

**VILLAGE OF DRYDEN**

**ZONING ORDINANCE**

**ORDINANCE NO. 200**

**2007**

**VILLAGE OF DRYDEN ZONING ORDINANCE**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
Article I	Title ..... 1
Article II	Activities Covered By Ordinance ..... 1
Article III	Administration ..... 1
Section 3.01	Zoning Administrator ..... 1
Section 3.02	Zoning Permits ..... 1
Article IV	Zoning Districts ..... 2
Section 4.01	Districts ..... 2
Section 4.02	District Boundaries and Map ..... 2
Section 4.03	Principal Uses Permitted ..... 2
Section 4.04	Special Land Uses ..... 2
Article V	AR Agricultural Residential District ..... 2
Section 5.01	Principal Uses Permitted ..... 2
Section 5.02	Special Land Uses ..... 2
Article VI	SFR Single-Family Residential District ..... 4
Section 6.01	Principal Uses Permitted ..... 4
Section 6.02	Special Land Uses ..... 4
Article VII	RM Multiple-Family Residential ..... 4
Section 7.01	Principal Uses Permitted ..... 4
Section 7.02	Special Land Uses ..... 5
Article VIII	MHP Manufactured Housing Park ..... 5
Section 8.01	Principal Uses Permitted ..... 5
Article IX	CBD Central Business District ..... 5
Section 9.01	Principal Uses Permitted ..... 5
Section 9.02	Special Land Uses ..... 6
Article X	C Commercial District ..... 6
Section 10.01	Principal Uses Permitted ..... 6
Section 10.02	Special Land Uses ..... 7
Article XI	I Industrial District ..... 7
Section 11.01	Principal Uses Permitted ..... 7
Section 11.02	Special Land Uses ..... 7
Article XII	Area, Setback and Height ..... 8
Section 12.01	Compliance ..... 8
Section 12.02	Table of Area, Setback and Height Requirements ..... 8
Article XIII	Parking and Loading Requirements ..... 9
Section 13.01	General Parking Requirements ..... 9
Section 13.02	Table Of Parking Requirements ..... 9
Section 13.03	Off-Street Loading Requirements ..... 11

**TABLE OF CONTENTS--continued**

	<b><u>Page</u></b>
Article XIV	General Provisions . . . . . 12
Section 14.01	Conflicting Regulations . . . . . 12
Section 14.02	Street Frontage . . . . . 12
Section 14.03	Depth-to-Width Ratio . . . . . 12
Section 14.04	Residential Occupancy Other Than in Completed Dwellings . . . . . 12
Section 14.05	Single-Family Dwelling Requirements . . . . . 12
Section 14.06	Signs . . . . . 12
Section 14.07	Ponds and Swimming Pools. . . . . 14
Section 14.08	Greenbelts . . . . . 14
Section 14.09	Prohibited Structures . . . . . 14
Section 14.10	Public Service Facilities and Communication Towers . . . . . 14
Section 14.11	Yard Sales . . . . . 16
Section 14.12	Fences . . . . . 16
Section 14.13	Site Condominium Developments . . . . . 17
Section 14.14	Cluster Housing/Open Space Preservation . . . . . 18
Section 14.15	Planned Unit Developments . . . . . 19
Section 14.16	Recreational Vehicle and Trailer Storage . . . . . 20
Section 14.17	Recreational Vehicle Occupancy . . . . . 20
Article XV	Non-Conforming Lots, Uses, and Structures . . . . . 20
Section 15.01	Continued Non-Conforming Lots, Uses and Structures . . . . . 20
Section 15.02	Non-Conforming Lots Of Records . . . . . 20
Section 15.03	Non-Conforming Structures . . . . . 20
Section 15.04	Non-Conforming Uses Of Land Or Structures . . . . . 21
Article XVI	Planning Commission . . . . . 21
Section 16.01	Membership . . . . . 21
Section 16.02	Powers . . . . . 21
Article XVII	Site Plan Review Requirements . . . . . 21
Section 17.01	Scope . . . . . 21
Section 17.02	Procedure . . . . . 21
Section 17.03	Content . . . . . 22
Section 17.04	Standards . . . . . 22
Section 17.05	Bond . . . . . 22
Section 17.06	Time For Completion . . . . . 22
Article XVIII	Planning Commission Procedures For Special Land Uses . . . . . 23
Section 18.01	Application . . . . . 23
Section 18.02	Hearing . . . . . 23
Section 18.03	Standards . . . . . 23
Section 18.04	Decisions . . . . . 23
Section 18.05	Expiration . . . . . 24
Article XIX	Zoning Board of Appeals . . . . . 24
Section 19.01	Establishment and Membership of Zoning Board of Appeals . . . . . 24
Section 19.02	Applications and Notices of Hearings . . . . . 24
Section 19.03	Powers . . . . . 24
Section 19.04	Decisions . . . . . 25
Section 19.05	Expiration Of Variance Approvals . . . . . 25

