrator that all improvements have been fully completed, the Zoning Administrator shall authorize the return of all cashier's checks or give notice that security may be terminated. A partial reduction in the amount of security may be permitted in the Zoning Administrator's reasonable discretion as improvements are completed, provided that the Zoning Administrator may retain up to 125% of the estimated cost of remaining improvements.

- (e) Upon premature termination or expiration of a bond or letter of credit posted as security, all work on a development shall be stopped until appropriate security is reestablished.

## **SECTION 20.06 PUBLIC HEARING REQUIREMENTS**

All applications for development approval requiring a public hearing shall comply will be Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the other provisions of this Section with regard to public notification.

- A. Responsibility for Public Notice: The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation the Village of Casnovia and mailed or delivered as provided in this Section.
- B. Notice Requirements: Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development; variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
1. *Newspaper Notice:* The notice shall be published in a newspaper that circulates in the Village of Casnovia.
  2. *Mail and Personal Notice:* Except for an Ordinance text amendment and an Ordinance interpretation which does not apply to a specific property notice shall be sent by first class mail or personal delivery to:
    - a. The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    - b. Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of the Village of Casnovia.

If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner

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

c. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to Section 20.05.C, Registration to Receive Notice by Mail.

3. *Record of Mailing:* The Clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

4. *Content of Notice:* The public notice shall:

- a. Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- c. Indicate the date, time, and place of the public hearing(s).
- d. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

C. Registration to Receive Notice by Mail: Any neighborhood organization, public utility, company, railroad, or any other person may register with the clerk to receive written notice of all applicants for development approval pursuant to Section 20.06.B.2.c (ORD. 1-07; Eff. 3-19-07)

**SECTION 20.07 VIOLATIONS AND PENALTIES**

Any land use commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$2,500 for the first offense and not less than \$500 nor more than \$5,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses, and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for the first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

**SECTION 20.08 REPEAL/EFFECTIVE DATE**

This Ordinance shall become effective upon its publication or a summary of its provisions in a local newspaper of general circulation.

Adopted by the Village Council of the Village of Casnovia, Counties of Kent and Muskegon, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk

Effective Date: May 21, 2001

The Ordinance is on file in the Village of Casnovia offices, 141 North Main, Casnovia, MI 49318 and can be reviewed during normal office hours which are Tuesday, Wednesday, and Thursday 9:00 a.m. to 12:00 noon.

Barbara Bennitt  
Village of Casnovia Clerk

**Zoning Ordinance Amendment**  
**Ordinance No. 02-2017 adopted February 13, 2017**  
**Manufactured Homes**  
*Amended Section 3.02 Definitions and*  
*Section 15.18 Dwellings, Except in a Manufactured*  
*Home Park - Minimum Requirements*

**VILLAGE OF CASNOVIA  
COUNTIES OF KENT AND MUSKEGON, MICHIGAN**

At a regular meeting of the Village Council of the Village of Casnovia, held at the Village Hall, 141 North Main St., within the Village, on the 13th day of February 2017, at 7:00 p.m.

PRESENT: Members: Kahrs, Sands, DeVos, Ruzzene, Nuttall, Crowther

ABSENT: Members: None

The following ordinance was offered by Member Sands and seconded by Member Crowther:

**ORDINANCE NO. 02-2017**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
FOR THE VILLAGE OF CASNOVIA**

**[Manufactured Homes]**

THE VILLAGE OF CASNOVIA ORDAINS:

**Section 1. DEFINITIONS.**

Section 3.02 Definitions, of the Village of Casnovia Zoning Ordinance, is hereby amended so as to replace the definitions of "Mobile Home" and "Mobile Home Park" with the following definitions:

**Mobile Home.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air- conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a "manufactured home" in this ordinance.

**Mobile Home Park.** A parcel or tract of land under the control of a person upon which three 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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a "manufactured housing community" in this ordinance.



