



Village of Milford
Chapter 94
Zoning Ordinance
Effective January 13, 2022

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Preface

How to Use This Ordinance
Use Matrix
District Summary Table

How to Use This Ordinance

1. Content Organization and Page Layout

The Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

The diagram illustrates the content organization and page layout of the Village of Milford Ordinance, showing two sample pages with annotations explaining navigation features.

Article Tabs link to the first page of each Article. **Green** tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in gray.

Sections and subsections contain the ordinance regulations in a hierarchal manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

Pages are numbered sequentially within each article

Notes provide relevant district information recommended for review

Additional Requirements list other sections or Ordinances that may pertain to a development in the district

Link to Table of Contents

Link to How to Use This Ordinance

Link to Zoning Map









Link to Use Matrix

The diagram shows two sample pages from the ordinance. The left page is titled "3.1.1 R-1 One-Family Residential" and contains sections A (Purpose and Intent), B (Principal Permitted Uses), and C (Special Land Uses). The right page is also titled "3.1.1 R-1 One-Family Residential" and contains sections D (Development Standards) and E (Additional Requirements). The right page includes a diagram of a building envelope and a table of requirements. The diagram shows a building envelope with dimensions: 120' Min. width, 35' Min. depth, and 12' Min. setbacks. The table lists requirements for Lot Size, Lot Coverage, Setbacks, Maximum Building Height, Livable Floor Area and Density, and Additional Requirements. The diagram also includes a "How do I calculate height?" section with a house icon and a "NOT TO SCALE" note. The right page includes a "Table of Contents" link and a "How to Use This Ordinance" link. The left page includes a "Table of Contents" link and a "How to Use This Ordinance" link. The diagram also includes a "Table of Contents" link and a "How to Use This Ordinance" link.

How to Use This Ordinance

2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:

	Indicates the term is defined in Article 2 - Definitions . (Note: Not every defined term is designated with a  symbol. Consult Article 2 Definitions, for a list of all defined terms.)
	Indicates there is a graphic that illustrates the standard or requirement.
	Identifies a property line.
	Identifies the right-of-way centerline.
R/W	Identifies the right-of-way.
	Identifies a User Note that provides helpful information for all users.
	Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance.
	Indicates that a section was amended and provides the ordinance number and a link to the appendix with more information about the amendment.

How to Use This Ordinance

3. Reading the Ordinance

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- Article 2, Definitions, contains over 200 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.

Conjunctions are often used and must be read accurately:

- AND indicates that all connected items, conditions, provisions or events shall apply.
- OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
- EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Construction of language §2.1](#).

How to Use This Ordinance



4. Digital User Note

What is a link?

A link allows for quick reference to a relevant section. By 'clicking' a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the 'previous view' button in Adobe Acrobat Reader.

If you do not see the 'previous view' button on your Adobe Acrobat Reader screen, you can add it by turning on your 'page navigation toolbar'. For assistance, refer to the 'Help' menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance.

Click on any of the following features to quickly locate another section:



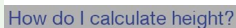
Article tabs located on the side of each page are linked to the Contents page of each Article



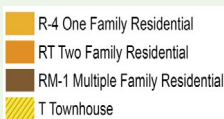
Icons located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in [Article 3 - Zoning Districts](#)



'How do I calculate height' button located on each district regulations page is linked to the definition of building height in [Article 2 - Definitions](#)



Zoning Map Legend headings are linked to the corresponding district regulations page in [Article 3 - Zoning Districts](#)




Use Matrix

Residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	R-1	R-2	R-3	R-3.5	R-4	RT	RM-1
Residential Uses							
Accessory uses and buildings, related 	P/S	P/S	P/S	P/S	P/S	P/S	P
Boardinghouses 							P
Convalescent or nursing homes 							S
Home for the aged, congregate care facility, adult foster care facility (more than 6 adults)	S	S	S	S	S	S	S
Housing for the elderly	S	S	S	S	S	S	S
One-family detached dwellings	P	P	P	P	P	P	P
Townhouses							P
Two-family dwellings						P	P

Use Matrix

Residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	R-1	R-2	R-3	R-3.5	R-4	RT	RM-1
Other Uses							
Bed and breakfast	P	P	P	P	P	P	P
Cemeteries, already established	P	P	P	P	P	P	P
Colleges, universities, institutions of higher learning, public and private	S	S	S	S	S	S	S
Day care, adult and child without dormitories	S	S	S	S	S	S	S
Fire stations	S	S	S	S	S	S	S
Golf courses	S	S	S	S	S	S	S
Home occupations	P	P	P	P	P	P	P
Libraries	S	S	S	S	S	S	S
Mortuary establishments	S	S	S	S	S	S	S
Municipal administration buildings used predominately for the general conduct of government, local	S	S	S	S	S	S	S
Museums	S	S	S	S	S	S	S
Parks, parkways, recreational facilities, publicly owned	P	P	P	P	P	P	P
Places of worship	S	S	S	S	S	S	S
Recreational area, private noncommercial/ recreation center, institutional or community/swimming pool clubs, nonprofit	S	S	S	S	S	S	S
Schools, intermediate or secondary; public, parochial or other private; not for profit	S	S	S	S	S	S	S
Swimming pool clubs, private	S	S	S	S	S	S	S
Utility buildings, public and without storage yards	S	S	S	S	S	S	S

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	O-1	B-2	B-3	I	P-1	P&R	T
Commercial Uses							
Adult entertainment use			S	S			
Auto engine and body repair, and undercoating shops, enclosed				P			
Automobile dealers with outdoor sales space and/or repair facilities for the sale of new or secondhand automobiles, house trailers, recreational vehicles, or rental trailers and/or automobiles			S				
Automobile service facility, no overnight outdoor storage, developed as part of a larger planned shopping center		S					
Automotive service facilities providing tires (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor motor tuneups			P				
Banks, credit unions, savings, loan associations	P	P	P				
Barber shops, beauty shops, health salons, and therapeutic massage	P	P	P				
Bed and breakfast operations	S						
Business service establishments (typing services, photocopying services, quick-printing, office supply stores)	P	P	P				
Car sales, new and used, indoor sales rooms, showrooms, offices		P	P				
Clinics, except veterinary clinics with outdoor runs	P	P	P				
Discount, department, or variety store		P	P				
Dry cleaning establishments or customer pick up stations		P	P				
Dry cleaning plants and laundries, central				P			

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	O-1	B-2	B-3	I	P-1	P&R	T
Gasoline service station			S				
Greenhouses				P			
Kennels				P			
Mortuary establishments	S						
Nursery, plant materials not grown on site, sales or lawn furniture, playground equipment, and garden supplies			S				
Overnight lodging facility			S				
Pharmacy or apothecary shops	P	P	P				
Restaurant, fast food, drive-throughs or drive-ins			S				
Restaurant, open-front as part of a shopping center		S					
Restaurants, outdoor dining areas		S					
Restaurants, standard or carryout		P	P				
Retail business or service establishment permitted in the B-2 business district and abutting an existing B-2 business district	S						
Retail business or service establishment permitted in the B-3 business district and abutting the B-3 business district	S						
Retail stores, merchandise sales enclosed in building		P	P				
Retail uses with an industrial character (need for outdoor storage, activities, etc.)				P			
Service establishments such as office, showroom, or workshop		P	P				
Service establishment, personal		P	P				

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	O-1	B-2	B-3	I	P-1	P&R	T
Small animal grooming facilities	P	P	P				
Veterinary hospitals and clinics, interior boarding facilities			P				
Warehousing and wholesale establishments				P			
Office Uses							
Office type businesses related to executive, administrative, or professional occupations	P	P	P				
Industrial Uses							
Laboratories, experimental, film, or testing				P			
Laboratories, medical, dental, optical	P	P	P				
Lumber and planing mills				S			
Manufacture and repair of electric or neon signs, light sheet metal products				P			
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps				P			
Manufacture of pottery, figurines, and other ceramic products				P			
Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs				P			
Manufacture, compounding, assembling, or treatment of articles of merchandise from previously prepared materials				P			
Manufacture, compounding, processing, packaging or treatment of products such as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops				P			
Metal plating, buffing and polishing				S			
Mini-warehouses, self-storage facilities			S	S			

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	O-1	B-2	B-3	I	P-1	P&R	T
Storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment and supplies				P			
Trucking facilities				P			
Utility buildings, electrical transformer stations and substations, gas regulator stations				P			
Warehouse, storage, and transfer and electric and gas service buildings				P			
Municipal Uses							
Memorials, public						P	
Municipal uses such as water treatment plants and reservoirs, sewage				P			
Post office and similar governmental office buildings		P	P				
Telephone exchange buildings	P	P	P	P			
Utilities, all public				P			
Utility buildings, public (not including storage yards, transformer stations, substations, or gas regulator stations)	P	P	P				
Institutional Uses							
Assembly halls		P	P				
Clubs, fraternal organizations or lodge halls, private	P	P	P				
Hospitals, general			S				
Place of worship	P	P	P				
Schools, trade or industrial				P			

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	O-1	B-2	B-3	I	P-1	P&R	T
Recreational Uses							
Arcade amusement devices		P	P				
Arcades, billiard parlors, card rooms		S					
Golf courses						S	
Health and athletic club		P	P				
Indoor commercial recreation			P				
Open space, developed (aboreta, botanical gardens, passive park, recreation areas)						P	
Performing arts center	S	S	S				
Recreation, indoor						P	
Recreation, outdoor (parks, playgrounds, playfields, pools, hiking trails, cross country ski trails, bike paths, tennis courts, ice rinks, etc.)						P	
Theaters, concert halls, enclosed		P	P				
Other Uses							
Accessory structures and uses	P/S	P/S	P/S	P/S		P	P
Boardinghouse			P				
Junkyard				S			
One-family detached dwellings	S						
Open space, natural						P	
Parking, vehicular, off-street					P		
Recycling center				P			
Residential units	S	S					
Townhouses		S					P

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District Summary Table

Below is a quick reference table that summarizes district regulations.

Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

Residential districts

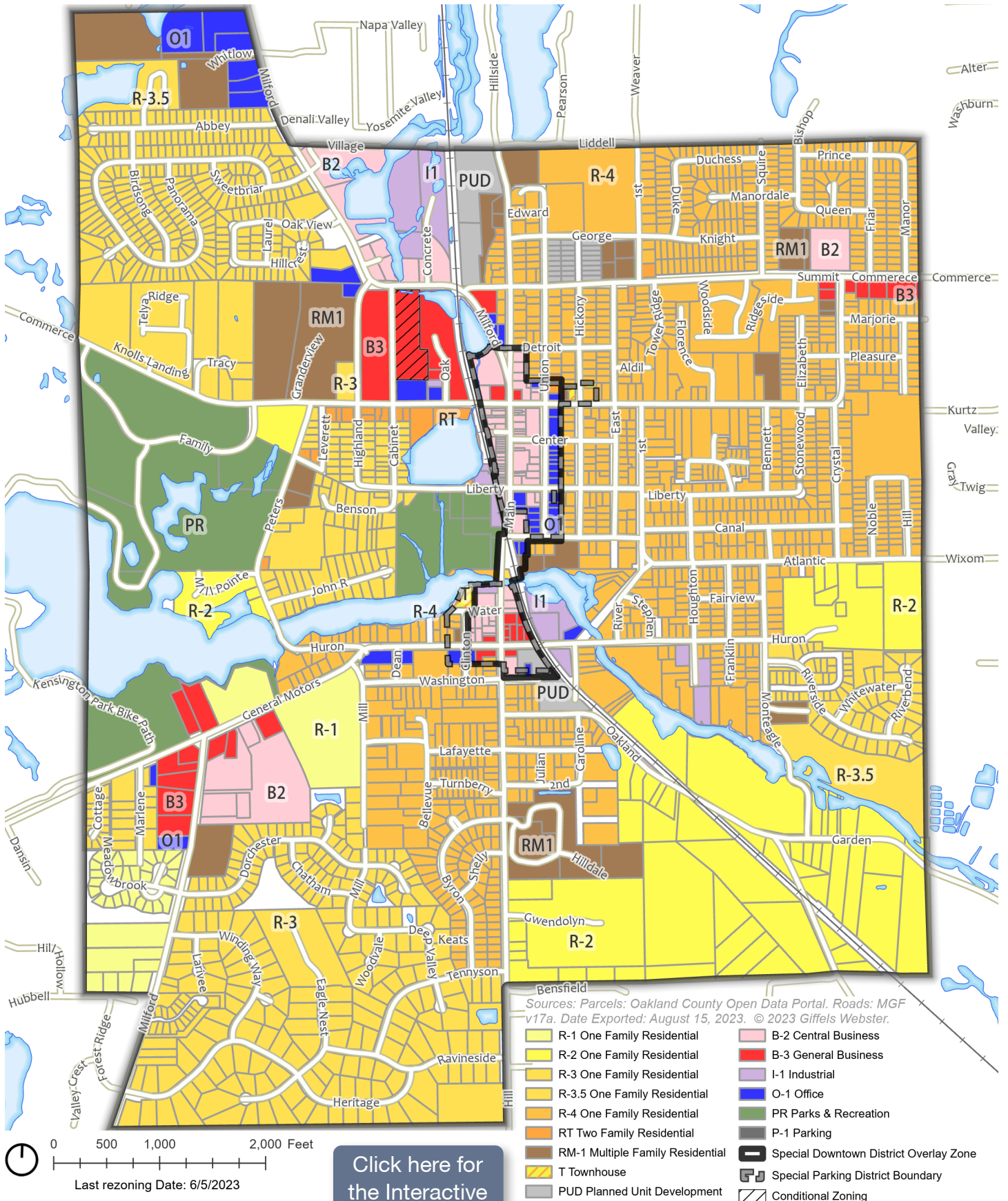
STANDARD	R-1	R-2	R-3	R-3.5	R-4	RT	RM-1
Minimum lot area (sq. ft.)	21,780	15,000	9,600	8,700	7,200	7,200	43,560
Minimum lot width (ft.)	120	100	80	66	60	66	150
Minimum front yard setback (ft.)	30	30	25	25	30	25	50
Minimum rear yard setback (ft.)	35	35	35	35	35	35	50
Minimum side yard setback (ft.)	12	10	8	8	8	8	50
Maximum lot coverage (%)	25	25	30	30	30	30	35
Maximum building height (stories (ft.))	2.5 (35)	2.5 (35)	2.0 (30)	2.0 (30)	2.0 (30)	2.0 (30)	2.5 (30)
Notes to District Standards	See Notes to schedule of regulations §3.2						

Non-residential districts

STANDARD	O-1	B-2	B-3	I-1	P-1	P&R	T
Minimum lot area (acres)	-	-	-	2	-	-	-
Minimum lot width (ft.)	60	100	100	150	-	-	-
Minimum front yard setback (ft.)	20	20	30	45	-	-	-
Minimum rear yard setback (ft.)	20	20	20	25	-	-	-
Minimum side yard setback (ft.)	15	15	15	25	-	-	-
Maximum building height (stories (ft.))	2.0 (30)	2.0 (30)	2.0 (30)	(45)	-	-	-
Notes to District Standards	See Notes to schedule of regulations §3.2						

*For parcels located in the special downtown district, see [SDD Special Downtown District Overlay §3.1.15..](#)

Zoning Map



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Chapter 94 | Article 1

Purpose and Intent

Article 1 - Purpose & Intent

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1. Purpose & Intent
2. Definitions
3. Zoning Districts
4. Use Standards
5. Site Standards
6. Development Procedures
7. Administration & Enforcement



1.1 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

1.2 Vested rights

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

1.3 Conflicting regulations

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such law or ordinance shall govern.

1.4 District boundaries

The boundaries of the zoning districts are hereby established as shown on the zoning districts map, which accompanies Ordinance No. 228, from which this chapter is derived, and which map with all notations, references, and other information shown thereon shall be as much a part of this chapter as if fully described herein.

1.5 Interpretation of district boundaries

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

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be 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 corporate limits shall be construed as following corporate limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in [subsection A, B, C, D, and E](#) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by [subsection A, B, C, D, E, and F](#) of this section, the board of appeals shall interpret the district boundaries.
- H. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

1.6 Zoning of vacated areas

Whenever any street, alley or other public way within the village shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

1.7 Zoning of annexed areas

Wherever any area is annexed to the village, one of the following conditions will apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district of this chapter most clearly conforms with the zoning that existed prior to annexation, such classification to be recommended by the planning commission to the village council, and the council shall approve such classification by resolution.
- B. Land not zoned prior to annexation shall be automatically classified as an R-1 through R-4 district until a zoning map for such area has been adopted by the village council. The planning commission shall recommend the appropriate zoning districts for such area within three months after the matter is referred to it by the village council.



1.8 Building regulations

- A. Scope. No building or structure, or part thereof, shall be erected, constructed, used, reconstructed, altered or maintained, and no lot or land, or part thereof, shall be used or maintained, and no new use made of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.
- B. Unlawful building. In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this chapter, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. Public expenditures toward abating such nuisance shall become a lien upon the land where such nuisance exists.

1.9 Essential services

Essential services serving the village shall be permitted as authorized and regulated by law and other ordinances of the municipality.

1.10 Voting places

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

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

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Definitions

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*Multiple definitions

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2.1 Construction of language

The following rules of construction apply to the text of this chapter:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:
 - I. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - J. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - K. “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- L. Terms not defined in this chapter shall have the meaning customarily assigned to them.



2.2 Definitions

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

ACCESSORY BUILDING

means a building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

ACCESSORY USE OR ACCESSORY

means a use that is clearly incidental to the principal use, is customarily found in connection with, and, except in the case of accessory off-street parking spaces or loading, located on the same zoning lot as the principal use to which it is related. An accessory use is subordinate in area, extent, and purpose to the principal building or use served and contributes to the comfort, convenience, or necessity of occupants of the principal building or use served. An accessory use may not operate independently of the principal use, and may not alter the visual appearance from the outside of the principal use when wholly within the same building. When “accessory” is used in this chapter, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- A. Swimming pools for the use of the occupants of a residence or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- D. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- E. Accessory off-street parking spaces, open or enclosed, including garages, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- F. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

[△ Ord. No. 231-259](#)

ADDITION

means an extension or increase in floor area or height of a building or structure.

ADULT ENTERTAINMENT USES

means any use of land, whether vacant or combined with structures or vehicles thereon, by which such property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting specified sexual activities or specified anatomical areas.

A. Adult entertainment uses shall include, but not be limited to, the following:

1. **ADULT MOTION PICTURE THEATER** means an enclosed building with a capacity of 50 or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
2. **ADULT MINI-MOTION PICTURE THEATER** means an enclosed building with a capacity for less than 50 persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting specified sexual activities or specified anatomical areas.
3. **ADULT MOTION PICTURE ARCADE** means any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to specified sexual activities or specified anatomical areas.
4. **ADULT BOOKSTORE** means a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a substantial segment or section devoted to the sale or display of such material.
5. **ADULT CABARET** means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe specified sexual activities or specified anatomical areas.
6. **ADULT MOTEL** means a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to specified sexual activities or specified anatomical areas.
7. **ADULT MASSAGE PARLOR** means any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.
8. **ADULT MOTEL STUDIO** means any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.

9. **ADULT SEXUAL ENCOUNTER CENTER** means any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.
- B. As used in the above definitions of adult entertainment uses, the following definitions shall apply:
 1. Significant portion means and includes:
 - a. Any one or more portions of the display having continuous duration in excess of five minutes;
 - b. The aggregate of portions of the display having a duration equal to ten percent or more of the display; and/or
 - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent or more of the display.
 2. Display means any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, videocassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
 3. Specified sexual activities means and includes:
 - 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.
 4. Specified anatomical areas means and includes:
 - 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.
 5. Regulated uses means those uses and activities which require a license, approval or permit by village regulations.

ADULT FOSTER CARE LARGE GROUP HOME

means an adult foster care facility with an approved capacity to receive at least 13, but not more than 20, adults who shall be provided foster care.

ADULT FOSTER CARE SMALL GROUP HOME

means an adult foster care facility with an approved capacity of not more than 12 adults who shall be provided foster care.

AGE-RESTRICTED ADULT HOUSING

means a variety of housing types designed to specifically meet the varied needs of persons age 55 and older. Such housing may include active adult communities, independent living facilities, continuing care retirement communities, assisted living and congregate care facilities.

ALLEY

means any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALL TERRAIN VEHICLE (ATV)

means an open motor vehicle designed for use on rough, sandy, or marshy grounds, as well as roads. It is usually designed for only one or two people.

ALTERATION

means any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to in this chapter as “altered” or “reconstructed.”

APARTMENTS

means a suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single family or a group of individuals living together as a single housekeeping unit.

AQUIFER

means a geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.

ARCADE

means any place of business or establishment whose principal use shall be the housing of mechanical or electronic amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

ARCHITECTURAL FEATURES

means a prominent or significant part or element of a building, structure, or site, including but not limited to cornices, eaves, gutters, belt cornices, window projections, chimneys, and decorative ornaments.

AUTOMOBILE SERVICE/REPAIR

means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

AUTOMOTIVE SERVICE FACILITIES

means operations providing tires (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor motor tuneups only.

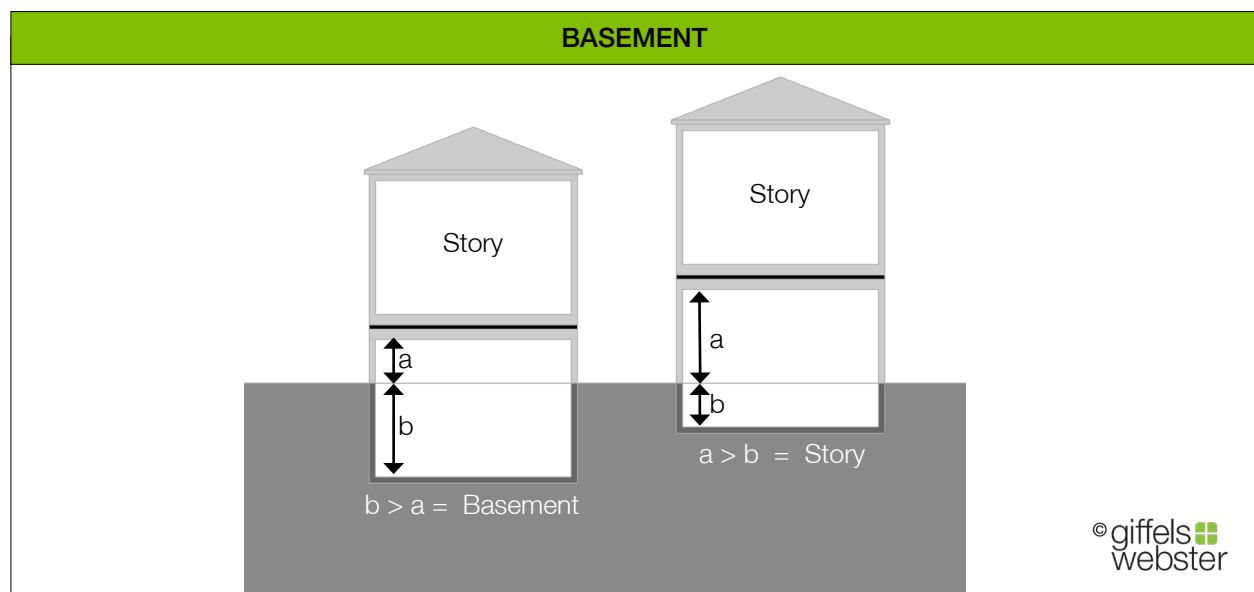
BALCONY

means an open, covered, or enclosed porch that can be accessed from the second story or above.