**TABLE OF CONTENTS--continued**

	<b><u>Page</u></b>
Article XX	Amendments and Rezoning . . . . . 25
Section 20.01	Application . . . . . 25
Section 20.02	Notice Of Hearing . . . . . 25
Section 20.03	Planning Commission Hearing and Recommendations . . . . . 25
Section 20.04	Village Council . . . . . 26
Article XXI	Voluntary Rezoning Agreements . . . . . 26
Section 21.01	Authority . . . . . 26
Section 21.02	Application . . . . . 26
Section 21.03	Planning Commission Hearing and Recommendation . . . . . 26
Section 21.04	Village Council . . . . . 26
Section 21.05	Standards for Decisions . . . . . 26
Section 21.06	Limitations on Agreements . . . . . 26
Section 21.07	Zoning Reversion . . . . . 26
Article XXII	Violations . . . . . 27
Section 22.01	Enforcement and Penalty . . . . . 27
Section 22.02	Nuisance Per Se . . . . . 27
Article XXIII	Definitions . . . . . 27
Section 23.01	Definitions . . . . . 27
Article XXIV	Severability and Repeal . . . . . 30
Section 24.01	Severability . . . . . 30
Section 24.02	Repeal . . . . . 30
Article XXV	Enactment . . . . . 30
Section 25.01	Ordinance Enacted . . . . . 30
Section 25.02	Effective Date . . . . . 31
Section 25.03	Certification . . . . . 31

**ZONING ORDINANCE  
VILLAGE OF DRYDEN**

**ORDINANCE NO. 200**

AN ORDINANCE to regulate the use of land within the Village of Dryden, in accordance with the provisions of the Michigan Zoning Enabling Act.

**THE VILLAGE OF DRYDEN ORDAINS:**

**ARTICLE I**

Title

Section 1.01. This Ordinance shall be known and cited as the Dryden Village Zoning Ordinance.

**ARTICLE II**

Activities Covered by Ordinance

Section 2.01. No building or structure, or part thereof, shall be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

**ARTICLE III**

Administration

Section 3.01. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered by a Zoning Administrator appointed by the Village Council. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Village Council may determine.

Section 3.02. ZONING PERMITS. A zoning permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, or any change in the use of any land or structure is undertaken within the Village.

A. APPLICATION. A zoning permit shall be applied for in writing on an application form provided by the Village.

B. PERMIT ISSUANCE. A zoning permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Village Council approvals have been obtained.

C. EXPIRATION. A zoning permit shall expire one year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.

D. VOID PERMITS. Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be void.

E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.

F. FEES. The amount of any fees charged for zoning permits, applications, site plans, or inspections shall be established by motion of the Village Council.

## ARTICLE IV

### Zoning Districts

Section 4.01. DISTRICTS. The Village is hereby divided into the following zoning districts:

AR	Agricultural Residential
SFR	Single-Family Residential
RM	Multiple-Family Residential
MHP	Manufactured Housing Park
CBD	Central Business District
C	Commercial
I	Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Dryden Village Zoning Map.

Section 4.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "special land use".

Section 4.04. SPECIAL LAND USES. A use of land or structures listed as "special land uses" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

## ARTICLE V

### AR AGRICULTURAL RESIDENTIAL

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Single-family dwellings (subject to Section 14.05).
- B. Crop production.
- C. Family day care homes.
- D. State licensed residential facilities for six (6) or fewer residents.
- E. Village government buildings, structures, facilities, cemeteries and parks.
- F. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 5.02 SPECIAL LAND USES.

- A. Keeping of livestock, poultry or rabbits.
  1. No livestock may be kept on parcels of land containing less than ten (10) acres.

2. No more than two head of livestock may be kept on the first ten (10) acres of land and no more than one additional head of livestock may be kept for each additional 2-1/2 acres of land.
  3. Land on which livestock, poultry, or rabbits are kept shall not be within a platted subdivision.
  4. Livestock, poultry, or rabbits shall be kept only for noncommercial purposes such as 4-H projects or family use.
  5. Adequate fencing and housing for the livestock, poultry, or rabbits shall be constructed prior to placing livestock on a parcel of land. Any livestock housing shall be no less than one hundred (100) feet from the property line.
- B. Communication towers (subject to Section 14.10).
- C. Private parks, recreation facilities, campgrounds, and golf courses.
1. Minimum site size shall be ten (10) acres.
  2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.
  3. Activities shall be adequately screened from abutting property.
- D. Dog kennels and the raising of fur bearing animals.
1. All animals shall be housed and maintained in a safe and sanitary manner.
  2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
  3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
  4. For purposes of this section, a dog kennel is defined as any property on which three (3) or more dogs over the age of six (6) months are kept or harbored.
- E. Home Occupations, including Bed and Breakfast establishments.
1. The home occupation must be conducted entirely within an existing building.
  2. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
  3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.
  4. No outdoor storage or display of merchandise or materials shall be allowed.
  5. There shall be no more than one (1) employee, other than family members who reside in the home on the property.

- F. Schools, Churches and Cemeteries.

## **ARTICLE VI**

### SFR Single-Family Residential District

#### Section 6.01. PRINCIPAL PERMITTED USES.

- A. Single-family dwellings (subject to Section 14.05).
- B. Family day care homes.
- C. State licensed residential facilities for six or fewer residents.
- D. Village government buildings, structures, facilities, and parks.
- E. Crop production.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

#### Section 6.02. SPECIAL LAND USES.

- A. Two-family dwellings.
- B. Bed and breakfast establishments.
- C. Governmental buildings, structures, cemeteries and facilities.
- D. Schools and churches.
- E. Home Occupations (subject to the requirements of Section 5.02.E).