**Section 2.** Section 15.18 Minimum Requirements for Dwellings Outside of Mobile Home Parks, is hereby replaced by the following Section 15.18 Dwellings, except in a Manufactured Home Park - Minimum Requirements, which shall read in its entirety as follows:

**"15.18 Dwellings, Except in a Manufactured Home Park - Minimum Requirements**

All dwelling units located outside of manufactured home parks shall comply with the following requirements:

- (a) All dwelling units must conform to the minimum floor area requirements for the districts in which they are located.
- (b) All dwelling units shall provide a minimum height between the floor and ceiling of seven (7) feet, six (6) inches; or if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Manufactured Home Construction and Safety Standards, adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
- (c) The minimum width of any single-family dwelling unit shall be 22 feet for at least 67 percent of the length of the dwelling unit, measured between the exterior part of the walls having the greatest length.
- (d) All dwelling units shall comply in all respects with the Building Officials Code of America (BOCA) as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 30 of 1972, as amended, being MCL 125.1501 et. seq. or the "Manufactured Home Construction and Safety Standards," as from time to time such standards may be amended.
  - 1. Foundations. A permanent foundation constructed on site in accordance with said BOCA shall have the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the said State Construction Code (BOCA) for dwellings or, in the case of manufactured homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission or said State Construction Code (BOCA), whichever is stricter, and with the wheels removed shall not have any exposed towing mechanism, undercarriage, or chassis. Manufactured homes shall be fully skirted (to no more than 12" from grade) with exterior siding materials that are weather resistant and are compatible with the remaining exterior wall envelope.

2. Load Requirements. The dwelling shall meet or exceed all applicable roof snow load and strength requirements.

- (e) All dwellings without basements, except slab on grade construction, shall provide a crawl space below the entire floor of the dwelling four feet in depth, with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Village.
- (f) No personal property, other than legally parked vehicles, shall be stored outside, under any manufactured home, or within carports which are open on any side.
- (g) All dwellings shall be connected to a sewer or septic system and water supply system approved by the Village or the applicable County Health Department.
- (h) Additions of rooms or other areas shall be constructed with similar quality workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation, and no addition shall involve placing a bearing load on a manufactured home.
- (i) All dwellings shall provide steps or porch areas of permanent construction where there exists an elevation differential of more than eight (8) inches between any door and the surrounding grade. Such steps and porch areas shall be permanently affixed and shall be made of wood, concrete or similar weather-resistant, load-bearing materials.
- G)** All dwellings shall have a pitched roof of not less than two and one-half (2-1/2) feet of rise for each 12 feet of run.
- (k) Prior to issuance of a building permit for any dwelling unit, a driveway permit, well and sewer permit, proof of property ownership, zoning permit and construction plans, including a site plan adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this section.

1. Minimum Floor Area. Each single-family dwelling shall have a minimum finished living area of 900 square feet, with a minimum of 768 square feet on the ground floor for units of more than one (1) story.

2. Section 15.18 applies to all dwellings (including "stick-built") outside of a mobile home park, not just manufactured homes.

Multiple Family Residential Units Shall Contain:

- (a) One bedroom 780 square feet
  - (b) Two bedroom 850 square feet
  - (c) Three bedroom 900 square feet plus 100 square feet each additional for bedrooms in excess of three
3. Each dwelling shall be equipped with adequate sewage disposal facilities to comply with the Kent County Sanitary Code in effect at the time of the erection of said dwelling.
4. Each dwelling shall contain at least three (3) rooms, in addition to the bathroom or toilet room."

**Section 3. EFFECTIVE DATE AND PUBLICATION.**

This ordinance shall become effective seven (7) days following its publication or the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

ORDINANCE DECLARED ADOPTED.

AYES: Members: -6-

NAYS: Members: -0-

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Desiree' Kolenbrander, Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Casnovia at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

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Desiree' Kolenbrander, Village Clerk