[△ Ord. No. 231-246](#)

BASEMENT

means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. ✍



BED AND BREAKFAST OPERATION

means a use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

BLOCK

means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARDINGHOUSE

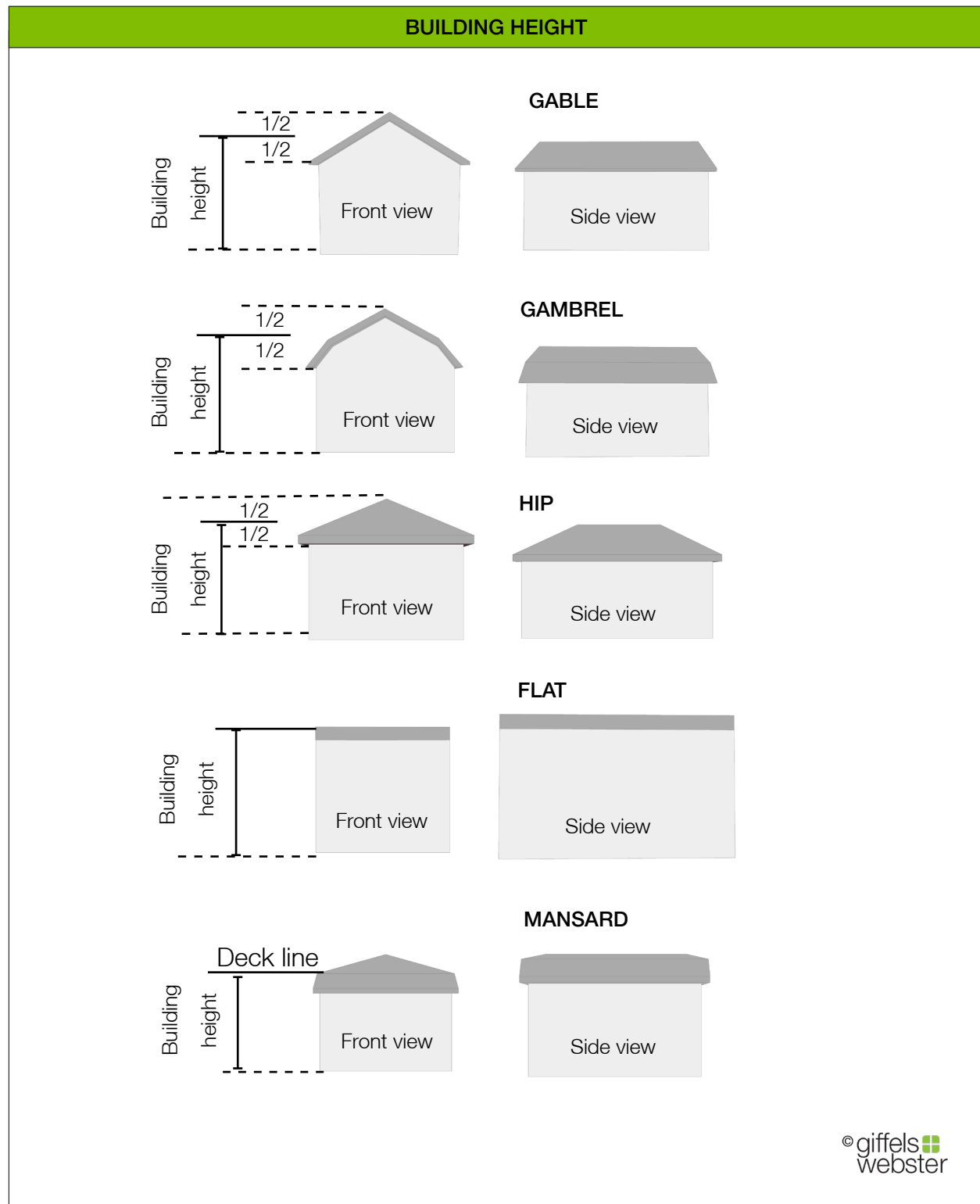
means a dwelling where meals, or lodging and meals, are provided for compensation and where one or more rooms are occupied by persons by prearrangement for definite periods of not less than one month. A boardinghouse is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

BUILDING

means a structure erected on site, a mobile home or mobile structure, a premanufactured or precut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

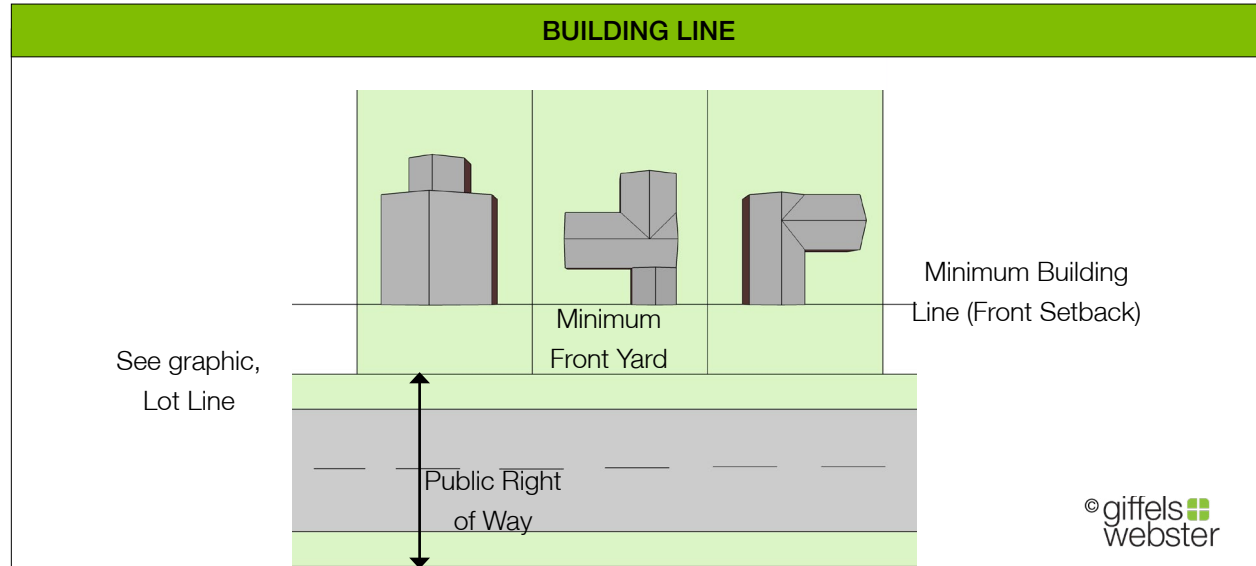
BUILDING HEIGHT

means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridges for gable, hip, and gambrel roofs. ✍



BUILDING LINE

means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line. ✍



BUSINESS SERVICE ESTABLISHMENTS

such as typing services, photocopying services, quick-printing establishments, office supply stores, and similar establishments.

CANOPY

means any overhead protective structure which is constructed in such a manner as to allow pedestrians/ vehicles to pass under.

[△ Ord. No. 231-256](#)

CARPORT

means a roofed, wall-less shed, usually projecting from the side of a building, used as a shelter for an automobile or recreational vehicle.

CITY-VILLAGE ZONING ACT

means the Michigan Zoning Enabling Act, PA 110 of 2006.

CLINIC

means an establishment where human or animal patients are admitted for examinations and treatment by a group of physicians, dentists, veterinarians, myomassologist or similar professionals.

CLUB, PRIVATE FACILITIES

means any nonprofit facility established to provide recreational or social activities for the sale and exclusive use of its members, their families, and guests.

COMMON ELEMENTS

means a portion of the condominium project other than the condominium units.

COMMUNITY IMPACT STUDY

means a professionally prepared written evaluation which contracts the impacts of land development associated with permitted uses under current zoning against a proposed use under the requested zoning district.

CONDOMINIUM PROJECT

means a plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, PA 59 of 1978, MCL 559.101 et seq. and as may be amended from time to time.

CONDOMINIUM SUBDIVISION

means a division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended, MCL 506.101 et seq. and as may be amended from time to time.

CONDOMINIUM SUBDIVISION PLAN

means the drawings and information required by the Michigan Condominium Act and its amendments from time to time. For the purpose of this chapter, a condominium subdivision plan shall be equivalent to the term "condominium plan".

CONDOMINIUM UNIT

means that portion of a condominium project within which the building may be constructed which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

CONTAINMENT FACILITY, PRIMARY

means a tank, pit, container, pipe, or vessel of first containment of a hazardous substance.

CONTAINMENT FACILITY, SECONDARY

means a second tank, catchment, pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent the discharge to land, groundwater, or surface waters, of any pollutant which may emanate from such storage containers.

CONTINUUM OF CARE FACILITY

means a progressive care housing establishment containing two or more levels of care of housing for the elderly such as independent living, assisted living, and memory care/dementia. Facilities of this type are intended to address the changing lifestyle requirements of the elderly, as their physical, emotional, and sociological needs may increase in demand during their life at the care facility.

CONTRIBUTING BUILDING

means a building, site, structure or object that adds to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was present during a period of significance and possesses historic integrity reflecting its character at that time, or is capable of yielding important information about the period.

CONVALESCENT HOME

See Nursing home.

CULTURAL ARTS CENTER

means an establishment which offers exhibitions, recitals and/or instruction in the visual arts, literature, music, theater, film or dance when conducted within a completely enclosed building.

DANCE STUDIO

means a business establishment built or equipped for the study, instruction, and practice of dance for four or more persons at a time.

DAY CARE CENTER

means a school, kindergarten, or adult care facility wherein day care, or day care and education, is provided.

DEVELOPMENT

- A. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
- B. The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

DISTRICT

means a portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DWELLING

- A. **DWELLING, MOBILE HOME** means a detached residential dwelling unit with a body width greater than eight feet, of not less than 40 feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle. In addition, mobile homes which do not conform to the standards for one-family dwellings of this chapter shall not be used for dwelling purposes within the village unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as provided in this chapter.
- B. **DWELLING, MULTIPLE-FAMILY** means a building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.
- C. **DWELLING, ONE-FAMILY** means a building designed exclusively for one family for residential use.
- D. **DWELLING, TOWNHOUSE** means (a) one-family dwelling in a row of four, but not more than 16 such units in which each unit: has its own front and rear access to the outside; is separated from any other unit by one or more fire resistant walls; and having windows on its front and rear walls.
- E. **DWELLING, TWO-FAMILY** means a building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.
- F. **DWELLING UNIT** means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking and sanitary facilities.
- G. **DWELLING UNIT, MANUFACTURED** means a dwelling unit which is substantially built, constructed, assembled, or finished off the premises upon which it is intended to be located.
- H. **DWELLING UNIT, SITE BUILT** means a dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

EARTH BERM

means a mound of earth planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

EASEMENT

means a grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

EDUCATIONAL SPACE FOR PERSONAL ENRICHMENT

means floor area intended to be used for the instruction and/or training of individuals, designed to improve their awareness, appreciation or competency, where participation is voluntary and which is not part of a formalized curriculum leading to a degree or diploma.

ELDERLY HOUSING

means a building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older, or couples where either spouse is 60 years of age or older. This does not include a foster care facility, home for the aged, continuum of care facility, or nursing home.

ENVIRONMENTAL CONTAMINATION

means the release of a hazardous substance, or the potential release of a discarded hazardous substance, in a quantity which is or may become injurious to the environment, or to the public health, safety, or welfare.

ERECTED

means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES

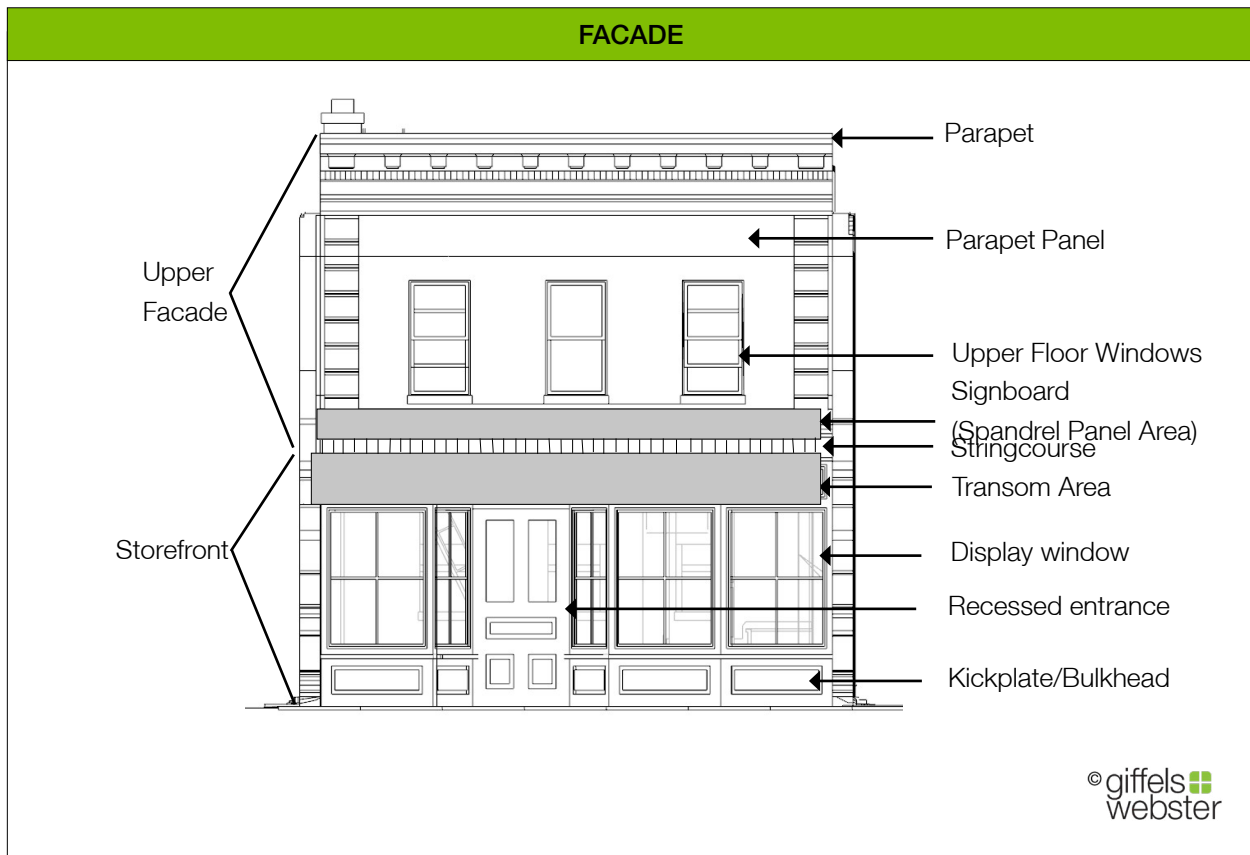
means a public utility or municipal department utilizing underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal system, but not including buildings.

EXCAVATION

means any breaking of ground, except common household gardening and ground care.

FACADE

means an outside wall of a building, especially the principal face. ✎

**FACILITY**

means any building, structure, or installation from which there may be a discharge of hazardous substances.

FAMILY

means a single individual living in one dwelling doing his or her own cooking and living upon the premises as a separate housekeeping unit, or a collective number of individuals living together in one dwelling whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, boardinghouse, hotel, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character, or merely formed for convenience or economics.

FENCE

means a barrier constructed of any manufactured material or combination of materials such as wood, brick, stone, metal, or plastic, determined by the zoning administrator to be durable, weather-resistant, and easily maintained which is erected for the purpose of enclosing, dividing, screening, or separating yard areas. For purposes of this definition, a fence must replicate a design that is typical of fencing sold at retail centers that deal in fencing products.

FENCE, DECORATIVE

means any open or semi-open artificially constructed barrier constructed of any manufactured material or combination of materials determined by the zoning administrator to be durable, weather resistant, easily maintained, and ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

FIRE STATION

means a building and associated land used by the fire department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous material response, and other types of emergency services and to provide classroom and practical training not involving live burns or explosive devices for emergency services and support personnel.

FLOATING ZONE

means an unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for rezoning is approved.

FLOOR AREA, GROSS

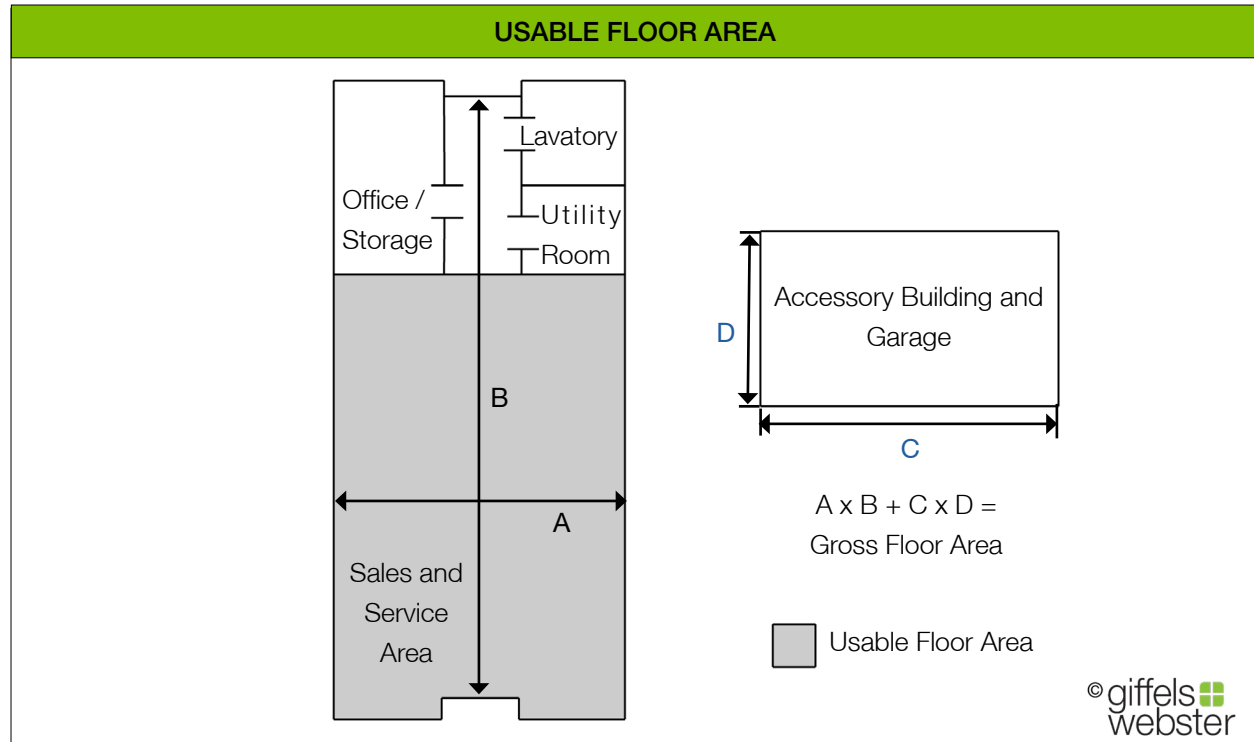
means the sum of the horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, RESIDENTIAL

means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE

means, for the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. ✍

**FOSTER CARE**

means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours per day, five or more days per week, and for two or more consecutive weeks for compensation.

FRONTAGE

means the minimum width required in a use district which abuts a public right-of-way or private road.

GARAGE, PRIVATE

means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, SERVICE

means any premises used for the storage or maintenance of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

GARDEN CENTER

means a place of business where retail and wholesale products and produce are sold to the customer. These customers may include nursery and/or greenhouses, and may include for sale, but not necessarily limited to, plants, nursery products and stock, bagged soil, bagged fertilizer, bagged mulch, power equipment and machinery, outdoor furniture, and garden and farm variety tools and utensils.