## **ARTICLE VII**

### RM Multiple-Family Residential

#### Section 7.01. PRINCIPAL PERMITTED USES.

- A. Single-family dwellings (subject to Section 14.05).
- B. Two-family and multiple-family dwellings.
- C. Family day care homes.
- D. State licensed residential facilities for six or fewer residents.
- E. Crop production.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.



Section 7.02. SPECIAL LAND USES.

- A. Golf courses subject to the requirements of Section 5.02.C.
- B. Bed and breakfast establishments.
- C. State licensed residential facilities for seven or more residents.
- D. Group day care homes.
- E. Governmental buildings, structures, facilities, and parks.
- F. Schools and churches.
- G. Hospitals and convalescent homes.

**ARTICLE VIII**

MHP Manufactured Housing Park

Section 8.01. PRINCIPAL USES PERMITTED.

- A. Manufactured housing parks.
- B. Single-family dwellings (subject to Section 14.05).
- C. Village government buildings, structures, facilities, and parks.
- D. Buildings, structures and uses which are accessory to any of the above-permitted uses.

**ARTICLE IX**

CBD Central Business District

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, furniture, clothing, or hardware.
- B. Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: theaters, beauty parlors, barber shops, interior decorators, photographers, dry cleaners, and funeral homes.
- C. Restaurants and taverns where the patrons are served while seated within the building occupied by such establishment, provided it does not include a drive-in, outside service, or outside seating.
- D. Offices and office buildings.
- E. Banks, credit unions, savings and loan associations, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- F. Municipal buildings and post offices.

- G. Offices and showrooms of plumbers, electricians, decorator or similar trades. All storage of materials of any kind shall be within the confines of the building.
- H. Schools and churches.
- I. Other uses which are similar to the above and subject to the following restrictions:
  - 1. All business establishments shall be retail or service establishments dealing directly with consumers.
  - 2. All business, servicing, or processing shall be conducted within completely enclosed buildings.
  - 3. Outdoor storage of commodities shall be prohibited.
- J. Accessory structures customarily incident to the above-permitted use. In no case shall the outside storage of travel trailers and recreational equipment be allowed.

Section 9.02. SPECIAL LAND USES.

- A. Public utility buildings, not including storage yards.
- B. Gasoline stations and limited automobile repair and servicing facilities. No outside storage of motor vehicles for more than thirty (30) days shall be allowed. No outside storage of vehicle parts and accessories shall be allowed.
- C. Car washes.
- D. Apartments located above commercial establishments.
- E. Outdoor business activities, including drive-ins, outside service or outside sales.

**ARTICLE X**

C Commercial District

Section 10.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building.
- B. Personal service establishments such as restaurants, taverns, laundromats, barber shops, beauty shops, and dry cleaning establishments.
- C. Repair shops for consumer items such as watches, shoes, furniture and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes and mortuaries.
- G. Mini-storage facilities which provide storage space for personal use.
- H. Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments.

- I. Schools, churches, and publicly-owned buildings or facilities.
- J. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 10.02. SPECIAL LAND USES.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, gas stations, car washes, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Communications towers (pursuant to Section 14.10).
- D. Group daycare homes.
- E. Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, or similar establishments, subject to the requirements of this subsection.
  - 1. No two (2) uses listed in this subsection shall be located within five hundred (500) feet of each other.
  - 2. No use listed in this subsection shall be located within five hundred (500) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51%) percent of the persons owning property, residing or doing business within a radius of five hundred (500) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
  - 3. No use listed in this subsection shall be located within five hundred (500) feet of any church, school, park, or municipal hall.

**ARTICLE XI**

**I Industrial District**

Section 11.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial production.
- B. Laboratories.
- C. Warehousing, storage, or wholesale facilities.
- D. Municipal buildings and facilities.
- E. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 11.02. SPECIAL LAND USES.

- A. Junk or salvage yards. Any such yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures all material within the yard.

- B. Slaughter houses and meat processing facilities.
- C. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- D. Communications towers (pursuant to Section 14.10).
- E. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- F. Truck terminals, railroad yards and airports.

**ARTICLE XII**

Area, Setback and Height

Section 12.01. COMPLIANCE.

- A. All lots and structures shall comply with the area, setback, and height requirements of Section 12.02, unless different requirements are specified as a condition for a use permitted after special approval or pursuant to a variance.

Section 12.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

Zoning District	Minimum Lot Area Per Dwelling Unit Or Commercial/Industrial Bldg. (In Sq. ft.)	Minimum Lot Width (In feet) (1)	Minimum Front Yard Setback (In feet) (2)	Minimum Side Yard Setback (In feet)	Minimum Rear Yard Setback (In feet)	Minimum Floor Area Per Dwelling (In Sq.ft.)	Maximum Building Height (In feet)
AR	43,560	130	50	15	25	1,200	35
SFR	9,800	70	35	15	25	1,200	35
RM	10,000 (3)	100	35	15	25	700 (4)	35
MHP (5)	10,000	100	35	15	25	720	35
CBD	9,800	50	-0-	-0-	25	-	35
C	20,000	120	35	15	25	-	35
I	80,000	200	75	30	35	-	40

- (1) Measured at minimum front yard setback line.
- (2) Measured from the edge of the street right of way.
- (3) In no case shall the total lot size be less than 20,000 square feet.
- (4) The minimum square feet of floor area per dwelling unit in two-family dwellings and multiple family dwellings shall be increased by 100 square feet for any additional bedroom beyond the first bedroom.
- (5) Regulated by the Michigan Manufactured Housing Commission for dwellings within Manufactured Housing Parks.

## ARTICLE XIII

### Parking and Loading Requirements

Section 13.01. GENERAL PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

- A. MINIMUM PARKING SPACE SIZE. Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.
- B. MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS. The minimum width of access lanes for parking spaces shall be twenty-five (25) feet.
- C. LOCATION OF PARKING SPACE. The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.
- D. SEATING. As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- F. EXISTING OFF-STREET PARKING. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. DRAINAGE. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. ILLUMINATION. All illumination for such parking areas shall be deflected away from adjacent residential areas.
- I. HARD SURFACING. All required parking areas for commercial, industrial, or institutional uses shall be paved with a pavement of asphalt or concrete binder.

Section 13.02. TABLE OF PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table. The space required shall be stated in the application for a zoning permit and shall be irrevocably reserved for such use.

Use	Required Number Of Parking Spaces	Per Each Unit of Measure as Follows:
A. Auditoriums, Assembly Halls, Theaters, and Churches	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for every two employees.

B.	Automobile Service Stations	2	Each gasoline pump and lubrication stall
C.	Banks (other than drive-in type), Business or Professional Office of Doctors, Lawyers, Architects, Engineers, or similar professions	1	Two hundred (200) square feet of usable floor area.
D.	Barber Shops and Beauty Parlors	2	Each barber or beauty operation.
E.	Bowling Alleys	4	Each bowling lane.
F.	Drive-In Restaurants	1	Twenty-Five square feet of usable floor area, with a maximum of forty parking spaces.
G.	Golf Courses	1	Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of ten parking spaces per hole on the golf course.
H.	Industrial Establishments and Warehouse Facilities	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day.
I.	Private Clubs, or lodges	1	Each 3 persons at minimum occupancy.
J.	Residential-single, two-family, multiple dwelling, or mobile homes	2	Each dwelling unit.
K.	Restaurant or similar, in which is conducted the sale and consumption on the premises of beverages, food or refreshments.	1	One for each two persons at minimum seating capacity, plus one space for each employee.
L.	Retail stores and service establishments otherwise specified herein	1	One hundred and fifty square feet of usable floor area, plus one space for each employee.
M.	Sanitariums, convalescent homes, hospitals, hotels, and similar establishments	1	Two beds.
N.	Schools	3	Two teachers, employees or administrators in addition

to the requirements of the auditorium or assembly hall therein.

O.	Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at any one time, plus two spaces for each auto serviced.
P.	Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred square feet of usable floor area plus one space for each employee.
Q.	Laundromats	1	Two washing machines.
R.	Mortuaries	1	One hundred square feet of usable floor area.

For purposes of this section, "usable floor area" shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms.

Section 13.03. OFF-STREET LOADING REQUIREMENTS. On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading in order to avoid undue interference with public use of the streets, alleys, or off-street parking areas. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 10 feet by 30 feet, with minimum 14 foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0 - 2,000	None
2,000 - 20,000	One space
20,000 - 100,000	One space for each 20,000 square feet.
Over 100,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.

## ARTICLE XIV

### General Provisions

Section 14.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 14.02. STREET FRONTAGE. Every dwelling or other building shall be located on a parcel of land which shall front upon a public street.

Section 14.03. DEPTH-TO-WIDTH RATIO. No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds four (4) times the width of that parcel.

Section 14.04. RESIDENTIAL OCCUPANCY OTHER THAN IN COMPLETED DWELLINGS. Garages, barns, travel trailers, accessory buildings, and basements shall not be occupied either temporarily or permanently as dwellings.

Section 14.05. SINGLE-FAMILY DWELLING REQUIREMENTS. Any single-family dwelling shall comply with the following minimum standards:

- A. MINIMUM SIZE. Each dwelling shall contain the minimum number of square feet specified in Section 12.02, prior to any alterations or additions.
- B. MINIMUM WIDTH. Each dwelling shall be no less than twenty-four (24) feet in width in all directions.
- C. ROOF PITCH. Each dwelling shall have a roof pitch no less than 4/12.
- D. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars or cement slab pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- E. STORAGE FACILITIES. Each dwelling shall have either a garage or storage building containing at least one hundred twenty (120) square feet of storage area. The storage facility shall be constructed at the same time as the dwelling.
- F. MAXIMUM OCCUPANCY LOAD. The maximum permissible number of persons in a dwelling shall be two (2) for each bedroom in the dwelling.
- G. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Village. The Village Building Inspector shall inspect any dwelling unit prior to the unit being brought into the Village. The cost of the inspection shall be paid, in advance, by the person seeking to bring the unit into the Village.

Section 14.06. SIGNS. All signs shall comply with the requirements of this Section.

- A. The following signs may be erected in the Village without prior Planning Commission approval, provided the other requirements of this Section are complied with:
  1. Signs advertising real estate for sale or rent. Such signs may not exceed nine (9) square feet in sign area.