GASOLINE SERVICE STATION

means a place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

GENERAL COMMON ELEMENTS

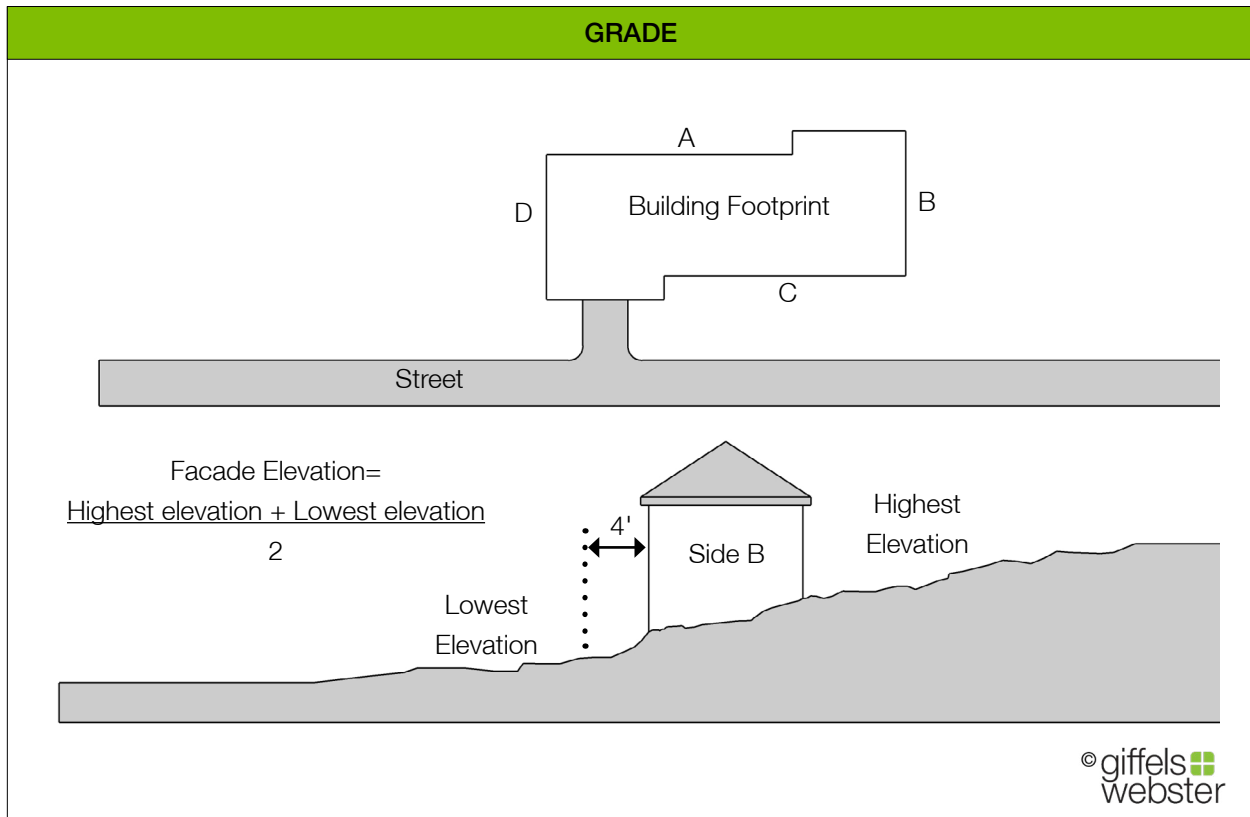
means that portion of the condominium project, other than the condominium unit and limited common elements, typically intended for the use of all the co-owners.

GOVERNMENT AGENCY

means any department, commission, independent agency, or instrumentality of the United States, or of a state, county, incorporated or unincorporated municipality, township, authority, district, or governmental unit.

GRADE

means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance four feet out from the edge of the building. ✍

**GREENBELT**

means a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter.

HAZARDOUS SUBSTANCE

means a chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term includes, but is not limited to, hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767; “hazardous waste” as defined in the Hazardous Waste Management Act, Act No. 64 of the Public Acts of Michigan of 1979 (MCL 299.501 et seq.), as amended; “petroleum” as defined in the Leaking Underground Storage Tank Act, Act No. 478 of the Public Acts of Michigan of 1988 (MCL 299.831 et seq.), as amended.

HEALTH CARE FACILITY

means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital.

HEALTH CLUB (SALON)

means a commercial establishment offering products and/or services related to health, including tanning salons, weight reduction centers, massage therapy, weight and exercise training facilities.

HOME FOR THE AGED

means a supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to 21 or more unrelated, nontransient individuals 60 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older when the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

HOME OCCUPATION

means an accessory use of a dwelling that constitutes, either entirely or partly, the livelihood of a person living in the dwelling; such use to be conducted entirely within the dwelling and carried on by the inhabitants therein and having no external effects.

HOME-BASED BUSINESS

means an enterprise conducted in the home by the owner and a limited number of partners, employees, and/or volunteers, which meets the applicable requirements of [Home occupation and home-based business regulations §4.16](#).

HOSPITAL

See [Health care facility](#).

HOTEL

See [Overnight lodging facility \(hotel, motel, motor inn\)](#).

INDOOR COMMERCIAL RECREATION

means bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms

JUNKYARD

means an area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping, or abandonment of junk.

KENNEL


means any lot or premises on which three or more dogs, cats, or other household pets are either permanently or temporarily boarded for remuneration.

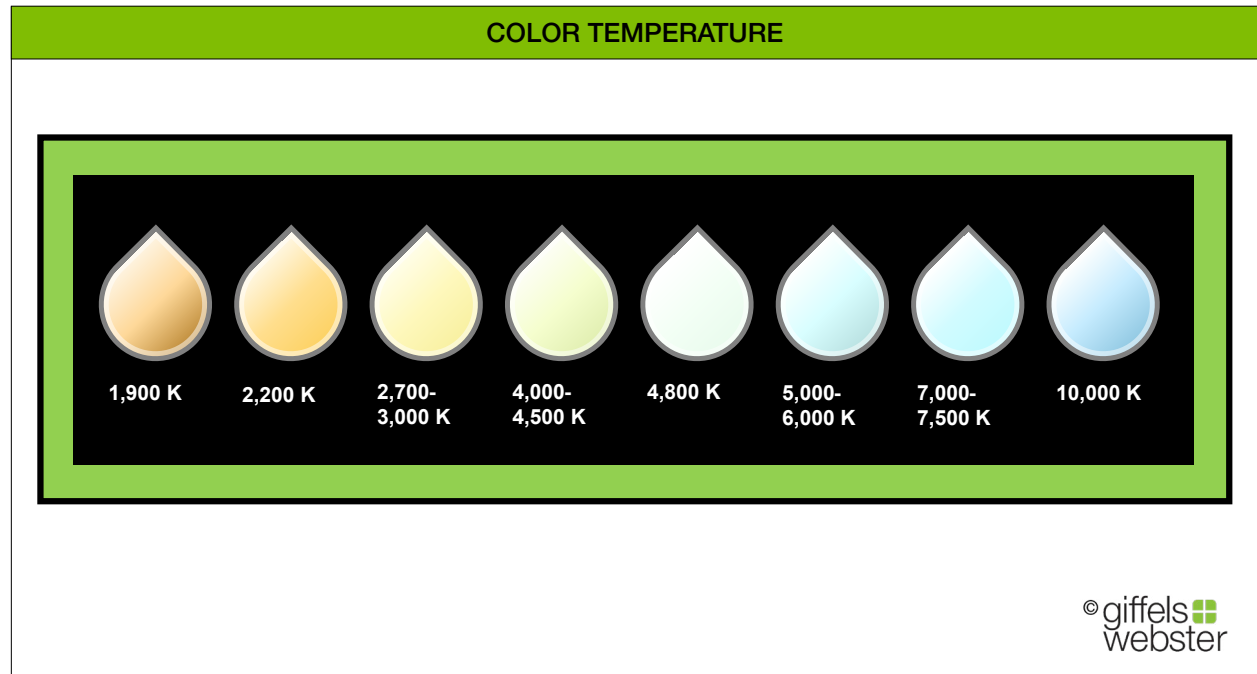
LARGE WATERCRAFT

means a craft for water transport being at least 16 feet in length and having a gunwale which is at least five feet from the ground when sitting on a boat trailer.

LIGHTING

The following definitions are related to lighting and shall be listed as:

- A. **COLOR TEMPERATURE.** A numerical system for measuring color on a warm-to-cool spectrum. Color temperature is measured in Kelvins. 



- B. **COLOR RENDERING INDEX.** A scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight. The higher the number, the closer the light is to a natural light source.
- C. **EDISON BULB.** An incandescent light bulb with an exposed filament or an LED bulb simulating the appearance of such a bulb, meant to provide atmospheric lighting and produce a light output not greater than 400 lumens.
- D. **FLUSH-MOUNTED.** A method of mounting a light fixture so that the front face is along the same horizontal plane as the wall or ceiling where it is installed.
- E. **FOOTCANDLE.** A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
- F. **FULLY SHIELDED FIXTURE.** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

- G. **GLARE.** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- H. **ILLUMINANCE.** Quantity of incident light, measured in footcandles
- I. **LIGHT FIXTURE.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- J. **LIGHT POLLUTION.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- K. **LIGHT TRESPASS.** The shining of light produced by a luminaire beyond the boundaries of the property in which it is located.
- L. **LUMEN.** As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).
- M. **LUMINAIRE.** The complete lighting system including the lamp and light fixture.
- N. **LUMINAIRE CUT-OFF ANGLE.** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- O. **LUMINOUS TUBE LIGHTING.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- P. **OUTDOOR LIGHT FIXTURES.** Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.
- Q. **STRIP LIGHTING.** A device or devices installed that attract attention to a non-residential use wherein a source or sources of light are arranged to be visible from the exterior of a building or structure including, but not limited to, strips of LED lights or neon tubes placed along the perimeter of building windows, along building edges, and other locations that serve to attract attention to a non-residential use. This definition shall not include any device or devices classified as a sign by the definitions and regulations in the Zoning Ordinance. Temporary lights otherwise regulated by this ordinance are also excluded from this definition.

[Δ Ord. No. 231-256](#)

LIMITED COMMON ELEMENTS

means portions of the common elements reserved in the condominium master deed for the exclusive use of less than all of the co-owners.

LOADING AREA

means a portion of a site, separate from the parking area, dedicated to the loading and unloading of merchandise or materials. A loading area may include loading docks and dedicated loading spaces.

△ Ord. No. 231-256

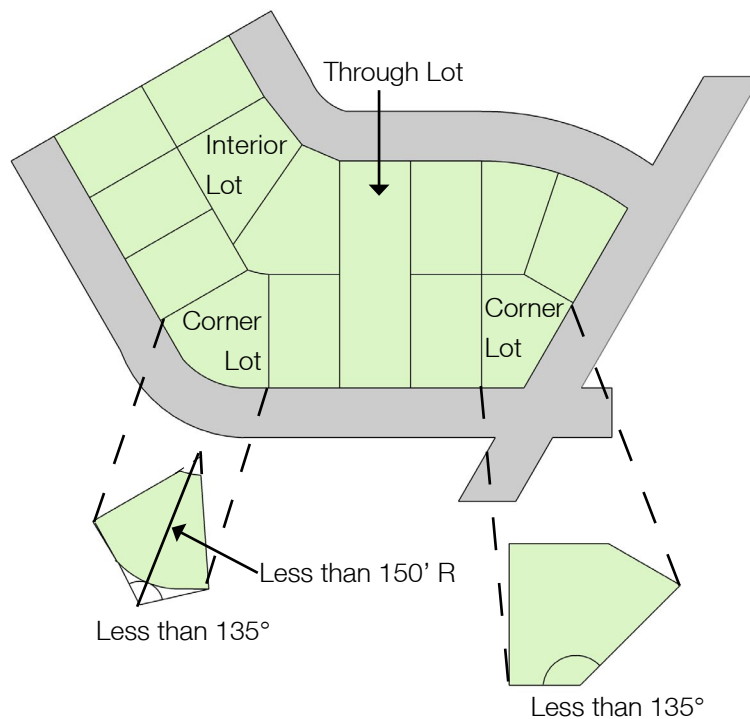
LOADING SPACE

means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT

means a measured portion of a parcel or tract of land, which is legally described and fixed in a recorded plat. ✍

- A. **LOT, CORNER** means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. ✍
- B. **LOT, INTERIOR** means any lot other than a corner lot. ✍
- C. **LOT, THROUGH** means any interior lot having frontage on two more or less parallel streets, as distinguished from a corner lot. ✍

INTERIOR, THROUGH, AND CORNER LOTS

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LOT AREA

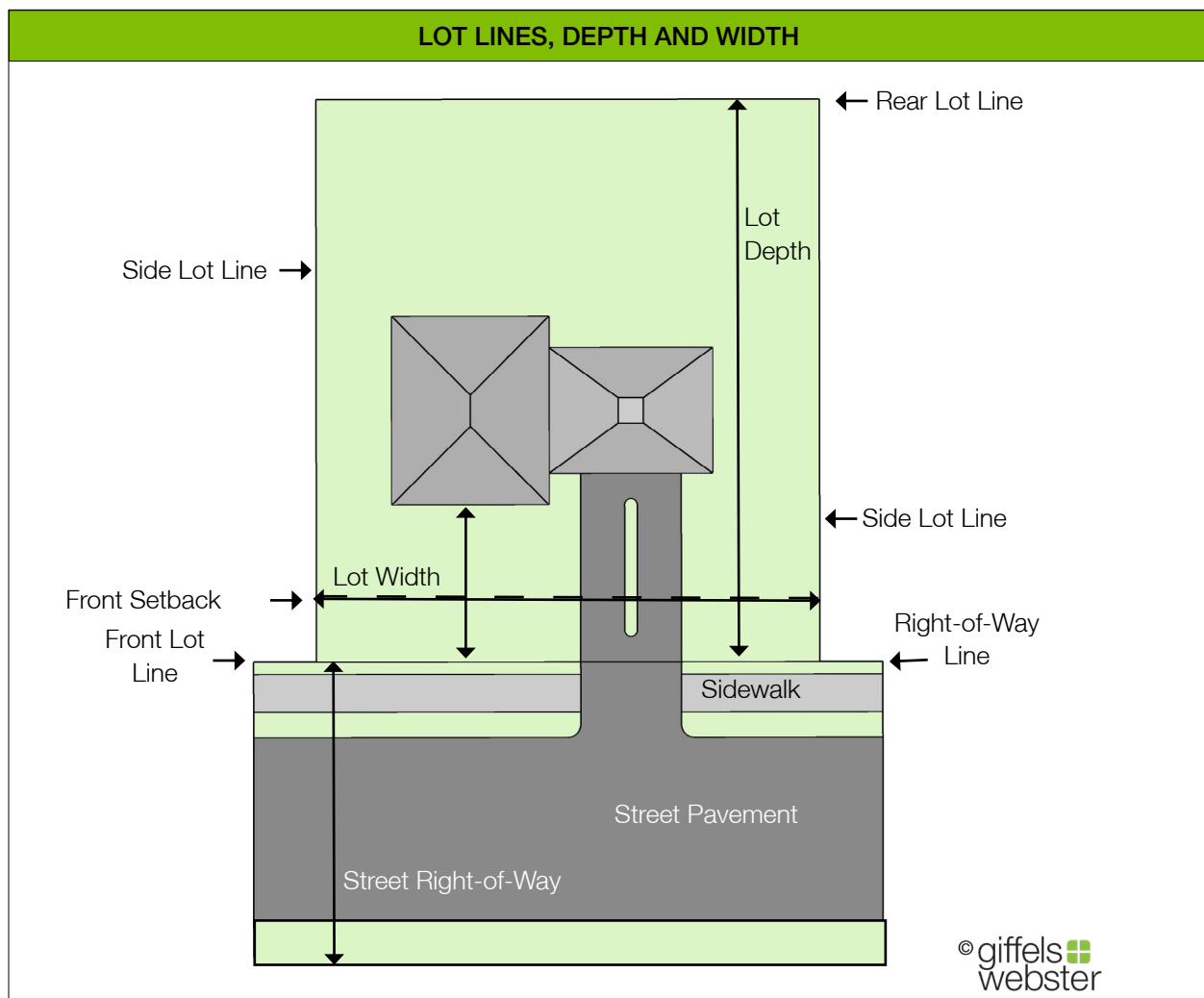
means the total horizontal area within the lot lines of the lot.

LOT COVERAGE

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

LOT DEPTH

means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. 



LOT, ZONING

means a single tract of land, which may include one or more lots of record, which conforms with this chapter with respect to area, size, dimensions and frontage in the district.

LOT LINES

means the lines bounding a lot, defined as follows:

- A. **FRONT LOT LINE**, in the case of an interior lot, means that line separating such lot from the streets. ✍
- B. **REAR LOT LINE** means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot. ✍
- C. **SIDE LOT LINE** means any lot line other than the front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. ✍

LOT OF RECORD

means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two or more lots as contained on any recorded plat into a single building site, or combined two or more lots contained on any recorded plat in the records of the township assessor or treasurer, such combination of lots shall be deemed to be a single lot of record for the purposes of this chapter.

LOT WIDTH

means the horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines, or, in the case of a corner lot, the side lot line and opposite lot line. ✍

MAIN BUILDING

means a building in which is conducted the principal use of the lot upon which it is situated.

MAJOR THOROUGHFARE

means an arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

MANUFACTURING, COMPOUNDING, OR PROCESSING

means:

- A. Warehousing and wholesale establishments and trucking facilities.
- B. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
- C. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell textiles, tobacco, wax, wire, wood, and yarns.
- D. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- E. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
- F. Manufacture or assembly of electrical appliances, electronic instruments and devices, radio and phonographs.
- G. Laboratories, experimental, film, or testing.
- H. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
- I. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail.
- J. All public utilities, including buildings, necessary structures, storage yards, and other related uses.

MASTER PLAN

means the comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MARIHUANA, MEDICAL TERMS

- A. **DISPENSARY** means any operation where marihuana is distributed to a qualifying patient by someone other than his or her designated primary caregiver.
- B. **MARIHUANA** means the substance defined as such in section 7106 of the Public Health Code, 1976 PA 368, MCL 333.7106.
- C. **MICHIGAN MEDICAL MARIHUANA ACT OR ACT** means the Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.
- D. **PRIMARY CAREGIVER** means a primary caregiver as defined under MCL 333.26423(h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- E. **QUALIFYING PATIENT** means a qualifying patient as defined under MCL 333.26423(i) of the Act, and who has been issued and possesses a registry identification card under the Act.
- F. **REGISTRY IDENTIFICATION CARD** means the document defined as such under MCL 333.26423(j) of the Act and which is issued by the State of Michigan to identify a person as a registered qualifying patient or registered primary caregiver.
- G. **COLLECTIVE INGESTION FACILITY** means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.
- H. **ENCLOSED LOCKED FACILITY** means a closet, room, or other comparable stationary, and fully enclosed area contained within the primary residence accessible only from its interior by means of passage through a doorway equipped with secured locks or other security devices which permits access only by a registered primary caregiver or qualifying patient. The growing of marihuana plants outdoors is expressly prohibited.

MEDICAL MARIHUANA HOME OCCUPATION

means a medical marihuana primary caregiver activity as described and regulated in [Medical marihuana home occupation regulations §4.21](#).

MEZZANINE

means an intermediate floor in any story occupying not to exceed one-third of the floor area of such story. (See figure for "[Story](#)").

MINI-WAREHOUSE (SELF-STORAGE FACILITY)

means a facility consisting of a building or a group of buildings in a controlled access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

MOBILE HOME PARK

means a parcel of land which has been planned and improved for the placement of mobile homes for residential use.

MOTEL

See [Overnight lodging facility \(hotel, motel, motor inn\)](#).

MOTOR HOME

means a motor vehicle constructed or altered to provide amenities of day-to-day living, including permanently installed cooking and sleeping facilities, and used for travel, recreation, camping, or other noncommercial use.

MUNICIPALITY

means the Village of Milford.

MYOMASSOLOGIST (MASSAGIST)

means any person who administers to another person for monetary or valuable consideration a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, or manipulation of the body or similar procedure.

NONCONFORMING BUILDING

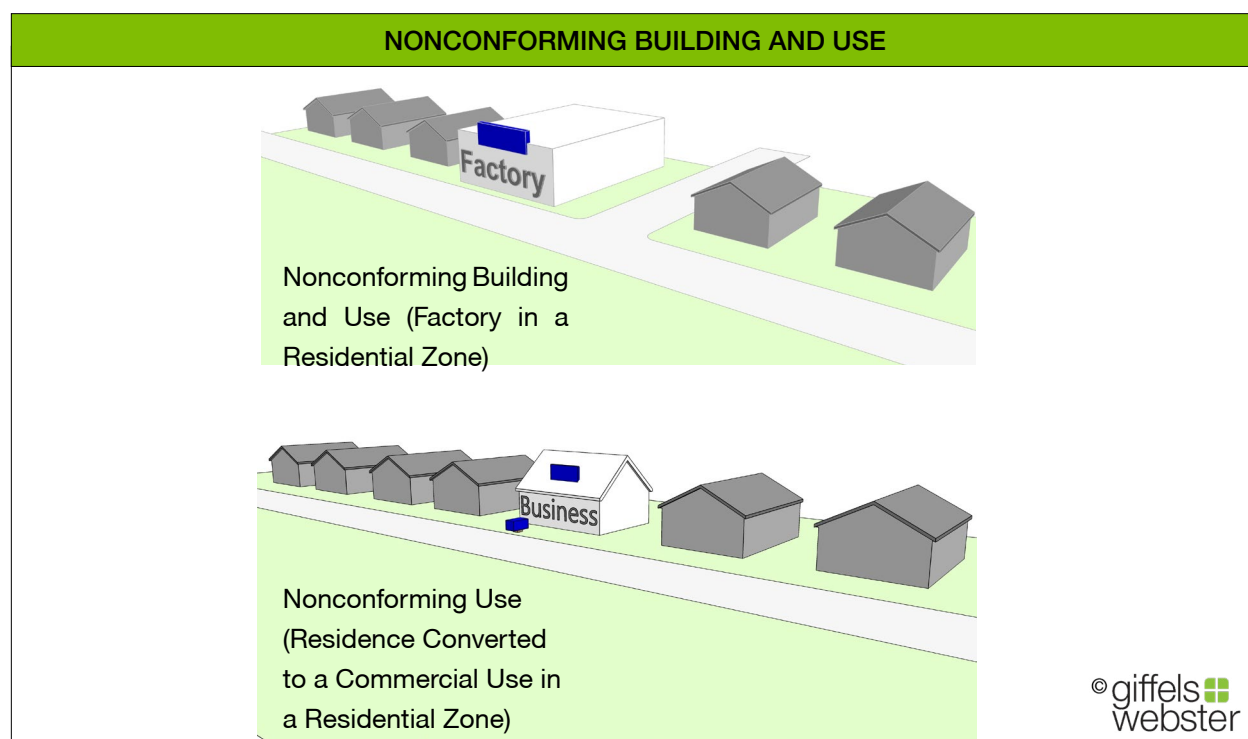
means a building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located. ✍

NONCONFORMING LOT

means any lot, outlot, or other parcel of land which does not meet the land area or dimension requirements of this chapter.

NONCONFORMING USE

means a use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located. ✍



NUISANCE FACTOR

means an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- A. Sound;
- B. Dust;
- C. Smoke;
- D. Odor;
- E. Glare;
- F. Fumes;
- G. Light;
- H. Vibration;
- I. Shock waves;
- J. Heat;
- K. Electronic or atomic radiation;
- L. Effluent.

NURSERY, PLANT MATERIALS

means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME

means a nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of Michigan of 1985 (MCL 36.1 et seq.), as amended, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

OBSCURING WALL

means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

OCCUPIED

means and includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OFF-ROAD VEHICLE (ORV)

means a motor-driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORVs include mini-bikes, motorbikes, motorcycles, ground effect air cushion vehicles, ATVs, dune buggies, some four wheel vehicles, and amphibious machines.