2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed nine (9) square feet in sign area.
  3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed nine (9) square feet in sign area.
  4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed six (6) square feet in sign area and shall not be illuminated.
  5. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within ten (10) days after the election.
  6. Temporary signs advertising non-commercial public event for not to exceed sixty (60) days. All such signs shall be removed within ten (10) days after the event.
- B. A sign site plan shall be approved by the Village Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by sub-section A, 1-6.
  - C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Village ordinances. The Planning Commission may require revisions to the sign site plan.
  - D. No sign shall include any flashing, oscillating, or intermittent illumination.
  - E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
  - F. No sign shall rotate nor contain any moving parts.
  - G. All signs shall be set back from side property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and shall not encroach over the Village road right of way.
  - H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
  - I. ON-SITE SIGNS.
    1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.
    2. Principal on-site signs shall not exceed thirty-two (32) square feet in sign area.
    3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
    4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.
  - J. Off-Site Signs (Billboards) are prohibited.

Section 14.07. PONDS AND SWIMMING POOLS. No pond, water garden, or swimming pool shall be dug within any front, side or rear setback line required by this Ordinance. Any swimming pool shall be securely fenced with a self-latching gate to prevent the unauthorized access by children.

Section 14.08. GREENBELTS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Village ordinances. Said front yard setback areas shall be planted and continuously maintained with grass, shrubs, or landscaping materials, except for the portion developed for use as a parking area or driveway.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained unless the property is zoned CBD.
- C. Detailed landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 14.09. PROHIBITED STRUCTURES. No bus, semi-trailer, or truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose.

Section 14.10. PUBLIC SERVICE FACILITIES AND COMMUNICATION TOWERS.

- A. Certain facilities provided by utility companies or by the Village government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article XV. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.
- B. Communication antennas and related facilities belonging to homeowners and used for personal communication shall be exempt from the requirements of this section and shall be allowed as a permitted use in all residential zoning districts, providing that the antenna and related facilities do not exceed sixty (60) feet in height. This shall include equipment used by ham radio operators as well as residential television and radio antennas.
- C. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article XVI, subject to the following requirements:
  - 1. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, vegetation or property in the area. The applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such

an event. Technical documentation of any information regarding these concerns shall also be provided.

2. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
3. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
4. All towers and related equipment shall be designed to be as compatible and harmonious as possible in style and building materials to the surrounding area. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
5. All tower bases and related equipment shall be screened from view and shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The site shall be maintained in a neat manner and shall be kept in continuous compliance with the site plan.
6. No tower shall be located within a one (1) mile radius of any other tower.
7. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Village, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
8. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:
  - (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  - (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
9. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.8. (a)(b) and (c) are met.
10. A condition of every approval of a communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning

Administrator. Removal of the tower and its accessory use facilities shall include removing the top three (3) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.

11. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Village Attorney. The amount of such guarantee shall be no less than one hundred ten (110%) percent of the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Village. The applicant shall also be responsible for the payment of any costs or attorney fees incurred by the Village in securing removal.

Section 14.11. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than five (5) days.
- B. No more than four (4) yard sales may be held during any calendar year. This limitation shall not apply to community-wide garage sales.
- C. No yard sale shall be operated before 7:00 a.m. or after 9:00 p.m. on any day.
- D. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- E. For purposes of this Ordinance, the term "yard sale" shall mean any offering for sale of personal property in an area zoned for residential use. The term "yard sale" shall include sales commonly known as "garage sales", "porch sales", "basement sales", and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a "yard sale". Single item sales shall be limited to a maximum of sixty (60) days within any calendar year. Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be "yard sales" covered by this Ordinance.

Section 14.12. FENCES. The erection, construction or alteration of any fence, wall or other type of protective barrier shall comply with the following requirements:

- A. Barbed wire, spikes, nails or any other sharp instrument of any kind shall not be placed on any fence. No electrical fences shall be permitted. Barbed wire cradles may be placed on top of fences enclosing public utility, municipal, or industrial buildings when necessary in the interests of public safety. This subsection shall not apply to fences used for agricultural purposes.
- B. Maximum permitted height of fences located within twenty-five (25) feet of any street shall be fifty (50) inches. Fences which are more than twenty-five (25) feet from a street shall be a maximum of eight (8) feet in height.
- C. No fence shall be erected or maintained on any corner lot in such a manner that it will obstruct the view of motor vehicle drivers approaching a street intersection.
- D. No fence shall be constructed from pallets, metal sheeting, or other scrap materials.
- E. Any fence shall be constructed so that the finished side faces out.

Section 14.13. SITE CONDOMINIUM DEVELOPMENTS. Single-family detached condominiums may be allowed as a permitted use in the single-family and multiple-family zoning districts, subject to the requirements of this section. The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with standards applicable to similar forms of development under Village ordinances.

- A. Review. Pursuant to authority conferred by Section 141 of the Condominium Act, all Condominium Subdivision Plans shall require approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
1. Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Village ordinances. Plans submitted for preliminary review shall include information specified in items 1, 2, and 3 of the submission requirements in subsection B below.
  2. Final Plan Review. Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by items 1-7 of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
- B. Submission Requirements. All Condominium Subdivision Plans shall be submitted for review as required by Article XVII of this Ordinance (Site Plan Review) and Section 66 of the Condominium Act, and shall also include the following information:
1. A survey of the condominium subdivision site.
  2. A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
  3. The location size, shape, area and width of all condominium units, and the location of all proposed streets.
  4. A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
  5. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.
  6. A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision Plan.
  7. A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
- C. District Requirements. The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.

- D. Streets and Sidewalks. All streets for a condominium subdivision in the SFR or RM zoning districts shall conform to the Lapeer County Road Commission standards for subdivision streets. All streets shall have curbs and gutters as well as sidewalks.
- E. Utility Easement. The Condominium Subdivision Plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and storm water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
- F. Engineering Reviews. Copies of an "as built" survey shall be provided to the Village demonstrating compliance with applicable Village ordinances.

Section 14.14. CLUSTER HOUSING/OPEN SPACE PRESERVATION.

- A. Open Space. Land qualifying as open space shall be land set aside for recreational or conservation uses and preserved in an undeveloped state. Open space shall not be deemed to include areas within road rights of way, county drain easements or residential yard areas. Development of preserved open space lands or their use for other than recreation or conservation purposes shall be prohibited.
- B. Minimum Site Size. The clustering of single-family dwellings may only be permitted on parcels of land containing at least three (3) acres.
- C. Open Space Minimum. A single-family cluster development must preserve open space equal to a minimum of twenty (20%) percent of the total area of the parcel on which the cluster housing is constructed.
- D. Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
  - 1. Natural stands of large trees
  - 2. Natural habitat for wildlife
  - 3. Unusual topographic features
  - 4. Water or wetland areas
- E. Maximum Number of Dwelling Units Allowed and Minimum Lot Area. Within a cluster housing development, the Planning Commission may allow a dwelling unit density greater than otherwise permitted in the AR zoning district. The maximum number of dwelling units within a cluster housing development which may be allowed by the Planning Commission shall be an average of one (1) dwelling unit per acre, based on the total land area of the parcel on which the cluster housing is constructed. The minimum lot area for each dwelling unit required in the AR zoning district may be reduced by the Planning Commission to accommodate a cluster housing development.
- F. Minimum Setbacks and Lot Width. In areas approved for cluster housing development, the required setbacks and lot widths may be reduced by the Planning Commission, subject to the following minimums:

1. The minimum rear yard setbacks shall be at least twenty-five (25) feet.
  2. The minimum lot width shall be at least sixty (60) feet.
- G. Road Access. All dwelling units within a cluster housing development shall enter only onto a public road.
- H. Common Ownership of Preserved Areas. Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved by the Village Attorney to assure the following:
1. That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
  2. That a permanent organization for maintenance and management of such areas would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
  3. That the restrictions would be sufficient to assure the permanent preservation of the open space.
  4. That the restrictions could be enforced by all property owners and by the Village.

Section 14.15. PLANNED UNIT DEVELOPMENTS.

- A. A planned unit development site must contain a minimum of twenty (20) acres.
- B. Planned unit developments may contain a combination of single-family, two-family, and multiple-family dwellings. The single-family dwellings may include either detached or attached condominium units. The single-family dwelling units shall comprise no less than seventy-five (75%) percent of the total dwelling units within the development.
- C. A minimum of five (5%) percent of the total area of the planned unit development shall be dedicated to the common use of the residents for recreational and open space purposes.
- D. Local commercial uses such as beauty shops, professional offices, convenience stores and similar neighborhood retail facilities may be permitted within planned unit developments. The decision as to whether to approve any commercial uses shall be discretionary with the Village, depending on the location of the planned unit development and the need for commercial services in the immediate area. In no case shall commercial facilities exceed five (5%) percent of the total area of the development. No construction of commercial facilities shall be allowed to commence until at least seventy-five (75%) percent of the residential dwelling units have been completed.
- E. The minimum setback and height requirements for the SFR Zoning District shall apply to planned unit developments. The minimum floor area per dwelling for any multiple-family dwelling units shall be the minimum required for the RM Zoning District and the minimum floor area per dwelling for any single-family dwelling units shall be the minimum required for the SFR Zoning District.
- F. Dwelling units within a planned unit development may be clustered rather than located on standard size lots.

- G. A written statement as to the proposed sequence of construction and time table of construction for the various units of the development shall accompany the site plan. Development phases, if any, shall also be designated on the site plan itself. The Village may require a specific sequence of construction as a condition of approval.
- H. A bond shall be provided to the Village in an amount sufficient to guarantee completion of roads, parks, sewers, and other common facilities. The bond amount shall be in an amount equal to five (5%) percent of the cost of all common facilities. Construction of common facilities may be bonded on a phase, individual improvement, or total project basis. The bond can be in the form of a cash deposit, certified check, unconditional bank letter of credit or surety bond.

Section 14.16. RECREATIONAL VEHICLE AND TRAILER STORAGE. No motor home, travel trailer, boat, enclosed trailer, or recreational vehicle shall be stored in any front yard. Such units may be stored in front driveways in a residential zoning district for no more than ninety (90) days in any calendar year.

Section 14.17. RECREATIONAL VEHICLE OCCUPANCY. The owner or lessee of any premises occupied by a single-family dwelling may permit the temporary occupancy of not more than one (1) recreational vehicle for guests or visitors for a period not to exceed thirty (30) days in any calendar year. No recreational vehicles or tents may be occupied on the property during the remainder of the calendar year. Recreational vehicles shall be deemed to include travel trailers, motor homes, truck campers and similar vehicles, but shall not include mobile homes.