OFF-STREET PARKING FACILITY

means an open area other than a street providing vehicular parking spaces along with adequate drives and aisles for maneuvering, and providing access for entrance and exit developed in a way to accommodate the temporary parking of motor vehicles.

OFF-STREET PARKING SPACE

means space with access to a public street or alley intended for the parking of one motor vehicle which is not located within a public right-of-way or part of a municipally-owned off-street parking facility.

ON-STREET PARKING SPACE

means a temporary storage area for a motor vehicle which is located within a dedicated right-of-way.

OPEN AIR BUSINESS USE

means any business which sells, primarily at retail, certain goods or products which are displayed or otherwise merchandised outside of an enclosed building, including, but not necessarily limited to, auto sales, plant material nursery, camper or trailer sales, home equipment sales, bicycle sales, garden art or statuary, sales, produce sales and similar uses.

OPEN-FRONT STORE

means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term shall not include automobile repair or gasoline service stations.

OPEN SPACE

means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space.

OUTDOOR CAFE

means an area that exhibits the following characteristics:

- A. Food and/or drink are provided for public consumption.
- B. Items of furniture, such as tables and chairs, are provided for use by cafe patrons.
- C. The site is accessible, out-of-doors, and available for public use.
- D. There is an adjacent associated business such as a cafe, coffeehouse, wine bar, restaurant, ice cream parlor, dining hall, food court, sandwich shop, or similar use.
- E. The associated business extends its supervised activities within the outdoor cafe location.

OVERNIGHT LODGING FACILITY (HOTEL, MOTEL, MOTOR INN)

means an establishment or building providing a number of bedrooms, baths, etc., and usually food, for the accommodation of travelers or other transient guests.

PARAPET

means a low protective wall or railing along the edge of a raised structure such as a roof or balcony. (See [Facade](#) illustration.)

PARKING SPACE

means an area of definite length and width, such area being exclusive of drives, aisles or entrances giving access thereto, and being fully accessible for the parking of permitted vehicles.

PERFORMING ARTS CENTER

means a theater which offers scheduled exhibitions, recitals or performances, or instruction, in the visual arts, literature, music, theater, film, or dance when conducted within a completely enclosed building. A performing arts center may include the accessory sales of snack foods and soft drink beverages. This definition shall not be interpreted to include a jazz club, karaoke bar, dinner theater, or similar venue which routinely offers live entertainment with or without meals and/or adult beverages as an adjunct to their principal use.

PERSONAL SERVICE ESTABLISHMENT

means places which perform services on the premises, such as but not limited to repair shops (watches, radio, television, shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners.

PHYSICAL THERAPY REHABILITATION OFFICE

means floor area contained with a room or group of rooms dedicated to the treatment of a physical condition, disease, or infirmity by physical and mechanical means such as through massage, regulated exercise, water, light, heat, and electricity. For purposes of the definition, a physical therapy rehabilitation office shall not be defined to include swimming pools, exercise rooms, jogging tracks, and similar use areas that are principally provided for recreational use by the general public.

PICK-UP CAMPER

means a non-self propelled recreational vehicle without wheels for road use, that is designed to rest all its weight upon, and be attached to, a motor vehicle, and which is primarily intended for use as temporary living quarters in connection with recreational, camping, or travel purposes.

PLANNED COMMERCIAL OR SHOPPING CENTER

means a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, with provision for delivery of goods separated from customer access, aesthetic considerations and protection from the elements.

POLLUTING MATERIAL

means any hazardous substance as defined in this subsection that can cause pollution to groundwater sources and/or become injurious to the public health, safety, or welfare of the general public or to the environment.

POOL ROOM OR BILLIARD PARLOR

means an establishment in which three or more pool tables and/or billiard tables are operated or maintained.

PORCH

means a projection on a building or structure containing a floor, which may be either enclosed, covered or open.

[△ Ord. No. 231-246](#)

PORCH, COVERED

means a porch that has a roof or fixed canopy

[△ Ord. No. 231-246](#)

PORCH, ENCLOSED

means a porch with a roof which is enclosed by walls, windows, or window screens exceeding more than 50% of any exterior side.

[△ Ord. No. 231-246](#)

PRINCIPAL USE

means the main use to which the premises are devoted and the principal purpose for which the premises exist. A site, building, or structure may contain one principal use or a combination of principal uses.

[△ Ord. No. 231-259](#)

PROMENADE

means a public area set aside as a pedestrian walk. (See [Facade](#) illustration). 

PUBLIC BUILDING

means buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

PUBLIC UTILITY

means a person, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, transportation or water.

RECREATIONAL VEHICLE

means a vehicle which moves one or more persons over the ground, air, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled.

RECYCLING CENTER

means a facility where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are typically collected, stored, and processed prior to shipment to others for reuse. For purposes of this definition, processing shall include, but not necessarily be limited to, the following activities: baling, compacting, flattening, grinding, crushing, shredding, and cleaning.

RESTAURANT, CARRYOUT

means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation encourages the consumption of food off-site but may permit incidental consumption on the premises.

RESTAURANT, DRIVE-IN/DRIVE-THROUGH

means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design and method of operation includes one or both of the following characteristics:

- A. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means which eliminate the need for the customer to exit the motor vehicle.
- B. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, within the restaurant building, or at other facilities on the premises outside the restaurant building is permitted.

RESTAURANT, STANDARD

means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the consumption of food on the premises.

RIGHT-OF-WAY (ROW)

means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or actually occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm sewer and other similar uses.

ROOM

for the purpose of determining lot area requirements and density in a multiple-family district, means a living room, dining room or bedroom equal to at least 80 square feet in area. A room shall not include the area in a kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one, two, or three bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

RV (RECREATIONAL VEHICLE)

means any vehicle or vessel, whether steered by propeller, track, wheels, runner, or skis, designed or manufactured primarily for recreation, camping, or other noncommercial use, including a motor home, pick-up camper, trailer coach, ATV, ORV, snowmobile, large watercraft, or some trailers.

SCRAP AND SALVAGE OPERATION

means a business which reclaims any discarded article or secondhand material from destruction for purposes of resale or exchange. For purposes of this definition, reclamation activities shall generally be limited to article or material collection, storage, sorting, and cleaning.

SETBACK

means the distance required to obtain minimum front, side, or rear yard open space provisions of this chapter.

SIGN

means a name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface which directs attention to, or is designed or intended to direct attention to, the sign face or to an object, product, place, activity, person, institution, organization, or business. Each display surface of a sign or sign face must be considered to be a sign. For purposes of this section, any work of art or creative artistic expression designated by the Village Council as "public art" shall not be considered a sign.

- A. **ABANDONED SIGN** means a sign which no longer relates to the premises where such sign is displayed.
- B. **ANIMATED SIGN** means any sign that uses continuous movement or change of lighting to depict action or create a special effect or scene.
- C. **CANOPY AREA** means, as it relates to a canopy/awning sign, that portion of the canopy used for the display of the name of the business and/or property owner and the address sign computed as including the entire area within a regular geometric form or combination of such forms suitable as the display area and including all the elements of the matter displayed.
- D. **CANOPY/AWNING** means a shelter projecting from and supported by the exterior wall of a building constructed of nongrid materials on a supporting framework.
- E. **CANOPY/AWNING SIGN** means any sign that is part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area and which does not extend vertically or horizontally beyond the limits of the canopy.
- F. **CHANGEABLE COPY SIGN** means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign.
- G. **FREESTANDING SIGN** means a sign erected on or affixed to the land.
- H. **HALO-TYPE LIGHTING** means a method of sign illumination that consists of a light source mounted behind the sign elements that produce a lighting effect around the sign elements. The sign elements of a sign illuminated with halo-type lighting shall be opaque so that the light does not appear to emit through the sign elements.
- I. **MARQUEE SIGN** means a sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

- J. **MONUMENT SIGN** means a sign extending upward from grade, which is attached to a solid base for a distance not less than 75 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights, provided that such supports are concealed within the sign structure.
- K. **NONACCESSORY SIGN** means any sign that is unrelated to the premises on which the sign is located; also called a remote sign.
- L. **PANEL BOX SIGN** means a sign that is internally illuminated with a solid frame to which a sign panel is attached that matches a geometric shape of greater size than the logo, image, or graphic on the sign.
- M. **PEDESTRIAN BLADE OR SHINGLE SIGN** means a nonilluminated sign attached to the underside of a roofed passageway or lane and also perpendicular to an adjoining building wall intended to be read by pedestrians.
- N. **PROJECTING SIGN** means a sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.
- O. **ROOF SIGN** means a sign which is erected, constructed, and maintained above any portion of the roof or exterior wall of a building or structure.
- P. **SIGN HEIGHT** means that the height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.
- Q. **STRUCTURAL TRIM** means the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.
- R. **SURFACE** means that part of the sign upon, against, or through which the message is displayed or illustrated.
- S. **TEMPORARY SIGN** means a sign, which is not constructed or intended for long-term use or permanently mounted or affixed to the ground, a building, or a structure.
- T. **UNDER-CANOPY SIGN** means a sign suspended beneath a canopy or awning, perpendicular to the building facade.
- U. **WALL SIGN** means a sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
- V. **WINDOW SIGN** means a sign that is applied, painted, posted, displayed, or etched onto a glazed surface, regardless of opacity or perforation, including those placed or posted inside and located within twenty (20) feet of the window that are visible and legible from the exterior as determined by the Building Official or authorized designee.

Δ [Ord. No. 231-250](#)

SNOW MOBILE

means any motor-driven vehicle designed for travel primarily on snow or ice and of a type which utilizes sled-type runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.

SPANDREL PANEL

means an area between the sill of a window and the head of the window below it, commonly containing a decorative element or framework to mark the intended location of a wall sign. Also known as a signboard. (See "Facade" illustration.) ↗

SPECIAL LAND USE

means any use of land listed as a principal use permitted subject to special conditions which, due to its potential effect on adjacent lands, in particular, and the overall village in general, requires approval by the village council according to the standards provided in this chapter.

SPECIAL DOWNTOWN DISTRICT

means a district in the downtown area, the boundaries of which are outlined in [SDD Special Downtown District Overlay §3.1.15](#), where special provisions seek to preserve and enhance the unique, historic and traditional character of the area.

STATE LICENSED RESIDENTIAL FACILITY

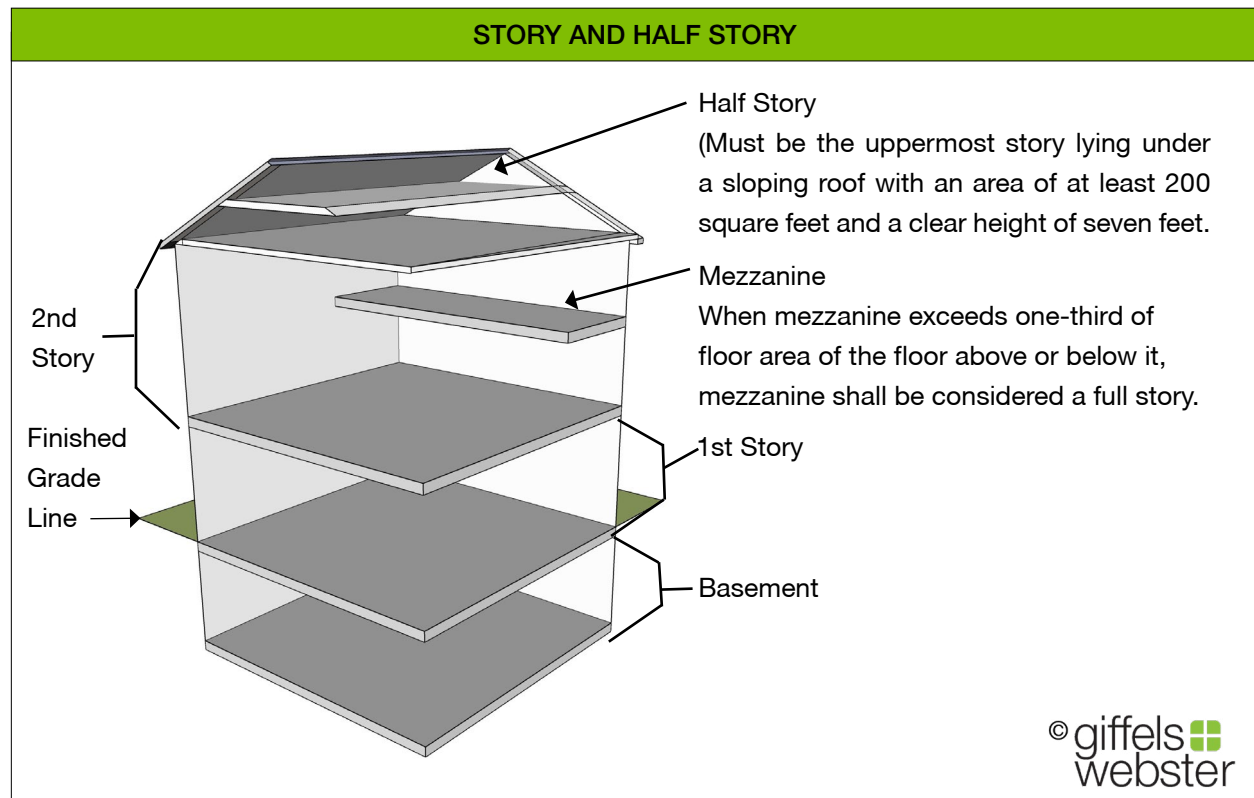
means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or the Child Care Organizations Act (P.A. 116 of 1973, as amended) and provides residential services for six or fewer individuals under 24-hour supervision or care.

STORY

means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. Basements and attics shall not constitute a story unless they qualify as a story by their respective definition. ✍

STORY, HALF

means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet. For the purposes of this chapter, the usable floor area is only that area having at least five feet clear height between floor and ceiling. ✍

**STREET**

See engineering design and construction standards, chapter 38, article IX, streets, section 38-277, for specific definitions of streets by type.

STRUCTURE

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

SWIMMING POOL

means any constructed or portable pool used for swimming or bathing, over 24 inches in depth, or with a surface area exceeding 160 square feet.

TAVERN (BAR, LOUNGE)

means an establishment licensed to sell alcoholic beverages to patrons for consumption on the premises.

TEMPORARY USE OR TEMPORARY BUILDING

means a use or building permitted by the board of appeals to exist during a specified period of time.

THERAPEUTIC MASSAGE

means a method of treating external parts of the body for remedial or hygienic purposes consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise.

TRAILER

means a wheeled vehicle that is designed to be pulled by a car or truck, including trailers more commonly known as a fifth wheel.

TRAILER COACH

means any vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle.

USE

means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

VARIANCE

means permission to depart from the literal requirements of the zoning ordinance.

VARIANCE, NONUSE

means a departure from the provisions of the zoning ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage, and other requirements of the applicable zoning district.

VARIANCE, USE

means a variance granted for a use or structure that is not permitted in the applicable zoning district.

WIRELESS COMMUNICATIONS FACILITIES

means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority. The terms defined herein are intended to be consistent with the Federal Telecommunications Act of 1996, the Spectrum Act of 2012 and the Michigan Zoning Enabling Act.

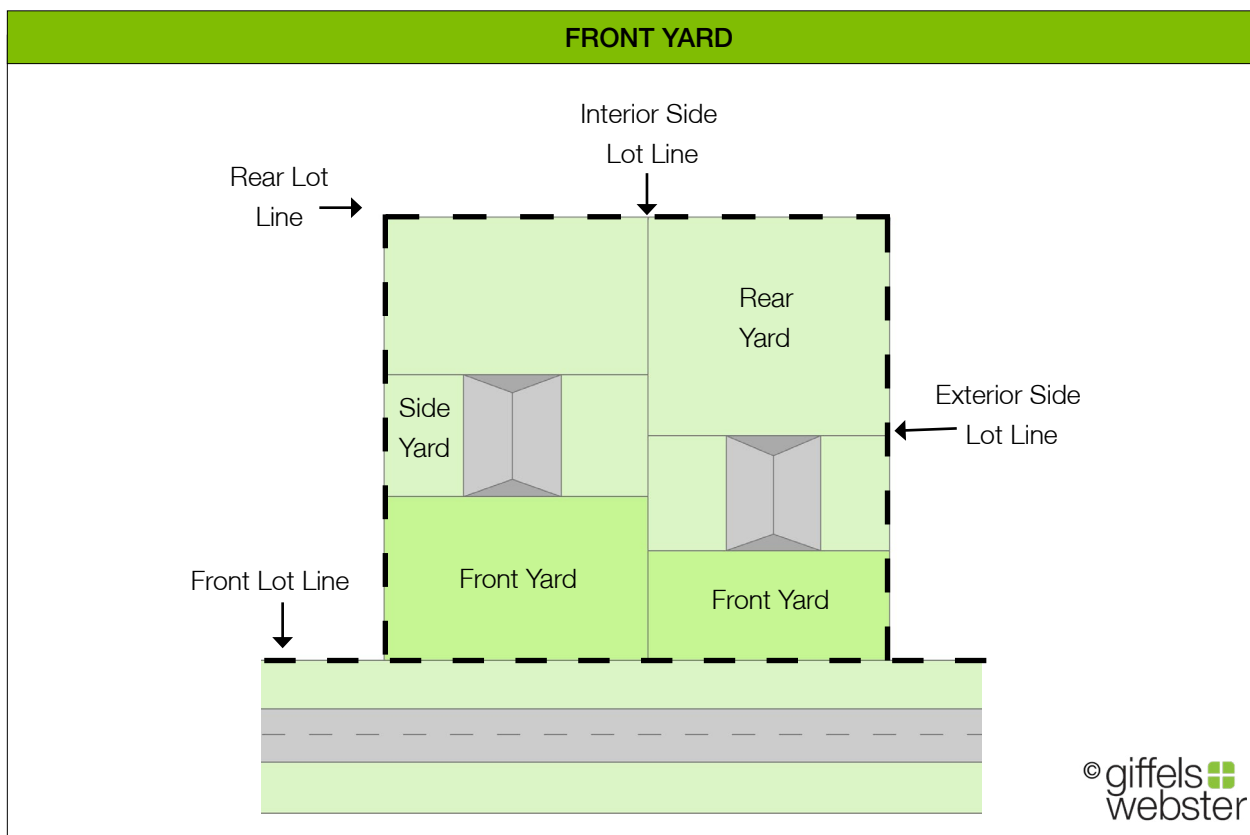
- A. **COLOCATE** means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
- B. **ELIGIBLE FACILITIES REQUEST** means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - 1. Collocation of new transmission equipment;
 - 2. Removal of transmission equipment; or
 - 3. Replacement of transmission equipment.
- C. **EXISTING** means a constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- D. **WIRELESS COMMUNICATIONS EQUIPMENT** means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- E. **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE** means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

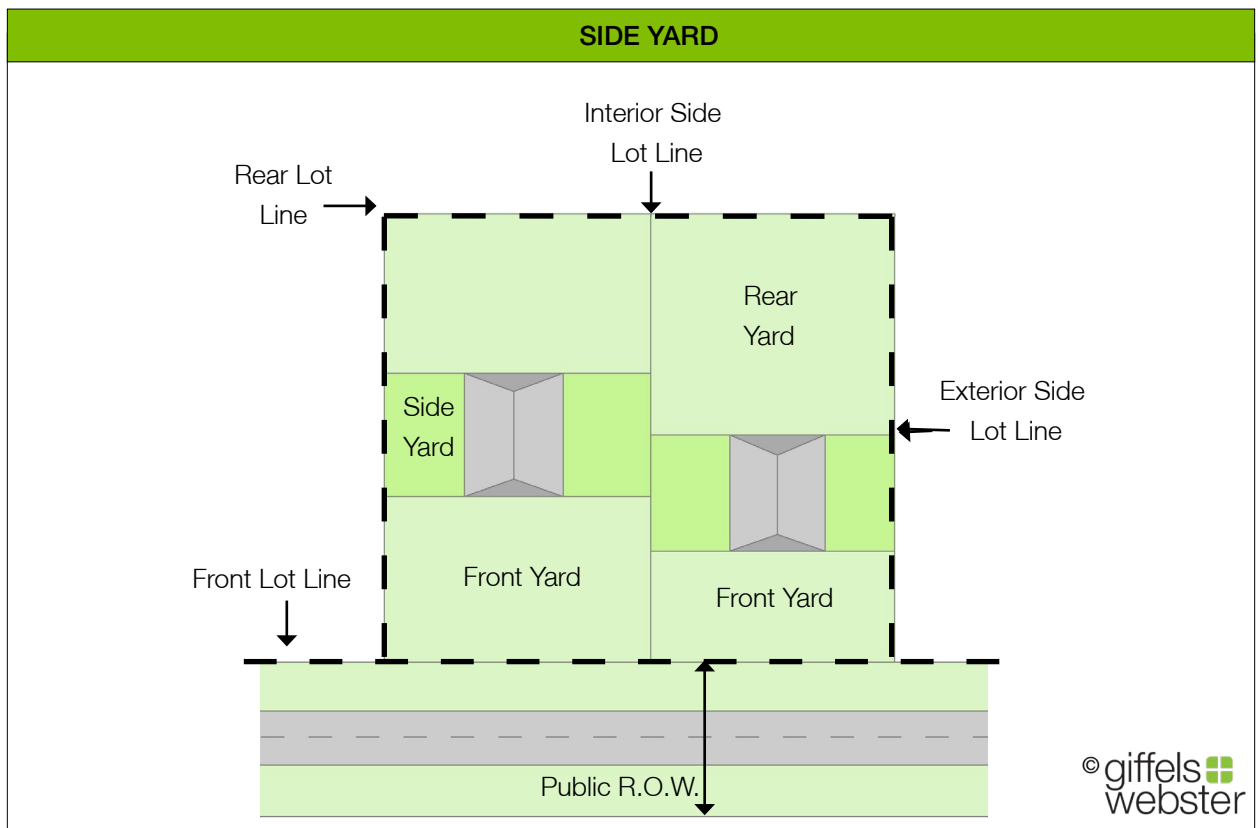
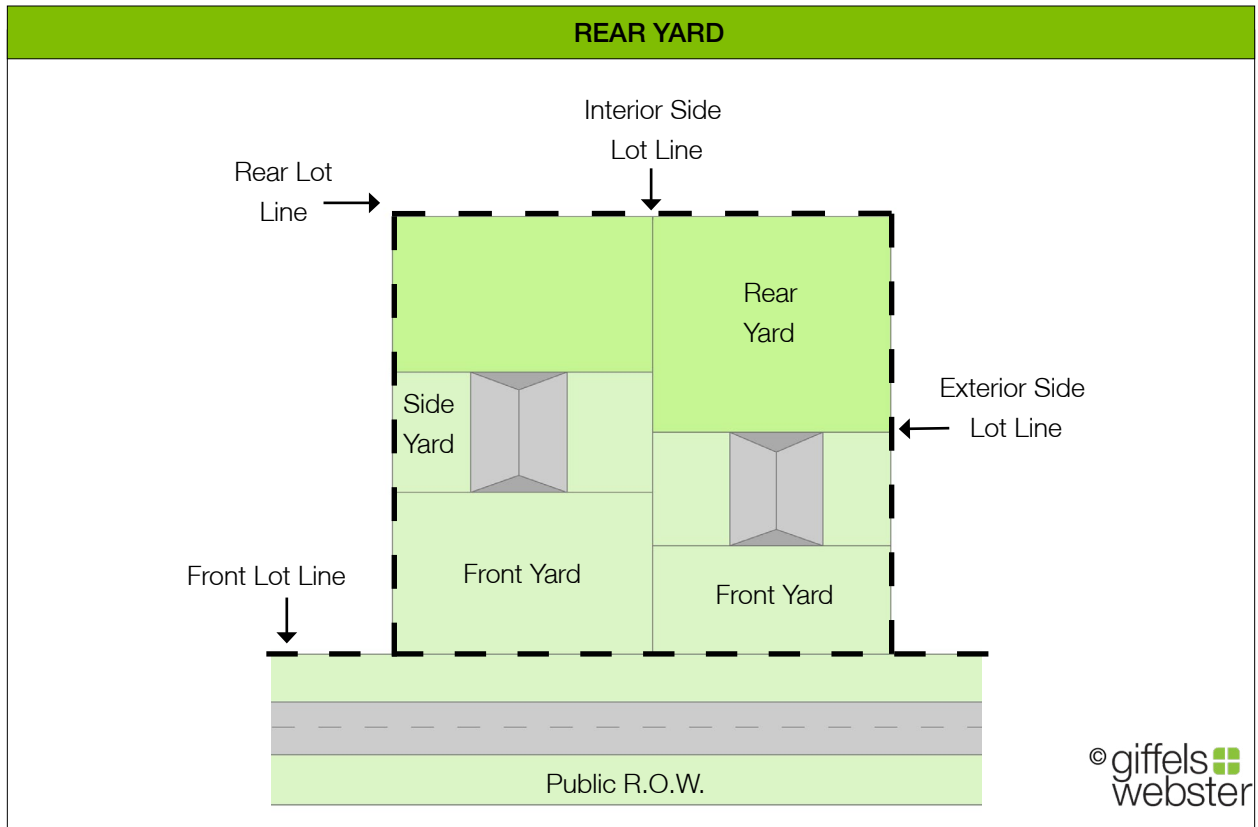
Δ [Ord. No. 231-242](#)

YARDS

means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and further defined as follows:

- A. **FRONT YARD** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, the front yard shall be deemed to exist along each street frontage. ✍
- B. **REAR YARD** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage. ✍
- C. **SIDE YARD** means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building. ✍





ZONING ADMINISTRATOR (INSPECTOR)

means the administrative official designated by the village manager with the responsibilities of administering and enforcing this chapter.

ZONING DISTRICT

means a portion of the village within which, on a uniform basis, certain uses of land and buildings are permitted and which contain yard, open space, lot area and other requirements established by this chapter.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement

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Chapter 94 | Article 3

Zoning Districts

Article 3 - Zoning Districts

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3.1 Established districts

For the purpose of this chapter, the Village of Milford is hereby divided into the following zones:

3.1.1	R-1	One-Family Residential
3.1.2	R-2	One-Family Residential
3.1.3	R-3	One-Family Residential
3.1.4	R-3.5	One-Family Residential
3.1.5	R-4	One-Family Residential
3.1.6	RT	Two-Family Residential
3.1.7	RM-1	Multiple-Family Residential
3.1.8	O-1	Office
3.1.9	B-2	Central Business
3.1.10	B-3	General Business
3.1.11	I	Industrial
3.1.12	P-1	Vehicular Parking
3.1.13	P&R	Parks and Recreation
3.1.14	T	Townhouse Residential
3.1.15	SDD	Special Downtown District Overlay
3.1.16	H	Hazardous Substances Overlay Zone

3.1.1 R-1 One-Family Residential




A. Purpose and Intent

The one-family residential districts are established as districts in which the principal use of land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this chapter, the specific intent is to:


1. Encourage the construction of and the continued use of the land for one-family dwellings.
2. Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. Discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. One-family detached dwellings
2. Publicly owned and operated parks, parkways and recreational facilities
3. Cemeteries which lawfully occupied land at the time of adoption of this chapter
4. [Home occupations](#)  §4.16
5. [Bed and breakfast operations](#)  §4.6
6. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1
6. [Golf courses](#) §4.12
7. [Non-profit colleges, universities and other such institutions of higher learning, public and private](#) §4.27
8. [Congregate care facility or adult foster care facility for more than six adults](#)  §4.9
9. [Age-restricted housing](#) §4.2
10. [Mortuary establishments](#) §4.24
11. [Local municipal administration buildings](#) §4.19
12. [Museums and libraries](#) §4.25
13. [Fire stations](#) §4.14
14. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

C. Special Land Uses

1. [Places of worship](#) §4.35
2. [Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education](#) §4.26
3. [Public utility buildings and uses without storage yards](#) §4.37
4. [Day care centers, child and adult](#)  §4.11
5. [Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs](#) §4.36



3.1.1 R-1 One-Family Residential

D. Development Standards

Lot Size

Minimum lot area:	21,780 sq. ft.
Minimum lot width:	120 ft.

Lot Coverage

Maximum building lot coverage:	25%
--------------------------------	-----

Setbacks

Minimum front yard setback:	30 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	12 ft.

Maximum Building Height

Maximum building height:	2.5 stories or 35 ft.
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Livable Floor Area and Density

Minimum livable floor area per unit:	1,400 sq. ft.
Density:	1.5 units per acre
Maximum gross density (Cluster housing only):	2.0 units per acre

See [Notes to schedule of regulations §3.2](#) and [§3.3](#), [3.11](#), [3.12](#), [3.13](#), [3.14](#), [3.15](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

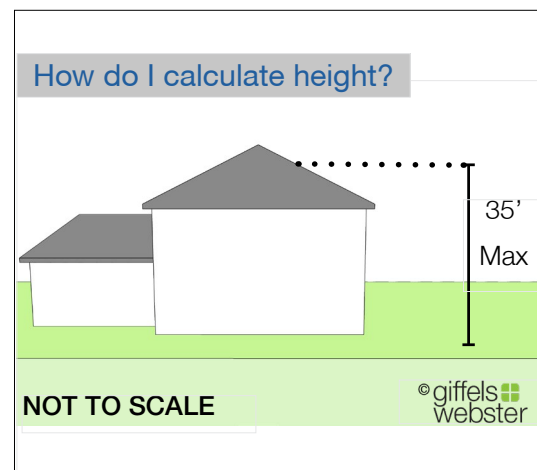
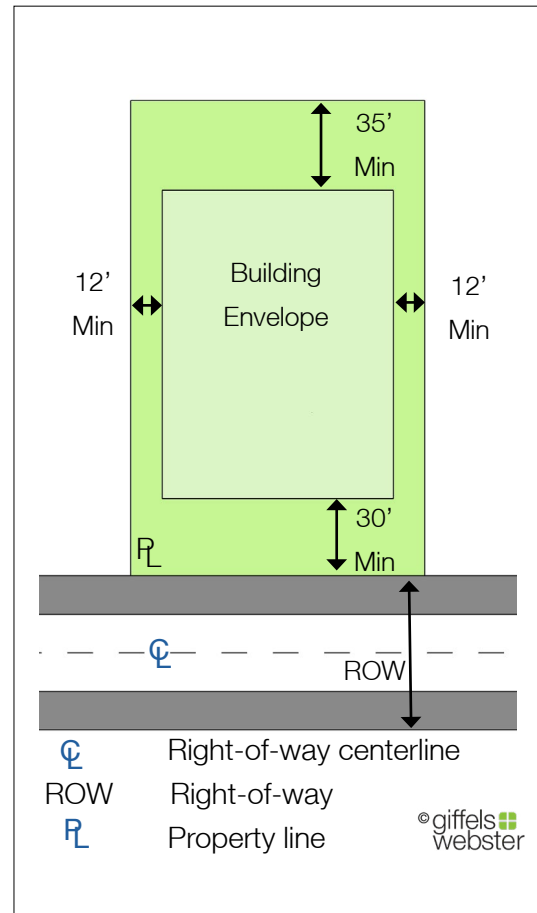
E. Additional Requirements

Article 5

- [Private swimming pools §5.2](#)
- [Residential entranceway §5.3](#)
- [Access to a major thoroughfare §5.4](#)
- [Corner vision clearance §5.5](#)
- [Off-street parking and loading §5.6](#)
- [Fences §5.11](#)

Article 6

- [Site plan review §6.1](#)
- [Condominium development §6.2](#)
- [Special land uses §6.3](#)
- [Community impact studies §6.4](#)



3.1.2 R-2 One-Family Residential




A. Purpose and Intent

The one-family residential districts are established as districts in which the principal use of land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this chapter, the specific intent is to:


1. Encourage the construction of and the continued use of the land for one-family dwellings.
2. Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. Discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. One-family detached dwellings
2. Publicly owned and operated parks, parkways and recreational facilities
3. Cemeteries which lawfully occupied land at the time of adoption of this chapter
4. [Home occupations](#)  §4.16
5. [Bed and breakfast operations](#)  §4.6
6. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1
6. [Golf courses](#) §4.12
7. [Non-profit colleges, universities and other such institutions of higher learning, public and private](#) §4.27
8. [Congregate care facility or adult foster care facility for more than six adults](#)  §4.9
9. [Age-restricted housing](#) §4.2
10. [Mortuary establishments](#) §4.24
11. [Local municipal administration buildings](#) §4.19
12. [Museums and libraries](#) §4.25
13. [Fire stations](#) §4.14
14. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

C. Special Land Uses

1. [Places of worship](#) §4.35
2. [Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education](#) §4.26
3. [Public utility buildings and uses without storage yards](#) §4.37
4. [Day care centers, child and adult](#)  §4.11
5. [Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs](#) §4.36



3.1.2 R-2 One-Family Residential

D. Development Standards

Lot Size

Minimum lot area:	15,000 sq. ft.
Minimum lot width:	100 ft.

Lot Coverage

Maximum building lot coverage:	25%
--------------------------------	-----

Setbacks

Minimum front yard setback:	30 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	10 ft.

Maximum Building Height

Maximum building height:	2.5 stories or 35 ft.
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Livable Floor Area and Density

Minimum livable floor area per unit:	1,400 sq. ft.
Density:	2.2 units per acre
Maximum gross density (Cluster housing only):	2.9 units per acre

See [Notes to schedule of regulations §3.2](#) and [§3.3](#), [3.11](#), [3.12](#), [3.13](#), [3.14](#), [3.15](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

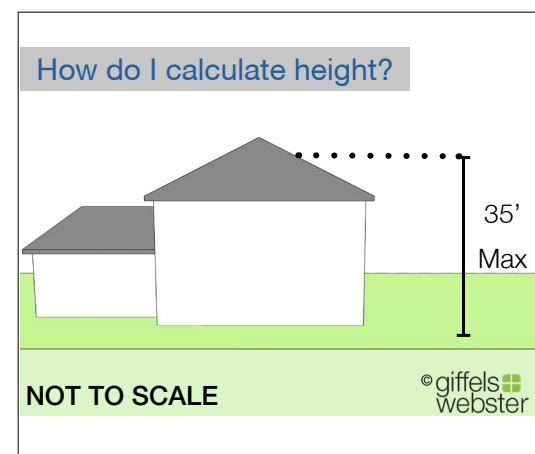
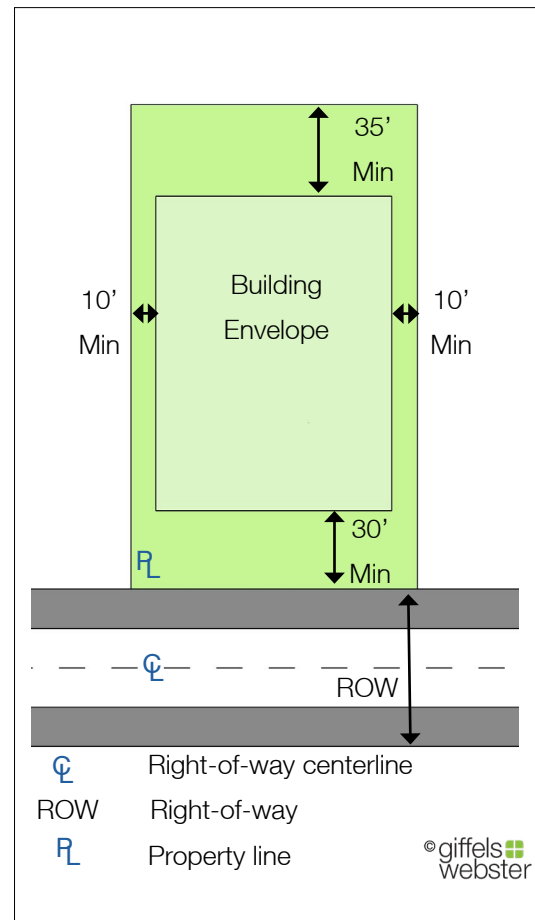
E. Additional Requirements

Article 5

- [Private swimming pools §5.2](#)
- [Residential entranceway §5.3](#)
- [Access to a major thoroughfare §5.4](#)
- [Corner vision clearance §5.5](#)
- [Off-street parking and loading §5.6](#)
- [Fences §5.11](#)

Article 6

- [Site plan review §6.1](#)
- [Condominium development §6.2](#)
- [Special land uses §6.3](#)
- [Community impact studies §6.4](#)



3.1.3 R-3 One-Family Residential




A. Purpose and Intent

The one family residential districts are established as districts in which the principal use of land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this chapter, the specific intent is to:


1. Encourage the construction of and the continued use of the land for one-family dwellings.
2. Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. Discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. One-family detached dwellings
2. Publicly owned and operated parks, parkways and recreational facilities
3. Cemeteries which lawfully occupied land at the time of adoption of this chapter
4. [Home occupations](#)  §4.16
5. [Bed and breakfast operations](#)  §4.6
6. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1
6. [Golf courses](#) §4.12
7. [Non-profit colleges, universities and other such institutions of higher learning, public and private](#) §4.27
8. [Congregate care facility or adult foster care facility for more than six adults](#)  §4.9
9. [Age-restricted housing](#) §4.2
10. [Mortuary establishments](#) §4.24
11. [Local municipal administration buildings](#) §4.19
12. [Museums and libraries](#) §4.25
13. [Fire stations](#) §4.14
14. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

C. Special Land Uses

1. [Places of worship](#) §4.35
2. [Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education](#) §4.26
3. [Public utility buildings and uses without storage yards](#) §4.37
4. [Day care centers, child and adult](#)  §4.11
5. [Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs](#) §4.36



3.1.3 R-3 One-Family Residential

D. Development Standards

Lot Size

Minimum lot area:	9,600 sq. ft.
Minimum lot width:	80 ft.

Lot Coverage

Maximum building lot coverage:	30%
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Setbacks

Minimum front yard setback:	25 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	8 ft.

Maximum Building Height

Maximum building height:	2.0 stories or 30 ft.
--------------------------	-----------------------

Livable Floor Area and Density

Minimum livable floor area per unit:	1,200 sq. ft.
Density:	3.4 units per acre
Maximum gross density (Cluster housing only):	4.5 units per acre

See [Notes to schedule of regulations §3.2](#) and [§3.3](#), [3.11](#), [3.12](#), [3.13](#), [3.14](#), [3.15](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

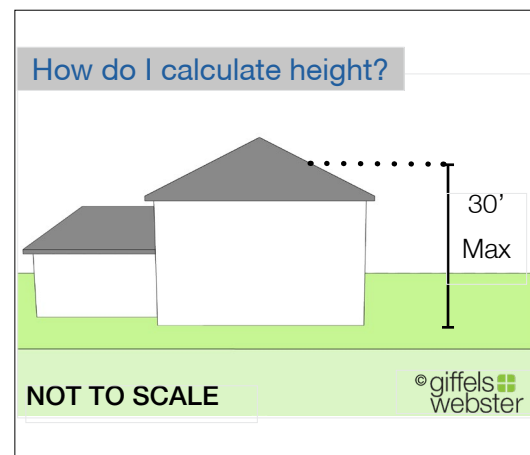
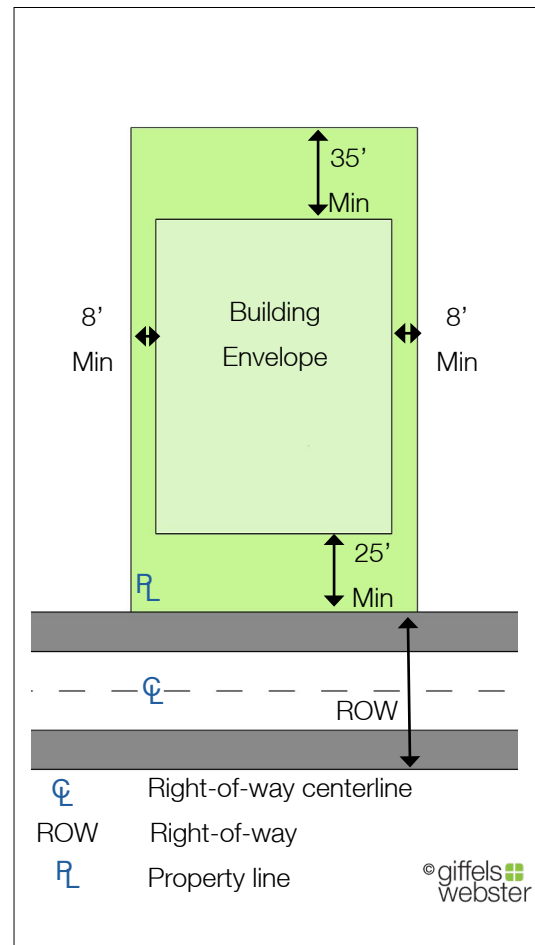
E. Additional Requirements

Article 5

Private swimming pools §5.2
Residential entranceway §5.3
Access to a major thoroughfare §5.4
Off-street parking and loading §5.6
Commercial vehicle parking §5.12
Fences §5.11

Article 6

Site plan review §6.1
Condominium development §6.2
Special land uses §6.3
Community impact studies §6.4



3.1.4 R-3.5 One-Family Residential




A. Purpose and Intent

The one-family residential districts are established as districts in which the principal use of land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this chapter, the specific intent is to:


1. Encourage the construction of and the continued use of the land for one-family dwellings.
2. Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. Discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. One-family detached dwellings
2. Publicly owned and operated parks, parkways and recreational facilities
3. Cemeteries which lawfully occupied land at the time of adoption of this chapter
4. [Home occupations](#)  §4.16
5. [Bed and breakfast operations](#)  §4.6
6. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1
6. [Golf courses](#) §4.12
7. [Non-profit colleges, universities and other such institutions of higher learning, public and private](#) §4.27
8. [Congregate care facility or adult foster care facility for more than six adults](#)  §4.9
9. [Age-restricted housing](#) §4.2
10. [Mortuary establishments](#) §4.24
11. [Local municipal administration buildings](#) §4.19
12. [Museums and libraries](#) §4.25
13. [Fire stations](#) §4.14
14. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

C. Special Land Uses

1. [Places of worship](#) §4.35
2. [Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education](#) §4.26
3. [Public utility buildings and uses without storage yards](#) §4.37
4. [Day care centers, child and adult](#)  §4.11
5. [Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs](#) §4.36



3.1.4 R-3.5 One-Family Residential

D. Development Standards

Lot Size

Minimum lot area:	8,700 sq. ft.
Minimum lot width:	66 ft.

Lot Coverage

Maximum building lot coverage:	30%
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Setbacks

Minimum front yard setback:	25 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	8 ft.

Maximum Building Height

Maximum building height:	2.0 stories or 30 ft.
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Livable Floor Area and Density

Minimum livable floor area per unit:	1,200 sq. ft.
Density:	3.8 units per acre
Maximum gross density (Cluster housing only):	5.0 units per acre

See [Notes to schedule of regulations §3.2](#) and [§3.3](#), [3.11](#), [3.12](#), [3.13](#), [3.14](#), [3.15](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

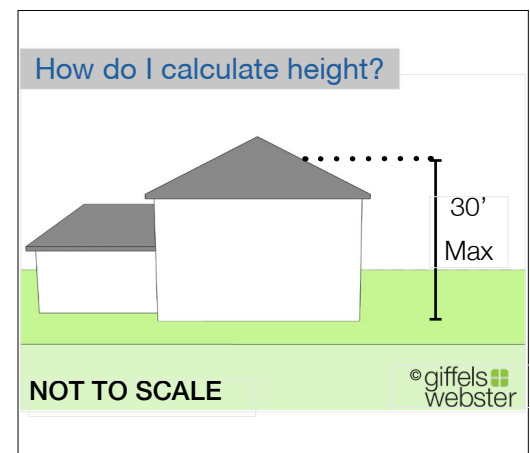
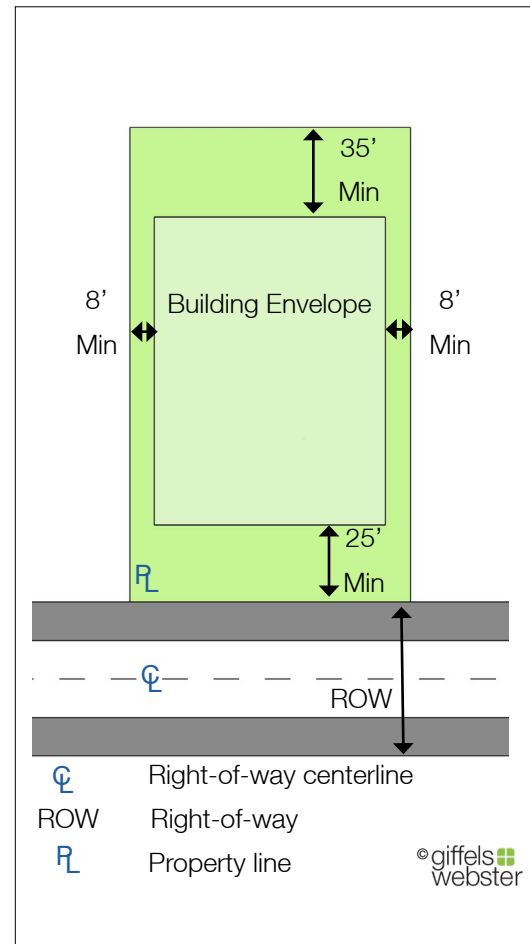
E. Additional Requirements

Article 5

- [Accessory buildings §5.1](#)
- [Residential entranceway §5.3](#)
- [Access to a major thoroughfare §5.4](#)
- [Off-street parking and loading §5.6](#)
- [Fences §5.11](#)

Article 6

- [Site plan review §6.1](#)
- [Condominium development §6.2](#)
- [Special land uses §6.3](#)
- [Community impact studies §6.4](#)



3.1.5 R-4 One-Family Residential




A. Purpose and Intent

The one-family residential districts are established as districts in which the principal use of land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this chapter, the specific intent is to:


1. Encourage the construction of and the continued use of the land for one-family dwellings.
2. Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. Discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. One-family detached dwellings
2. Publicly owned and operated parks, parkways and recreational facilities
3. Cemeteries which lawfully occupied land at the time of adoption of this chapter
4. [Home occupations](#)  §4.16
5. [Bed and breakfast operations](#)  §4.6
6. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1
6. [Golf courses](#) §4.12
7. [Non-profit colleges, universities and other such institutions of higher learning, public and private](#) §4.27
8. [Congregate care facility or adult foster care facility for more than six adults](#)  §4.9
9. [Age-restricted housing](#) §4.2
10. [Mortuary establishments](#) §4.24
11. [Local municipal administration buildings](#) §4.19
12. [Museums and libraries](#) §4.25
13. [Fire stations](#) §4.14
14. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

C. Special Land Uses

1. [Places of worship](#) §4.35
2. [Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education](#) §4.26
3. [Public utility buildings and uses without storage yards](#) §4.37
4. [Day care centers, child and adult](#)  §4.11
5. [Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs](#) §4.36



3.1.5 R-4 One-Family Residential

D. Development Standards

Lot Size

Minimum lot area:	7,200 sq. ft.
Minimum lot width:	60 ft.