## ARTICLE XV

### Non-conforming Lots, Uses, and Structures

Section 15.01. CONTINUED NON-CONFORMING USES PERMITTED. Within the districts established by this Ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to the adoption of this Ordinance. These non-conformities may continue until they are removed. The non-conformities shall not be enlarged upon, expanded or extended in any manner which increases their non-conformity.

Section 15.02. NON-CONFORMING LOTS OF RECORD. A single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Ordinance, provided the width, depth, and area is not less than one-half (50% percent) of that required by this Ordinance. Permission to build on smaller recorded lots which lack adequate width, depth, or area, may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 15.03. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in an way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.



Section 15.04. NON-CONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- D. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

## ARTICLE XVI

### Planning Commission

Section 16.01. MEMBERSHIP. There is hereby established a Village Planning Commission as authorized by Section 3 of the Municipal Planning Act, as amended. The Planning Commission shall consist of nine members appointed by the Village President with the approval of the Village Council. The members shall be representative of major interests as they exist in the Village. One member shall be the Village President; one member shall be an administrative officer of the Village and one member shall be a member of the Village Council. Each member shall be appointed for a term of three years, except that the terms of the members who also serve as Village President, Village Council Member, or administrative officer shall terminate if their term of office terminates before the end of the three-year Planning Commission term. The Planning Commission shall elect a Chairman, Vice-Chairman, and Secretary from its members. The terms of these offices shall be one year.

Section 16.02. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article XVII of this Ordinance, to hear and decide requests for special land uses pursuant to Article XVIII of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Article XX of this Ordinance. The Planning Commission shall also have the power to prepare and adopt a plan as a guide for the development of the Village as provided for in the Municipal Planning Act.

## ARTICLE XVII

### Site Plan Review Requirements

Section 17.01. SCOPE. A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 17.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission. Projects involving minor alterations or additions may be approved by the Zoning Administrator without action by the Planning Commission.

Section 17.03. CONTENT. Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article XII).
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 14.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 14.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 17.04. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 17.05. BOND. A cash deposit shall be posted with the Village Treasurer as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. The amount of the bond shall be five (5%) percent of the project cost, but in no case shall the bond amount be less than One Thousand (\$1,000.00) Dollars.

Section 17.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

## ARTICLE XVIII

### Planning Commission Procedures For Special Land Uses

Section 18.01. APPLICATION. For all special land uses, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs and road right-of-ways.

Section 18.02. HEARING.

Requests for special land uses may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and the public hearing has been held. Notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village. A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than fifteen (15) days prior to the hearing.

Section 18.03. STANDARDS. Requests for special land uses shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 18.04. DECISIONS.

The Planning Commission may deny, approve, or approve with conditions any request for a special land use. A special land use shall be approved if the request is in compliance with the standards stated in the Zoning Ordinance. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of 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.

Section 18.05. EXPIRATION. Planning Commission permission for a special land use shall expire one year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

## ARTICLE XIX

### Zoning Board Of Appeals

#### Section 19.01. ESTABLISHMENT AND MEMBERSHIP OF ZONING BOARD OF APPEALS.

There is hereby established a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of the seven (7) members of the Village Council. The Village President, President Pro-Tem and Clerk shall serve as the chairman, vice-chairman, and secretary of the Zoning Board of Appeals.

#### Section 19.02. APPLICATIONS AND NOTICES OF HEARINGS.

All applications for variances or appeals shall be applied for in writing on forms provided by the Village. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. The Zoning Board of Appeals shall give notice of the hearing by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published shall be done at least fifteen (15) days prior to the hearing.

#### Section 19.03. POWERS.

- A. Administrative Appeals. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. This shall include appeals from Planning Commission decisions as to Special Land Uses and Planned Unit Developments.
- B. Non-Use Variances. The Zoning Board of Appeals shall have the power to vary non-use or dimensional ordinance provisions whenever there are practical difficulties imposed on a property owner if the strict letter of the ordinance is carried out.
- C. Use Variances. The Zoning Board of Appeals shall also have the power to grant use variances whenever there are unnecessary hardships imposed on a property owner if the strict letter of the ordinance is carried out. In order to grant a use variance, each of the following requirements shall be met:
  - 1. The situation cannot be self-created.
  - 2. The circumstances must be unique to the property.
  - 3. The character of the neighborhood cannot be altered by the granting of the variance.
  - 4. The land cannot be reasonably built upon in conformity with the Zoning Ordinance.

Section 19.04. DECISIONS.

- A. The Zoning Board of Appeals shall decide appeals and variance requests in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.
- B. No variance may be granted or decision overruled unless at least four (4) members vote in favor thereof. In the case of use variances, at least five (5) members must vote in favor. The Zoning Board of Appeals shall state the grounds of each decision.
- C. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:
  - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - 3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 19.05. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance. All construction shall be fully completed within two (2) years or the variance shall expire.

## ARTICLE XX

### Amendments and Rezoning

Section 20.01. APPLICATION. The Village Council may, after a public hearing by the Village Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Village Planning Commission, the Village Council or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to his petition. A petition for rezoning shall be submitted to the Village Clerk along with a rezoning fee, as established by the Village Council.

Section 20.02. NOTICE OF HEARING. Notice of a public hearing by the Planning Commission shall be published in a newspaper of general circulation in the Village for each proposed amendment to the regulations or district boundaries. The publication shall be made not less than fifteen (15) days before the date of the hearing. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners and occupants of all property within three hundred (300) feet of the property proposed to be rezoned. The notice shall be delivered at least fifteen (15) days before the hearing.