Lot Coverage

Maximum building lot coverage:	30%
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Setbacks

Minimum front yard setback:	25 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	8 ft.

Maximum Building Height

Maximum building height:	2.0 stories or 30 ft.
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Livable Floor Area and Density

Minimum livable floor area per unit:	950 sq. ft.
Density:	4.5 units per acre
Maximum gross density (Cluster housing only):	6.0 units per acre

See [Notes to schedule of regulations §3.2](#) and [§3.3](#), [3.11](#), [3.12](#), [3.13](#), [3.14](#), [3.15](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

E. Additional Requirements

Article 5

[Accessory buildings §5.1](#)

[Residential entranceway §5.3](#)

[Access to a major thoroughfare §5.4](#)

[Off-street parking and loading §5.6](#)

[Fences §5.11](#)

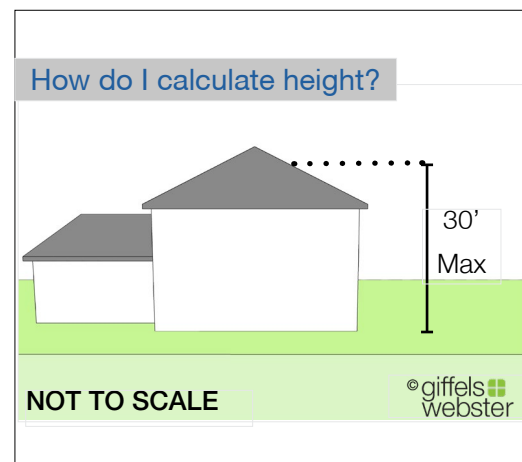
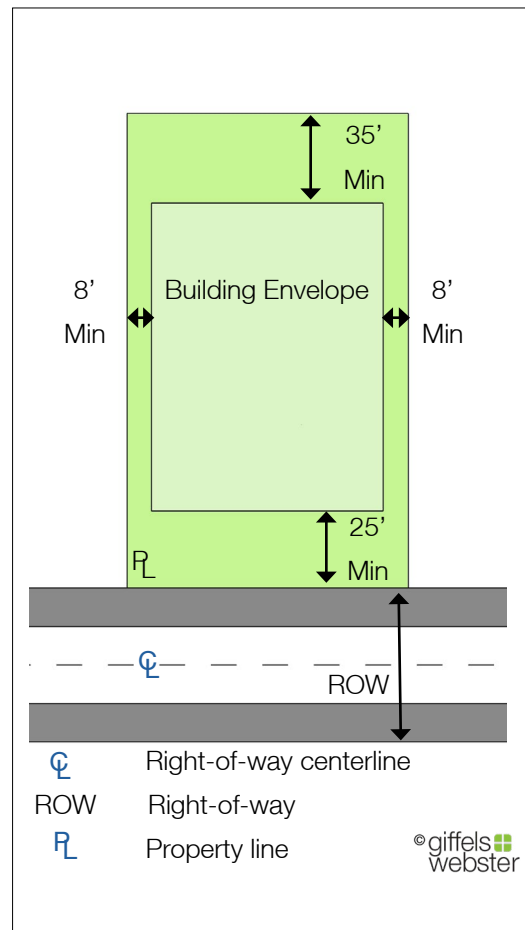
Article 6

[Site plan review §6.1](#)

[Condominium development §6.2](#)

[Special land uses §6.3](#)

[Community impact studies §6.4](#)



3.1.6

RT Two-Family Residential

A. Purpose and Intent

The RT, two-family residential districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This district also recognizes the existence of older residential areas of the village where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

① **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. One-family detached dwellings
2. Publicly owned and operated parks, parkways and recreational facilities
3. Cemeteries which lawfully occupied land at the time of adoption of this chapter
4. [Home occupations](#) ⓘ §4.16
5. [Bed and breakfast operations](#) ⓘ §4.6
6. Two-family dwellings ⓘ
7. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

C. Special Land Uses

1. [Places of worship](#) §4.35
2. [Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education](#) §4.26
3. [Public utility buildings and uses without storage yards](#) §4.37
4. [Day care centers, child and adult](#) ⓘ §4.11
5. [Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs](#) §4.36
6. [Golf courses](#) §4.12
7. [Non-profit colleges, universities and other such institutions of higher learning, public and private](#) §4.27
8. [Congregate care facility or adult foster care facility for more than six adults](#) ⓘ §4.9
9. [Age-restricted housing](#) §4.2
10. [Mortuary establishments](#) §4.24
11. [Local municipal administration buildings](#) §4.19
12. [Museums and libraries](#) §4.25
13. [Fire stations](#) §4.14
14. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1



3.1.6 RT Two-Family Residential

D. Development Standards

Lot Size

Minimum lot area:	7,200 sq. ft.
Minimum lot width:	66 ft.

Lot Coverage

Maximum building lot coverage:	30%
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Setbacks

Minimum front yard setback:	25 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	8 ft.

Maximum Building Height

Maximum building height:	2.0 stories or 30 ft.
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Livable Floor Area and Density

Minimum livable floor area per unit:	730 sq. ft.
Density:	9.0 units per acre

See [Notes to schedule of regulations §3.2](#) and [§3.3](#), [3.11](#), [3.12](#), [3.13](#), [3.14](#), [3.15](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

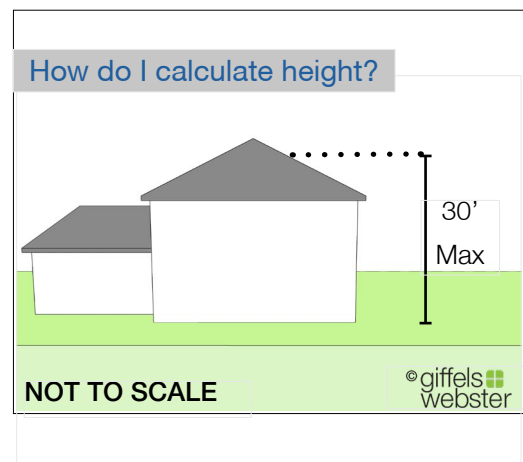
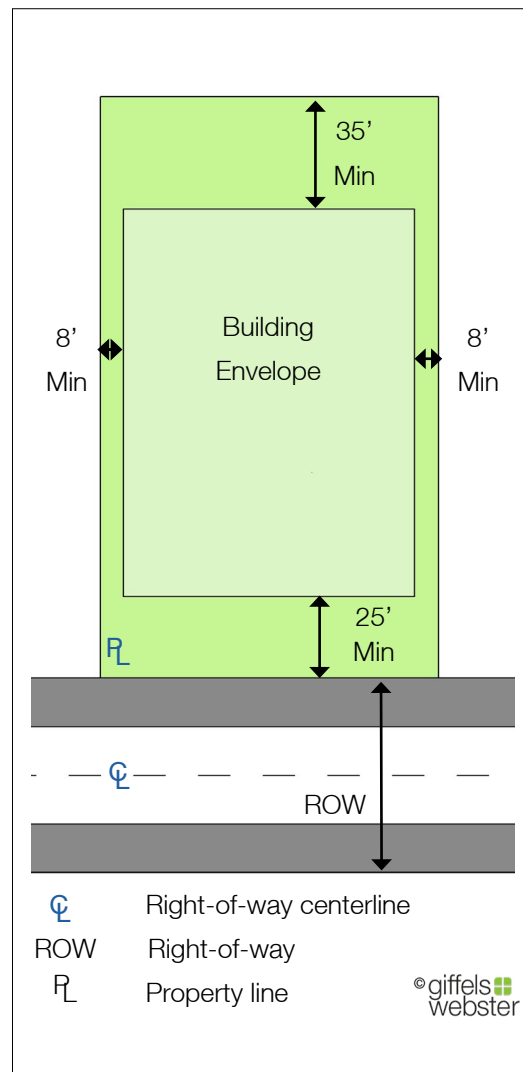
E. Additional Requirements

Article 5

- [Accessory buildings §5.1](#)
- [Private swimming pools §5.2](#)
- [Residential entranceway §5.3](#)
- [Access to a major thoroughfare §5.4](#)
- [Off-street parking and loading §5.6](#)
- [Fences §5.11](#)

Article 6

- [Site plan review §6.1](#)
- [Condominium development §6.2](#)
- [Special land uses §6.3](#)
- [Community impact studies §6.4](#)








3.1.7 RM-1 Multiple-Family Residential

A. Purpose and Intent




The RM-1, multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as the nonresidential districts and zones of transition between lower density one-family districts. The multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, one-family community.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. One-family detached dwellings 
2. Publicly owned and operated parks, parkways and recreational facilities
3. Cemeteries which lawfully occupied land at the time of adoption of this chapter
4. [Home occupations](#)  §4.16
5. [Bed and breakfast operations](#)  §4.6
6. Two-family dwellings 
7. [Multiple-family dwellings](#) §3.4
8. Boardinghouses 
9. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1
10. [Townhouses](#) §3.23

C. Special Land Uses

1. [Places of worship](#) §4.35
2. [Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education](#) §4.26
3. [Public utility buildings and uses without storage yards](#) §4.37
4. [Day care centers, child and adult](#)  §4.11
5. [Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs](#) §4.36
6. [Golf courses](#) §4.12
7. [Non-profit colleges, universities and other such institutions of higher learning, public and private](#) §4.27
8. [Congregate care facility or adult foster care facility for more than six adults](#)  §4.9
9. [Age-restricted housing](#) §4.2
10. [Mortuary establishments](#) §4.24
11. [Local municipal administration buildings](#) §4.19
12. [Museums and libraries](#) §4.25
13. [Fire stations](#) §4.14
14. [Convalescent or nursing homes](#)  §4.10
15. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

3.1.7 RM-1 Multiple-Family Residential

D. Development Standards

Lot Size

Minimum lot area:	1 acre
Minimum lot width:	150 ft.

Lot Coverage

Maximum building lot coverage:	35%
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Setbacks

Minimum front yard setback:	50 ft.
Minimum rear yard setback:	50 ft.
Minimum side yard setback:	50 ft.

Maximum Building Height

Maximum building height:	2.5 stories or 30 ft.
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Livable Floor Area and Density

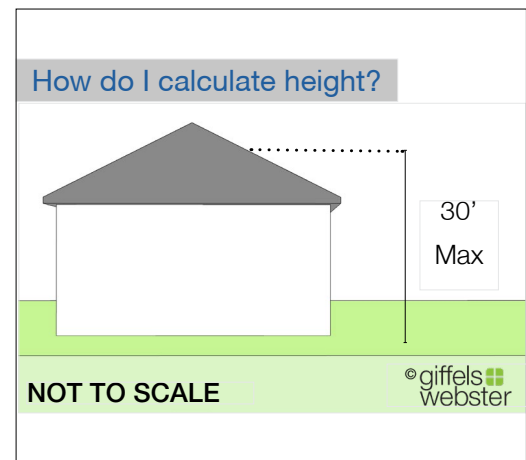
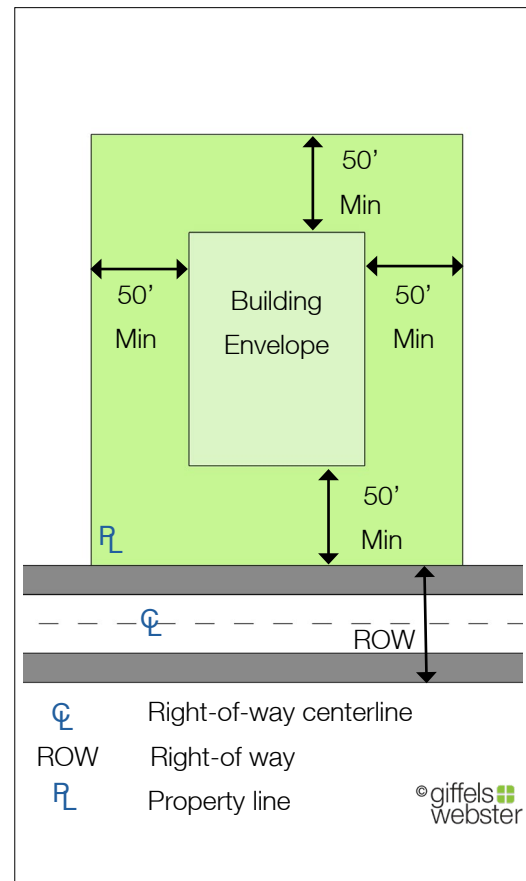
Minimum livable floor area per unit:	350 sq. ft.
Density:	See subsection F and subsection G of §3.4

See [Notes to schedule of regulations §3.2](#) and [§3.4, 3.11, 3.12, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, and 3.22](#) for notes to the development standards.

E. Additional Requirements

Article 5

- [Accessory buildings §5.1](#)
- [Residential entranceway §5.3](#)
- [Access to a major thoroughfare §5.4](#)
- [Corner vision clearance §5.5](#)
- [Off-street parking and loading §5.6](#)
- [Lighting §5.7](#)
- [Landscaping §5.8](#)
- [Plant materials §5.9](#)
- [Screening walls §5.10](#)
- [Fences §5.11](#)
- [Signs §5.13](#)



Article 6

- [Site plan review §6.1](#)
- [Condominium development §6.2](#)
- [Special land uses §6.3](#)
- [Community impact studies §6.4](#)




3.1.8 O-1 Office District

A. Purpose and Intent

1. The office districts are intended to provide locations of the low intensity, office type professional and administrative services necessary for the normal conduct of a community's activities. Such districts have the following characteristics: allowable activities take place in attractive buildings in landscaped settings; they generally operate during normal daytime business hours; they produce a minimum amount of traffic; and their use characteristics make them compatible with adjacent residential uses.
2. Office districts are specifically designed to prohibit retail establishments and other business activities that generate heavy traffic or constant visits of the general public. However, a limited range of convenience retail and service businesses is permitted within larger office developments for the benefit of office personnel and visitors, provided that offices remain the predominant use within the district and provided further that the commercial uses are compatible with nearby residential development.
3. Office districts are intended to serve as transitions between nonresidential districts and single-family residential districts.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. Administrative and professional offices
2. Clinics, except veterinary clinics having outdoor runs 
3. Small animal grooming facilities
4. Medical, dental, and optical laboratories
5. Banks, credit unions, savings and loan associations, and similar uses, including those offering drive-through facilities
6. Personal service establishments 
7. Private clubs, fraternal organizations, or lodge halls
8. [Places of worship §4.35](#)
9. Pharmacy or apothecary shops
10. Business service establishments 
11. Publicly owned buildings such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations
12. Other uses similar to the above uses
13. [Accessory buildings and uses customarily incident to any of the above permitted uses §5.1](#)

C. Special Land Uses

1. [Mortuary establishments §4.24](#)
2. [Residential unit\(s\) §4.41](#)
3. [One-family detached dwellings !\[\]\(8d139a66f540002704b5c70b7fe6cc7a_img.jpg\) §4.30](#)
4. [Retail business or service establishment §4.42](#)
5. [Performing arts center !\[\]\(c209541a4bc5f45e44bd7791f9477320_img.jpg\) §4.34](#)
6. [Bed and breakfast operations !\[\]\(8fd54d112e752061b5361c5bdf346185_img.jpg\) §4.6](#)
7. [Accessory buildings and uses customarily incident to any of the above permitted uses §5.1](#)



3.1.8 O-1 Office District

D. Development Standards

Lot Size

Minimum lot width: 60 ft.

Setbacks

Minimum front yard setback: 20 ft.

Minimum rear yard setback: 20 ft.

Minimum side yard setback: 15 ft.

Maximum Building Height

Maximum building height: 2.0 stories or 30 ft.

See [Notes to schedule of regulations §3.2](#) and [§3.5](#), [3.11](#), [3.12](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

E. Additional Requirements

Article 3

SDD Special Downtown District Overlay §3.1.15

Refer to the [Zoning Map](#) for the overlay district boundaries.

Article 5

Accessory buildings §5.1

Access to a major thoroughfare §5.4

Off-street parking and loading §5.6

Lighting §5.7

Landscaping §5.8

Fences §5.11

Signs §5.13

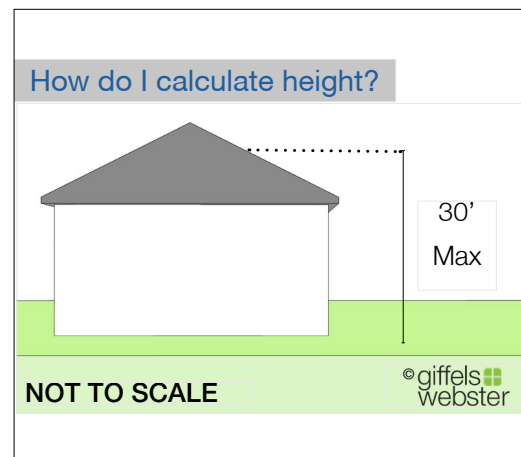
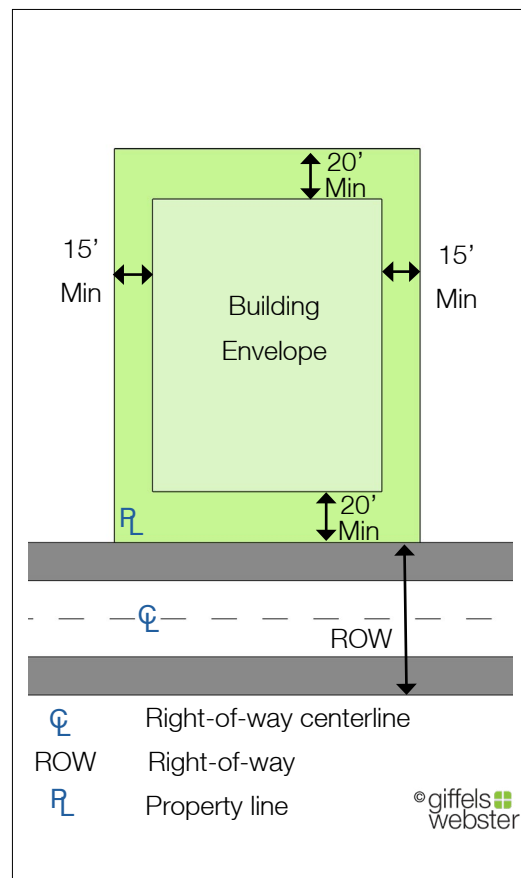
Canopies and awnings §5.14

Article 6

Site plan review §6.1

Special land uses §6.3

Community impact studies §6.4



3.1.9 B-2 Central Business

A. Purpose and Intent

The B-2, central business district is designed to cater to the needs of a larger consumer population than is served by the general business district. It is generally characterized by an integrated cluster of establishments serviced by a common parking area, and generating large volumes of pedestrian traffic and ancillary vehicular trips.

① **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. Administrative and professional offices
2. Clinics, except veterinary clinics having outdoor runs[☞]
3. Small animal grooming facilities
4. Medical, dental, and optical laboratories
5. Banks, credit unions, savings and loan associations, and similar uses, including those offering drive-through facilities
6. Personal service establishments[☞]
7. Private clubs, fraternal organizations, or lodge halls
8. [Places of worship §4.35](#)
9. Pharmacy or apothecary shops
10. Business service establishments
11. Publicly owned buildings such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations
12. [Retail business §4.42](#)
13. Standard or carryout restaurants
14. [Places of assembly](#)
15. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
16. New and used car sales rooms or offices
17. Health and athletic clubs[☞]
18. Arcade amusement devices, when accessory to a permitted use
19. Other uses similar to the above uses
20. [Accessory buildings and uses customarily incident to any of the above permitted uses §5.1](#)

C. Special Land Uses

1. [Residential units §4.41](#)
2. [Automotive service facility §4.5](#)
3. Arcades, billiard parlors, card rooms, and similar uses
4. Restaurants with outdoor dining areas
5. An open-front restaurant when part of a shopping center
6. [Performing arts center[☞] §4.34](#)
7. [Accessory buildings and uses customarily incident to any of the above permitted uses §5.1](#)
8. [Townhouses §3.23](#)



3.1.9 B-2 Central Business

D. Development Standards

Lot Size

Minimum lot width: 100 ft.

Lot Coverage

Maximum building lot coverage: None

Setbacks

Minimum front yard setback: 20 ft.

Minimum rear yard setback: 20 ft.

Minimum side yard setback: 15 ft.

Maximum Building Height

Maximum building height: 2.0 stories or 30 ft.

See [Notes to schedule of regulations §3.2](#) and [§3.6](#), [3.11](#), [3.12](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.

E. Additional Requirements

Article 3

SDD Special Downtown District Overlay §3.1.15

Refer to the [Zoning Map](#) for the overlay district boundaries.

Article 5

[Access to a major thoroughfare §5.4](#)

[Off-street parking and loading §5.6](#)

[Lighting §5.7](#)

[Landscaping §5.8](#)

[Outdoor trash storage areas §5.12](#)

[Signs §5.13](#)

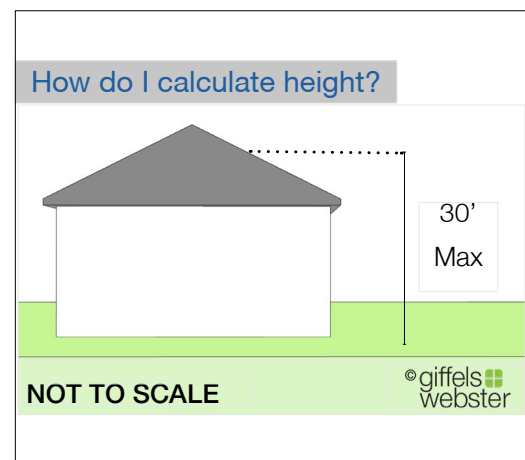
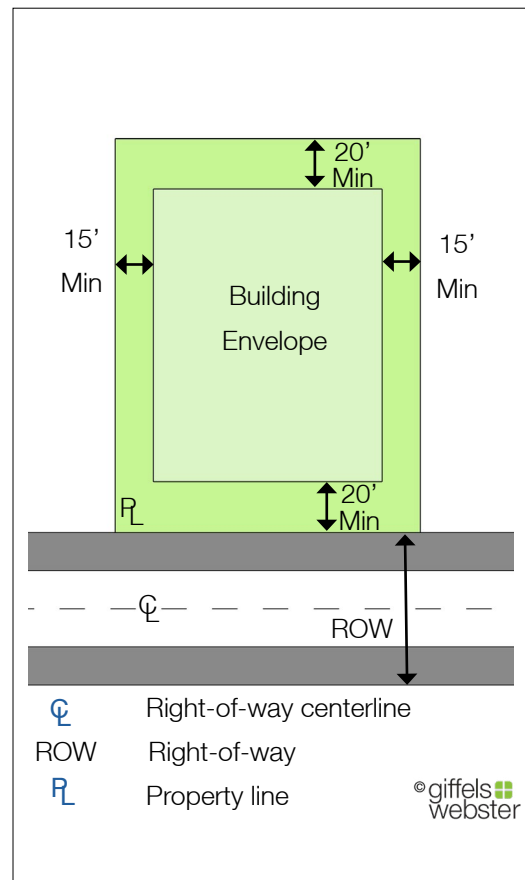
[Canopies and awnings §5.14](#)

Article 6

[Site plan review §6.1](#)

[Special land uses §6.3](#)

[Community impact studies §6.4](#)



3.1.10 B-3 General Business

A. Purpose and Intent

The B-3, general business district is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the central business district and which are oriented to serving the needs of passerby type traffic and locations for planned shopping centers. Many of the business types permitted also generate greater volumes of traffic and activities which must be specially considered to minimize adverse effects on adjacent properties.

① **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. Administrative and professional offices
2. Clinics, except veterinary clinics having outdoor runs[ⓘ]
3. Small animal grooming facilities
4. Medical, dental, and optical laboratories
5. Banks, credit unions, savings and loan associations, and similar uses, including those offering drive-through facilities
6. Personal service establishments[ⓘ]
7. Private clubs, fraternal organizations, or lodge halls
8. [Places of worship §4.35](#)
9. Pharmacy or apothecary shops
10. Business service establishments
11. Publicly owned buildings such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations
12. [Retail business §4.42](#)
13. Standard or carryout restaurants
14. Places of assembly
15. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
16. New and used car sales rooms or offices
17. Health and athletic clubs[ⓘ]
18. Arcade amusement devices, when accessory to a permitted use

19. Commercial recreation, indoor
20. [Automotive service facility §4.5](#)
21. Veterinary hospitals and clinics having interior boarding facilities
22. Boardinghouse[ⓘ]
23. Other uses similar to the above uses
24. [Accessory buildings and uses customarily incident to any of the above permitted uses §5.1](#)

C. Special Land Uses

1. [Vehicle dealers with outdoor sales space and/or repair facilities §4.44](#)
2. [Fast food restaurant, including those having drive-through lanes or a drive-in restaurant §4.13](#)
3. [Gasoline service station[ⓘ] §4.15](#)
4. [Adult entertainment use[ⓘ] §4.1](#)
5. [Mini-warehouses \(self-storage facilities\)[ⓘ] §4.23](#)
6. [Hospitals, general[ⓘ] §4.17](#)
7. [Nurseries and garden supply centers §4.28](#)
8. [Overnight lodging facility §4.32](#)
9. [Performing arts center[ⓘ] §4.34](#)
10. [Accessory buildings and uses customarily incident to any of the above permitted uses §5.1](#)



3.1.10 B-3 General Business

D. Development Standards

Lot Size

Minimum lot width: 100 ft.

Lot Coverage

Maximum building lot coverage: None

Setbacks

Minimum front yard setback: 30 ft.

Minimum rear yard setback: 20 ft.

Minimum side yard setback: 15 ft.

Maximum Building Height

Maximum building height: 2.0 stories or 30 ft.

See [Notes to schedule of regulations §3.2](#) and [§3.7, 3.11, 3.12, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, and 3.22](#) for notes to the development standards.

E. Additional Requirements

Article 3

[SDD Special Downtown District Overlay §3.1.15](#)

Refer to the [Zoning Map](#) for the overlay district boundaries.

Article 5

[Access to a major thoroughfare §5.4](#)

[Off-street parking and loading §5.6](#)

[Lighting §5.7](#)

[Landscaping §5.8](#)

[Outdoor trash storage areas §5.12](#)

[Signs §5.13](#)

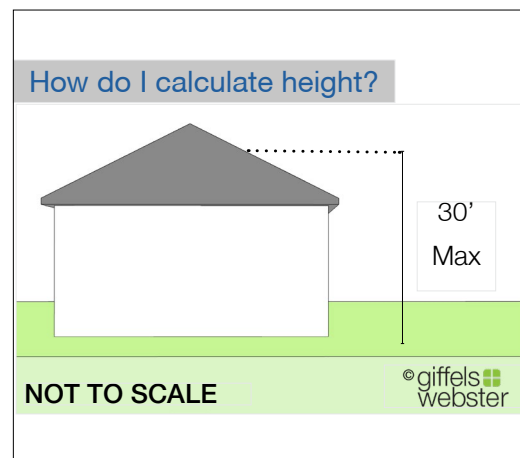
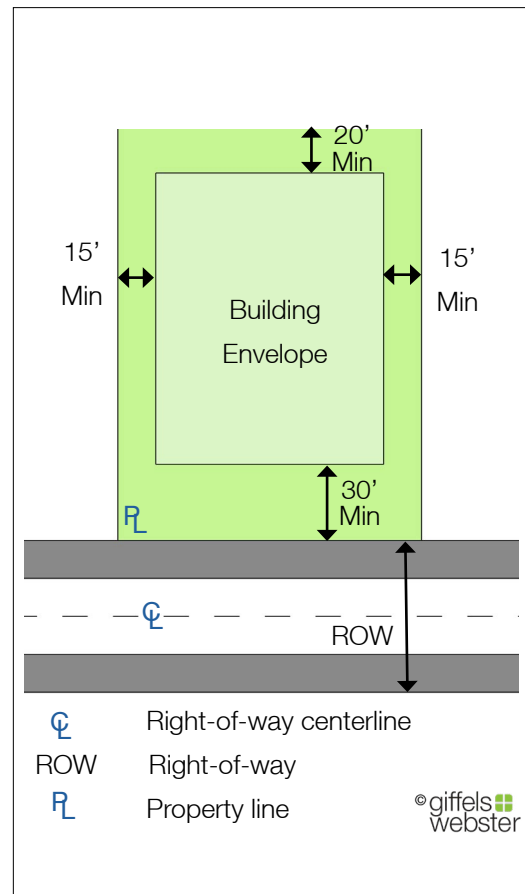
[Canopies and awnings §5.14](#)

Article 6

[Site plan review §6.1](#)

[Special land uses §6.3](#)

[Community impact studies §6.4](#)



3.1.11 I Industrial

A. Purpose and Intent

1. The I, industrial district is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.
2. The general goals of the industrial district include, among others, the following specific purposes:
 - a. To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for additional manufacturing and related uses.
 - b. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
 - c. To promote manufacturing development which is free from danger of fire, explosion, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibrations, smoke, odor and other objectionable influences.
 - d. To protect the most desirable use of land in accordance with a well considered plan; to protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures; and to protect the municipality's tax revenue.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. Manufacturing, compounding, and processing
2. Warehouse, storage, and transfer and electric and gas service buildings and yards; public utility buildings and substations
3. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies
4. Municipal uses, including outdoor storage
5. Kennels[☞]
6. Greenhouses
7. Trade or industrial schools
8. Retail uses that include outdoor storage and activities
9. Recycling centers[☞]
10. [Auto engine and body repair, and undercoating shops](#) §4.4
11. Other uses similar to the above uses
12. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1

C. Special Land Uses

1. [Lumber and planing mills](#) §4.20
2. [Metal plating, buffing, and polishing](#) §4.22
3. [Mini-warehouses \(self-storage facilities\)](#) [☞] §4.23
4. [Adult entertainment use](#) [☞] §4.1
5. [Junkyards](#) [☞] §4.18
6. [Accessory buildings and uses customarily incident to any of the above permitted uses](#) §5.1



3.1.11 I Industrial

D. Development Standards

Lot Size

Minimum lot area:	2 acres
Minimum lot width:	150 ft.

Lot Coverage

Maximum building lot coverage:	None
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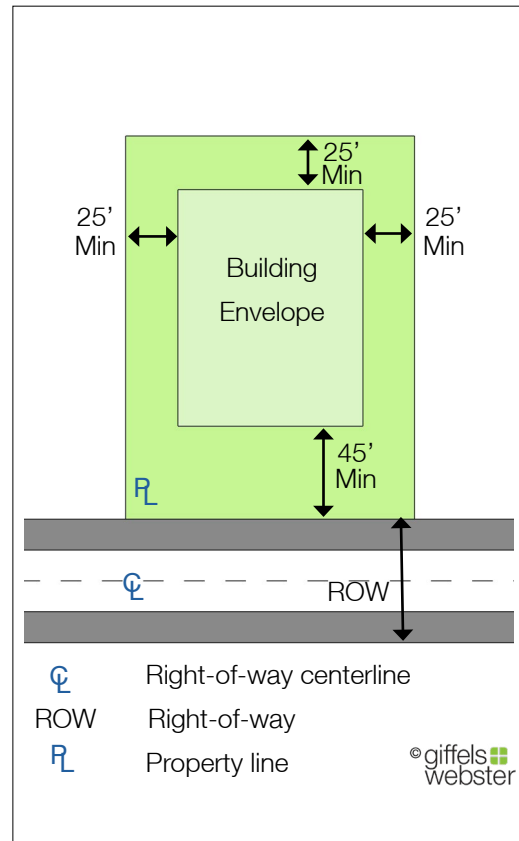
Setbacks

Minimum front yard setback:	45 ft.
Minimum rear yard setback:	25 ft.
Minimum side yard setback:	25 ft.

Maximum Building Height

Maximum building height:	45 ft.
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See [Notes to schedule of regulations §3.2](#) and [§3.8](#), [3.11](#), [3.12](#), [3.16](#), [3.17](#), [3.18](#), [3.19](#), [3.20](#), [3.21](#), and [3.22](#) for notes to the development standards.



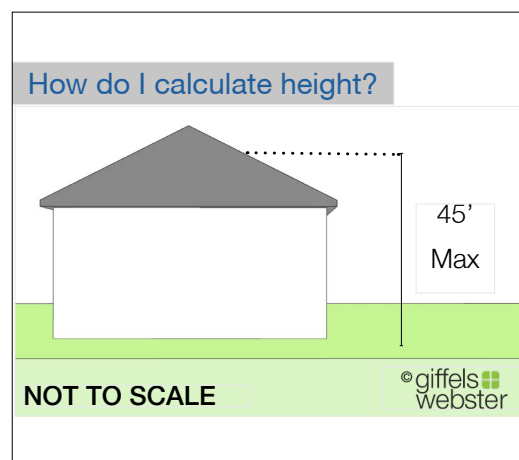
E. Additional Requirements

Article 5

- [Access to a major thoroughfare §5.4](#)
- [Off-street parking and loading §5.6](#)
- [Lighting §5.7](#)
- [Landscaping §5.8](#)
- [Screening walls §5.10](#)
- [Fences §5.11](#)
- [Outdoor trash storage areas §5.12](#)
- [Signs §5.13](#)

Article 6

- [Site plan review §6.1](#)
- [Special land uses §6.3](#)
- [Community impact studies §6.4](#)



3.1.12 P-1 Vehicular Parking

A. Purpose and Intent

The P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used solely for off-street parking for private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

① **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. Off-street vehicular parking

C. Special Land Uses

None

D. Development Standards

None

See [Notes to schedule of regulations §3.2](#) and [§3.9](#) for notes to the development standards.

E. Additional Requirements

Article 5

[Off-street parking and loading §5.6](#)

[Lighting §5.7](#)

[Screening walls §5.10](#)

[Fences §5.11](#)

Article 6

[Site plan review §6.1](#)

[Special land uses §6.3](#)

[Community impact studies §6.4](#)



3.1.12 P-1 Vehicular Parking

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1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement



3.1.13 P&R Parks and Recreation

A. Purpose and Intent

The P&R, parks and recreation district is established as a district in which the principal uses of land are for parks, parkways, recreational uses, and recreational facilities. For the P&R district, in promoting the general purpose of this article, the specific intent is:

1. To establish a zoning district which protects, where possible and practical, and regulates the use of properties having unique natural characteristics, such as woodlands, wetlands, areas with steep slopes, or bodies of water in an environmentally sensitive manner.
2. To provide a distinct zoning classification for recreational lands and facilities in proper locations and extent so as to promote the general safety, convenience, comfort and welfare of village residents;
3. To protect such parks, parkways and recreational facilities from the encroachment of incompatible land uses or conversion to certain uses that may make them incompatible with adjoining areas; and
4. To provide an environment for the functioning of parks, parkways, and recreational facilities in relation to village-wide plans for recreation and land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

1. [Recreational uses, outdoor §4.39](#)
2. Natural open space
3. Developed open space such as arboreta, botanical gardens, and similar passive park and recreation areas
4. [Recreational uses, indoor and related uses §4.38](#)
5. Public memorials
6. [Accessory buildings and structures §5.1](#)

C. Special Land Uses

1. [Golf courses §4.12](#)

D. Development Standards

None

See [Notes to schedule of regulations §3.2, §3.10](#) and [3.17](#) for notes to the development standards.

E. Additional Requirements

Article 5

[Off-street parking and loading §5.6](#)

[Lighting §5.7](#)

[Landscaping §5.8](#)

[Plant materials §5.9](#)

[Screening walls §5.10](#)

[Fences §5.11](#)

[Outdoor trash storage areas §5.12](#)

[Signs §5.13](#)

Article 6

[Site plan review §6.1](#)

[Special land uses §6.3](#)

[Community impact studies §6.4](#)



3.1.14 T Townhouse Residential

A. Purpose and Intent

The T, townhouse residential district is designed to provide sites for higher density single-family residential development in proximity to village shopping districts to serve the needs of householders seeking a more urban lifestyle in an otherwise medium density, one-family detached dwelling unit community.

① User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Principal Permitted Uses

In a townhouse residential district no building or land shall be used, and no building shall be erected, except for townhouse dwellings and their accessory buildings, and uses customarily incident to townhouse dwellings.

For additional standards, see [Townhouses in the T, B-2, and RM-1 Districts §3.23](#).

3.1.15 SDD Special Downtown District Overlay

A. Purpose and Intent

Because the village has many unique, historic characteristics such as zero lot line, multi-use, pedestrian oriented, human scale development that forms a traditional downtown, special provisions must regulate development in the downtown area. In order to preserve and enhance these valuable resources, the village has created the special downtown district. The following regulations provide a framework that allows existing and new development which conforms to traditional dimensions and standards. With the exception of the table and footnotes set out in subsection C of this section, all other regulations shall apply to uses located within the special downtown district.

B. Scope

The regulations in subsection C of this section regarding lot sizes, yards, setbacks, building heights and densities apply within the special downtown district as indicated, including the regulations contained in [Notes to schedule of regulations §3.2](#). No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

C. Development Standards

The following regulations shall apply in the special downtown district overlay zone:

Table 3.1.SDD.C					
Height, bulk, density and area in the Special Downtown District					
Standard		O-1, office (7)	B-2, central business	B-3, general business	I, industrial district
Maximum building lot coverage		-	-	-	-
Minimum livable floor area per unit (in square feet)		350	350	350	-
Density		-	-	-	-
Minimum size per zoning lot (a)	Area	-	-	-	2 acres
	Width in feet	22	22	22	150
Maximum building height	In stories	3	3	3	-
	In feet	40	40	40	45
Minimum yard setback requirements per zoning lot in feet	Front	0(e)	0(e)	0(e)	(e)
	Each side	(a), (b)	(a), (b)	(a), (b)	25 (c)
	Rear	(b)	(b)	(b)	25



3.1.15 SDD Special Downtown District Overlay

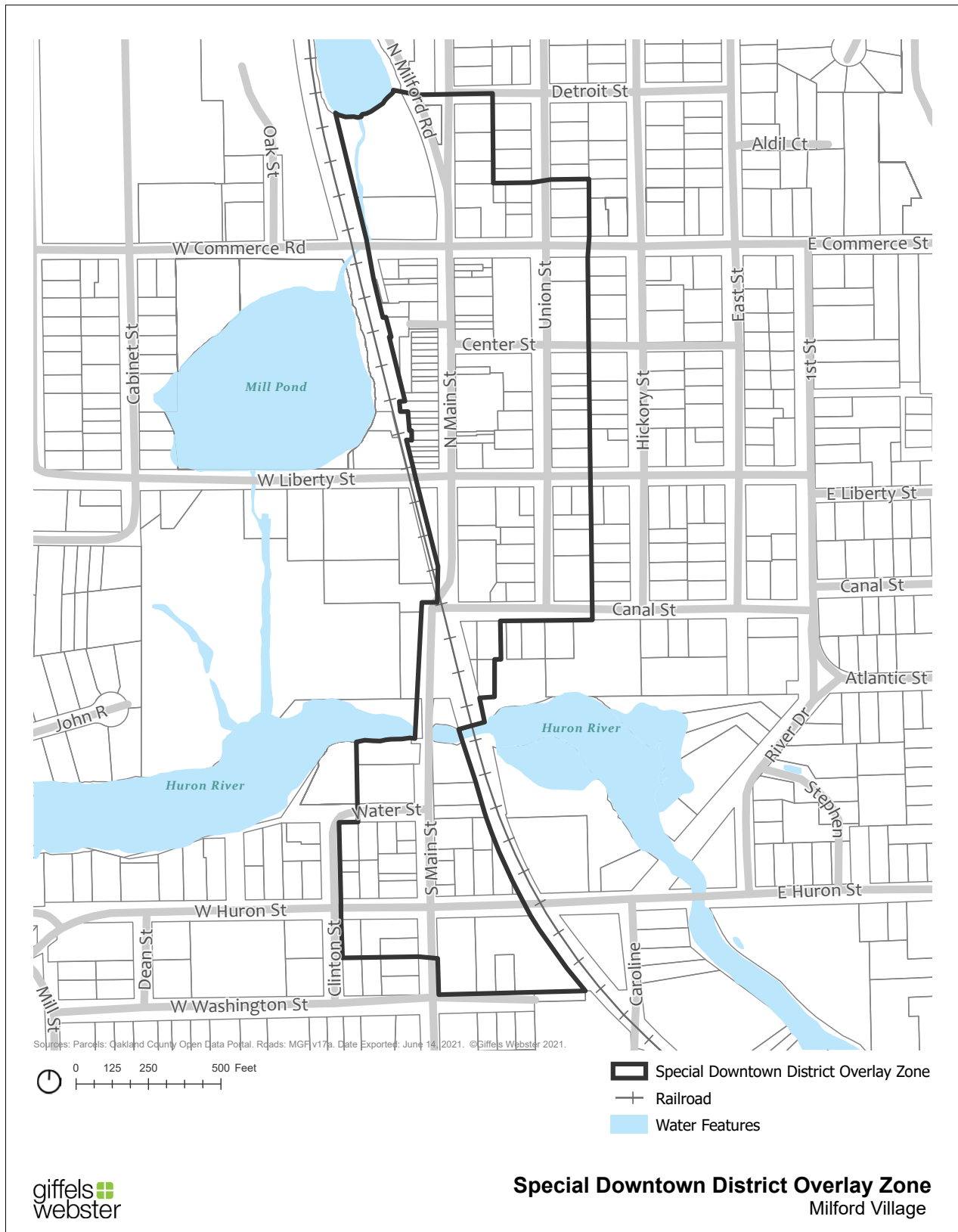
1. Footnotes:

- a. No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.
- b. Where a lot zoned O-1, B-2 or B-3 abuts a residential district not separated by a street, the following minimum yard setbacks shall be provided along the property lines abutting a residential district: Side yard, ten feet; rear yard, 20 feet.
- c. Off-street parking shall be permitted in a required side yard setback, however, no less than a five-foot setback shall be provided between the nearest point of the parking area or drive and the side lot line in all districts except those in the special downtown district.
- d. Off-street parking for visitors, over and above the number of spaces required by [Off-street parking and loading §5.6](#), may be permitted within the required front yard provided that such off-street parking is not located within 20 feet of the front lot line, and provided further that there shall be maintained a minimum unobstructed greenbelt buffer of ten feet between the nearest point of the visitor parking area, exclusive of access driveways, and the front lot line.
- e. In the special downtown district, the planning commission may modify the minimum required front yard to be not less than the smaller of the front yards of the two buildings adjacent, on either side of the proposed use, nor greater than ten feet from the right-of-way line. Any modification in the minimum required front yard shall be based upon a review of the site plan and/or the surrounding area, and a determination that the provision of a setback is physically and/or functionally practical to provide.
- f. The greenbelt required by [Notes to schedule of regulations §3.2](#) permitting off-street parking to occupy a portion of the required front yard can be modified by the placement of a decorative fence, as described in [Definitions §2.2](#), in its place. A minimum of three feet of land between the fence and the property line or street right-of-way line shall conform to landscaping standards in [subsection C.6](#), [C.7](#), and [C.8](#) in [Landscaping §5.8](#).