Section 20.03. PLANNING COMMISSION HEARING AND RECOMMENDATIONS. After conducting the required public hearing, the Village Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations.

Section 20.04. VILLAGE COUNCIL. Upon receipt of the recommendations of the Village Planning Commission, the Village Council shall undertake consideration of the proposed rezoning or amendment. Any decision by the Village Council which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Village Council.

## ARTICLE XXI

### Voluntary Rezoning Agreements

Section 21.01. AUTHORITY. The Village Council may, after a public hearing by the Village Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.584.g., being part of the City-Village Zoning Act.

Section 21.02. APPLICATION. Any offer to enter into a rezoning agreement shall be submitted to the Village Clerk along with a rezoning agreement fee, in an amount established by the Village Council. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Village.

Section 21.03. PLANNING COMMISSION HEARING AND RECOMMENDATION. After conducting a public hearing, the Village Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article XX, shall be complied with.

Section 21.04. VILLAGE COUNCIL. Upon receipt of the recommendations of the Village Planning Commission, the Village Council shall undertake consideration of the proposed rezoning agreement. Any decision by the Village Council which results in a rezoning agreement shall be incorporated in a written document duly executed by the Village Council and the property owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

Section 21.05. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Village Council shall base their decisions on the following factors:

- A. The terms of the offer must be reasonably related to the property covered in the agreement.
- B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
- C. The proposed land use must be consistent with the goals and policies of the Village.

Section 21.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article XIX. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

Section 21.07. ZONING REVERSION. In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Village Council shall initiate a proposed rezoning to revert the property back to the original classification.

## ARTICLE XXII

### Violations

Section 22.01. ENFORCEMENT AND PENALTY. Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Civil Infraction Ordinance, Ordinance Number 43.

Section 22.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

## ARTICLE XXIII

### Definitions

Section 23.01. DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", or an establishment with a segment or section devoted to the sale or display of such material or items.

ADULT MOTION PICTURE THEATRE. A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.

AGRICULTURAL LAND. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or mobile homes situated on private property and used for purposes of a building.

CABARET. An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.

COMMERCIAL OR INDUSTRIAL FACILITY. Any business or industry located on a parcel of land which has been zoned for commercial or industrial use or which is recognized by the Village as a legal non-conforming use which existed prior to the adoption of the Zoning Ordinance.

DWELLING, DUPLEX OR TWO-FAMILY. A building used or designed as a residence for two (2) families.

DWELLING, MULTIPLE-FAMILY. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE-FAMILY. A building used or designed exclusively as a residence for one (1) family.

DWELLING UNIT. Any house, building, mobile home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, feedlots, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade.

INSTITUTIONAL FACILITY. Any church, school, governmental building or facility, lodge hall, veterans organization building, or similar non-profit facility serving the community.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

KENNEL. Any lot or premises on which three (3) or more dogs, six (6) months old or older, are kept either permanently or temporarily.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hooved animals.

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Lapeer County Register of Deeds.

MANUFACTURED HOUSING PARK. Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or mobile homes for dwelling purposes.



MOBILE HOME OR MANUFACTURED HOME (includes house trailer, trailer coach, and double-wide mobile home). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

NON-USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement of the Zoning Ordinance or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the particular zoning district.

OFF-SITE SIGN (BILLBOARD). A sign advertising something other than the facility which is located on the same parcel of land as the sign.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNING COMMISSION. The duly appointed Planning Commission of the Village of Dryden.

PRINCIPAL ON-SITE SIGN. A sign advertising the name of a facility located on the same parcel of land as the sign.

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

SECONDARY ON-SITE SIGN. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SETBACK. The distance between the base of a building and a road right-of-way line or a property line.

SIGN. Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

SIGN AREA. The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

SPECIFIED ANATOMICAL AREAS:

- a. 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
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, mobile homes, pre-manufactured units, modular units, and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

TRAVEL TRAILER PARK. Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers or tents (used for recreation, camping or travel use) for overnight accommodations.

UNDEVELOPED STATE. A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

USE. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows a land use within a zoning district which is not otherwise permitted by the terms of the Zoning Ordinance.

VILLAGE COUNCIL. The duly elected or appointed Village Council of the Village of Dryden.

YARD. 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.

ZONING BOARD OF APPEALS. The Village Council of the Village of Dryden acting in the capacity of the Zoning Board of Appeals.

## ARTICLE XXIV

### Severability and Repeal

Section 24.01. SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 24.02. REPEAL. The former Dryden Village Zoning Ordinance which took effect on October 6, 1996, and all amendments thereto, are hereby repealed in their entirety.

## ARTICLE XXV

### Enactment

Section 25.01. ORDINANCE ENACTED. The provisions of this Ordinance are hereby enacted and declared to be necessary for the preservation of the public health, safety, and welfare of the people of the Village of Dryden.

Section 25.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified below.

Section 25.03. CERTIFICATION. The undersigned Clerk of the Village of Dryden hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Dryden Village Council, at a meeting held on the 3<sup>rd</sup> day of December, 2007. I further certify that a notice of adoption of this Ordinance was duly published in the Tri-City Times on the 13<sup>th</sup> day of December 2007, 2007.

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LeAnn Brewer (J)  
Dryden Village Clerk