D. Residential dwelling units

Residential dwelling units as described in [Residential unit\(s\) §4.41](#) are allowed as a principal permitted use in the overlay district.

3.1.15 SDD Special Downtown District Overlay



3.1.15 SDD Special Downtown District Overlay

[Intentionally Blank]

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement



3.1.16 H Hazardous Substances Overlay Zone

A. Intent

The intent of the hazardous substances overlay zone is to provide supplemental development regulations in designated areas so as to permanently protect the village's drinking water source from long-term contamination originating from the improper use, storage or generation of hazardous substances or polluting materials. Due to the vulnerability of groundwater aquifers to contamination, the need for public health protection, and the significant public investment in the municipal water supply system, the regulations set out in this section contain protective measures which apply to certain areas of the community.

B. Scope

The provisions of the hazardous substances overlay zone, as set out in this section, shall apply to all nonresidential uses and facilities, including private and public facilities, which use, store or generate hazardous substances in a quantity greater than 100 kilograms per month (25 gallons or 220 pounds), and which shall be subject to site plan review under the provisions of this chapter.

C. Hazardous substance protection standards

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, and street slopes.
2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not significantly increase flooding or the potential for environmental contamination of surface waters or groundwaters, on-site or off-site.
3. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county, and village requirements, unless a groundwater discharge permit or permit exclusion has been obtained from the state department of natural resources.
4. Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of hazardous substances to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No releases to groundwater, including direct and indirect releases, shall be allowed without an applicable groundwater discharge permit or permit exclusion from the state department of natural resources.
6. In determining conformance with the standards in this chapter, the village shall take into consideration the publication entitled Small Business Guide to Secondary Containment, Clinton River Watershed Council, 1991, and other applicable references.



3.1.16 H Hazardous Substances Overlay Zone

D. Aboveground storage and use areas for hazardous substances and polluting materials

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of five gallons or less packaged for retail use shall be exempt from this subsection.
3. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.
4. Outbuildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, nearby drains or natural water bodies unless a surface water or groundwater discharge permit has been obtained according to applicable requirements of Act No. 245 of the Public Acts of Michigan of 1929 (MCL 323.1 et seq.), as amended (Michigan Water Resources Commission Act of 1929).
5. Areas and facilities for loading and unloading of hazardous substances, as well as areas where such materials are handled, used and stored, shall be designed and constructed to prevent unpermitted discharge or runoff to floor drains, rivers, lakes, wetlands, soils or groundwater.

E. Underground storage tanks for hazardous substances and polluting materials

1. Existing and new underground storage tank systems as defined under the Underground Storage Tank Regulatory Act, Act No. 423 of the Public Acts of Michigan of 1984 (MCL 299.701 et seq.), as amended, shall be registered with the authorized state agency in accordance with applicable requirements of the Environmental Protection Agency and the state department of natural resources.
2. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with applicable requirements of the state department of natural resources. Applicable leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records shall be required to be retained and available for review by state or village officials for a period of five years for tank tightness and for a two-year period for retention and all other monitoring or test results.
3. Out-of-service and/or abandoned underground storage tanks shall be emptied and permanently closed in accordance with the requirements of the state department of natural resources, environmental response division, and the village.

3.1.16 H Hazardous Substances Overlay Zone

F. Well abandonment

Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the state department of public health well construction unit.

G. Sites with contaminated soils and/or groundwater

1. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
2. Development shall be prohibited on a site of environmental contamination unless information is available indicating that the development will not exacerbate the contamination or impede its remediation.

H. Construction standards

1. The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, hauling hazardous substances in proximity to water bodies or wetlands may be improper.
2. Hazardous substances and polluting materials stored on the construction site during the construction process shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage of quantities greater than 100 kilograms (25 gallons or 220 pounds) shall have secondary containment.
3. If the contractor will be storing or handling hazardous substances or polluting materials that require a manufacturer's material safety data sheet, the contractor shall familiarize himself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
4. Upon completion of construction, all hazardous substances and polluting materials, including containment systems no longer used or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor and shall be disposed of, recycled, or reused in a proper manner as prescribed by applicable state and federal regulations.

I. Maintenance

In areas where hazardous substances or polluting materials are handled the structural integrity of the building must be maintained to avoid inadvertent discharge of hazardous substances to soils and groundwater. Cracks and holes in floors, foundations and walls that could cause hazardous substances to be released shall be repaired in areas where hazardous substances are handled or stored.

3.1.16 H Hazardous Substances Overlay Zone

J. Development review requirements

The following development review requirements are in addition to the development requirements found under [Site plan review §6.1](#):

1. Specify location and size of interior and exterior areas and structures to be used for on-site storage, loading/unloading, recycling and use or disposal of hazardous substances or polluting materials.
2. Specify location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated stormwater or wash water, and all similar uses.
3. Specify location of exterior drains, dry wells, catchbasins, retention/detention areas, pumps, and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
4. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.
5. Submit a list (hazardous substances reporting form for site plan review) of the types and quantities of hazardous substances and polluting materials which will be used, stored, or generated on-site, including chemicals, hazardous substances/materials, petroleum products, hazardous wastes and other polluting materials. The list shall include common name (trade name) of materials, chemical name (components), form (liquid, pressurized liquid, solid, gas, pressurized gas, etc.), maximum quantity on hand at any one time, and type of storage containers (aboveground tank, underground tank, drums, cylinders, metal container, wooden or composition container, portable tank). Material safety data supplied to the fire department and to employees by an employer may also be submitted for site plan review purposes.
6. Submit any state/county environmental permits necessary for the storage of and/or discharge of hazardous substances or polluting materials.

K. Exemptions and waivers

The transportation of any hazardous substance or polluting material shall be exempt from the provisions of this section provided the transporting motor vehicle or railcar is in continuous transit, or that it is transporting substances to or from a properly licensed solid or hazardous waste treatment, storage, or disposal facility.

3.2 Notes to schedule of regulations

Table 3.2							
Applicability of Notes to District Standards							
Notes to District Standards	Residential Districts						
	R-1	R-2	R-3	R-3.5	R-4	RT	RM-1
3.2.A.	Y	Y	Y	Y	Y	Y	Y
3.2.B	Y	Y	Y	Y	Y	Y	Y
3.2.C	Y	Y	Y	Y	Y	Y	Y
3.2.E					Y		Y

Table 3.2						
Applicability of Notes to District Standards						
Notes to District Standards	Non-Residential Districts					
	O-1	B-2	B-3	I	P-1	P&R
3.2.A.	Y	Y	Y	Y	Y	Y
3.2.B	Y	Y	Y	Y	Y	Y
3.2.C	Y	Y	Y	Y	Y	Y
3.2.D		Y				
3.2.E		Y				

- A. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located
No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.
- B. See the following sections of this article, regarding flexibility allowances:
 - 1. [Lot size averaging §3.11](#);
 - 2. [Cross-district averaging §3.12](#);
 - 3. [Single-family cluster housing option §3.13](#);
 - 4. [Residential open space plan §3.14](#);
 - 5. [Zero lot line development §3.15](#);
 - 6. [Planned unit development §3.16](#);
 - 7. [SDD Special Downtown District Overlay §3.1.15](#)
 - 8. [H Hazardous Substances Overlay Zone §3.1.16](#).
- C. In the case of a row of double frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. Drive-through facilities, including drive-up windows, shall be restricted to the side or rear yards. The planning commission may waive or modify this requirement and approve its location within the non-required front yard setback upon a finding that the site is encumbered by utility easements, natural features, and similar limitations demonstrating that no good public purpose would be served by compliance with the requirements of this section. For uses not identified in [Off-street parking and loading §5.6](#), the number of stacking spaces shall be documented by current professional traffic engineering studies for that particular use.
- D. No side yards are required along the interior side lot lines of the B-2 district, except as otherwise specified in the building code; provided, that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.
- E. Where two-thirds of the lots on the same side of a street of any one block are improved and where a front yard of lesser depth than that specified in the schedule of regulations exists in front of more than fifty-one percent of the improved lots of record on the same side of the street on any one block or within 198 feet of either side of the subject property, the depth of the front yard for any building addition or new construction thereafter constructed on any lot in such block or distance need not be greater than the average depth of the front yard of such existing buildings, or the existing front yard setback of the building so added, whichever is less. In meeting the setback requirement, a building addition shall be considered as being any addition which has a gross floor area no greater than the original structure to which it is to be attached.

An accessory building may be permitted to occupy not more than 35 percent of the required rear yard on legally-established nonconforming lots not meeting the minimum lot width requirement of the R-4 district. (See also [Accessory buildings and structures §5.1.C](#)). The maximum building lot coverage may be permitted to occupy not more than 35 percent of the total lot area on legally-established nonconforming lots not meeting the minimum lot size requirement of the R-4 district.

△ Ord. No. 231-248

3.3 Single-Family and Two-Family Residential district standards

- A. For all nonresidential uses allowed in one-family residential districts and the two-family residential district, the setbacks shall equal the height of the main building, or the setbacks required in [R-1 Residential District §3.1.1](#) or [Notes to schedule of regulations §3.2](#), whichever is greater.
- B. In the two-family residential districts, the standards of the schedule of regulations applicable to the R-4 one-family residential district shall apply as minimum standards when one-family detached dwellings are erected.

3.4 Multiple-Family Residential district standards

- A. The maximum horizontal length of any one building shall be 180 feet measured along any front, side, rear, or other exterior elevation.
- B. The minimum land area required for each dwelling unit in the district shall be in accordance with the following schedule:

Table 3.5.B	
Minimum Land Area Required by Dwelling Type	
Dwelling Unit Type	Land Area Required (square feet)
One and two bedroom unit	4,800
Three bedroom unit	6,000
Four or more bedroom unit	7,200

- C. Within any yard setback or area between buildings, an area equivalent to 70 percent of any required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, such areas shall be kept free of all vehicular uses.
- D. On sites which are four acres or larger in size, the open land area shall include a landscaped greenbelt of a minimum ten-foot width, located and continually maintained along any property boundary adjoining a residential district or fronting on a public road right-of-way.
- E. The minimum residential floor area per multiple-family unit shall be in accordance with the following schedule:

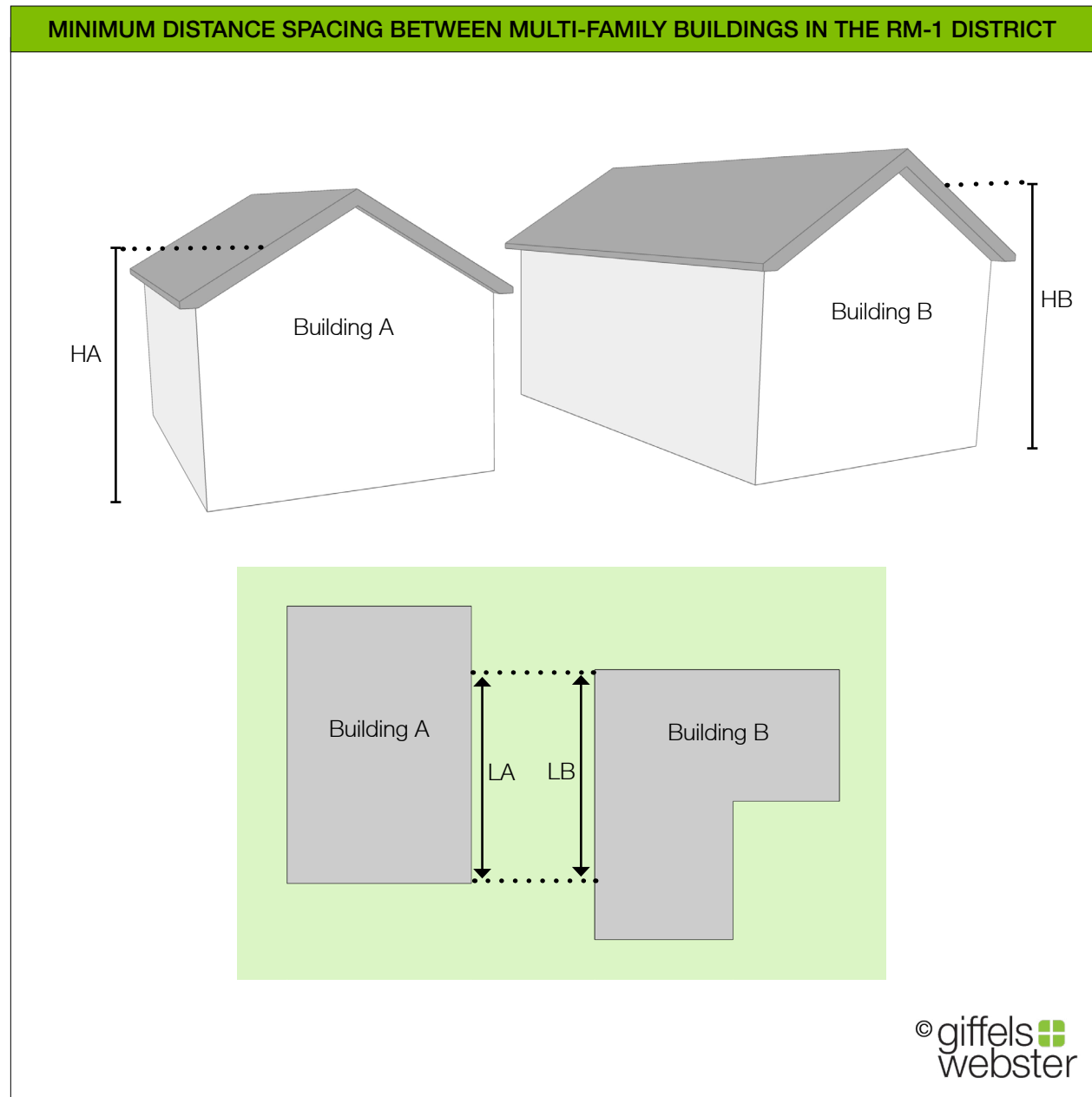
Table 3.5.E	
Minimum Residential Floor Area Required by Dwelling Type	
Dwelling Unit Type	Minimum Floor Area Required (square feet)
Efficiency	350
One bedroom	500
Two bedroom	700
Three bedroom	900
Four bedroom	1,100

- F. In the RM-1 district, front, side, or rear yards need not refer to spacing between buildings for the planned development of two or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings and in no instance shall be less than 30 feet. The formula for regulating the required minimum distance between two buildings is as follows:

$$S = \frac{LA + LB + 2(HA + HB)}{6}$$

Where:

1. S equals required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
 2. LA equals total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
 3. LB equals total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.
 4. HA equals height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
 5. HB equals height of building B. The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
- G. In the RM-1 district, the total number of rooms, not including kitchen, dining, and sanitary facilities, shall not be more than the net area of the parcel, in square feet (excluding public rights-of-way), divided by 1,200.
- H. For the purpose of computing the permitted number of dwelling units per acre in the RM-1 district, the following room assignments shall control: Efficiency equals two rooms; one-bedroom equals three rooms; two-bedroom equals four rooms; three-bedroom equals five rooms; four-bedroom equals six rooms. Plans presented showing a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.



1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

3.5 Office district standards

- A. No interior display shall be visible from the exterior of an office or business establishment.
- B. The outdoor storage of goods or material shall be prohibited.
- C. Warehouse or indoor storage of goods or materials, beyond that normally incident to the permitted uses in office districts, shall be prohibited.

3.6 Central Business district standards

All business, service storage and display shall be conducted within a completely enclosed building, except that the zoning administrator may administratively approve an area outside of the required front yard setback for such purposes, subject to the following conditions:

- A. The outdoor storage, display and/or sales area shall be located outside of the special downtown district overlay zone. This prohibition shall not be deemed to prevent the outdoor display of rental bicycles on private property offered during regular business hours as a retail adjunct to a permitted principal use.
- B. The outdoor storage, display and/or sales area shall not:
 - 1. Obstruct dedicated pedestrian ways or doorways;
 - 2. Occupy off-street parking areas, maneuvering lanes, or loading zones;
 - 3. Interfere with fuel station operations;
 - 4. Conceal views into the site's interior which are necessary for public safety surveillance; and
 - 5. Prevent the safe and efficient flow of vehicular traffic entering, exiting, or circulating within the site.
- C. The outdoor storage, display and/or sales area shall not exceed ten percent of the total floor area of the principal structure.
- D. Not less than a ten-foot setback shall be provided between the nearest point of the outdoor storage, display and/or sales area and abutting residentially zoned property.
- E. Items located within outdoor storage, display and/or sales areas shall not exceed a height of six feet.
- F. The outdoor storage, display and/or sales of hazardous substances or polluting materials shall be prohibited except as permitted by [H Hazardous Substances Overlay Zone §3.1.16](#).

3.7 General Business district standards

All business, service storage and display shall be conducted within a completely enclosed building, except that the zoning administrator may administratively approval an area outside of the required front yard setback for such purposes, subject to the following conditions:

- A. Except as permitted for [Nurseries and garden supply centers §4.28](#), the outdoor storage, display and/or sales area shall be located outside of the special downtown overlay zone.
- B. The outdoor storage, display and/or sales area shall not:
 1. Obstruct dedicated pedestrian ways or doorways;
 2. Occupy off-street parking areas, maneuvering lanes, or loading zones;
 3. Interfere with fuel station operations;
 4. Conceal views into the site's interior which are necessary for public safety surveillance; and
 5. Prevent the safe and efficient flow of vehicular traffic entering, exiting, or circulating within the site.
- C. The outdoor storage, display and/or sales area shall not exceed ten percent of the total floor area of the principal structure.
- D. Not less than a ten-foot setback shall be provided between the nearest point of the outdoor storage, display and/or sales area and abutting residentially zoned property.
- E. Items located within outdoor storage, display and/or sales areas shall not exceed a height of six feet.
- F. The outdoor storage, display and/or sales of hazardous substances or polluting materials shall be prohibited except as permitted by [H Hazardous Substances Overlay Zone §3.1.16](#).

3.8 Industrial district standards

In an industrial district:

- A. Facilities for open storage of materials or equipment shall be totally obscured by a wall on those sides abutting R-1 through R-4, RT, RM-1, O-1, B-2, and B-3 districts, and on any front yard abutting a public thoroughfare except as otherwise provided in [Screening walls §5.10](#). In I districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four feet six inches in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of article XII, general requirements. The height shall be determined in the same manner as the wall height as above set forth.
- B. All activities and uses within the district shall conform to the following performance standards.
 1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:
 - a. As dark or darker in shade as that designated as No. ½ on the Ringlemann chart, as published by the United States Bureau of Mines; or
 - b. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in [subsection B.1.a](#) of this section.

At no time may smoke emissions be darker than Ringlemann No. 1.
 2. Open fires. A person or industry shall not burn any combustible refuse in any open outdoor fire within the district.
 3. Noxious gases. Noxious or malodorous gases shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.
 4. Air contaminants. A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed 50 percent excess air.
 5. Glare and heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one footcandle when measured at any adjoining residence or business district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
 6. Noise. The measurable noise emanating from the premises as measured at the street or property line may not exceed 65 decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noise due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.



7. Vibrations. Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
8. Radio transmissions. For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment.
9. Storage of flammable materials. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
10. Radioactive materials. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
11. Water pollution. Pollution of water shall be subject to such requirements and regulations as are established by the state department of health, the state water resources commission, the county health department, and the Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards, in which case the following standards shall apply:
 - a. No wastes shall be discharged into the public sewer system which are dangerous to public health and safety.
 - b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH of 5.0 to 10.0.
 - c. Wastes shall contain no cyanides and no halogens and shall contain not more than ten ppm of the following gases: hydrogen sulfite, sulfur dioxide, and nitrous oxide.
 - d. Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceeding a daily average of 500 ppm or fail to pass a no. 8 standard sieve, or have a dimension greater than one-half inch.
 - e. Wastes shall not have a chlorine demand of greater than 15 ppm.
 - f. Wastes shall not contain phenols in excess of 0.005 ppm.
 - g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 ppm or exceed a daily average of 25 ppm.

3.9 Vehicular Parking district standards

A. Required Conditions.

1. The parking area shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
2. Such parking lots shall be contiguous to an RM-1 or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and above listed districts.
3. Parking areas shall be used solely for parking of private passenger vehicles, for periods of less than one day and shall not be used as off-street loading areas.
4. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking areas.
5. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
6. No building other than those for shelter or attendants shall be erected upon the premises and they shall not exceed 14 feet in height.
7. Applications for P-1 District rezoning shall be accompanied by a dimensional layout of the area requested showing the intended parking plans in accordance with the standards set forth in [Off-street parking and loading §5.6](#).

B. Minimum distances and setbacks.

1. Side and rear yards - Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, the required wall shall be located along said lot line.
2. Front yards - Where the P-1 District is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of 25 feet, whichever is the greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the planning commission finds that no good purpose would be served. The land between said setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly appearance.



3.10 Parks and Recreation district standards

- A. Buildings and structures shall not exceed a height of 2½ stories and 50 feet.
- B. Development features including, but not limited to, the principal and accessory buildings and structures, play equipment, and athletic fields and courts, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall be not less than 75 feet from any property line abutting residentially zoned lands; provided, that where topographic and/or plant material conditions exist or are proposed to be created such that they would be screened from view, the planning commission may modify this requirement and permit a reduction in the setback distance. In no instance, however, shall the setback distance be less than 50 feet from any abutting residentially zoned land. Buildings and structures shall maintain a minimum setback distance equal to their height when any property line is abutting nonresidentially zoned lands.
- C. All applicable standards within article XII, General Requirements, not inconsistent with the provisions of this article, shall be applied to all P&R district lands within the village.
- D. Off-street parking areas and driveways shall be provided on the same zoning lot as the principal and accessory buildings and structures, play equipment and athletic fields and courts, unless otherwise provided in this chapter. They shall be located no closer than ten feet from any abutting nonresidential district and 50 feet from any abutting residentially zoned land. The construction, layout, and maintenance standards for all such facilities are required to meet all standards and regulations detailed in [Off-street parking and loading §5.6](#) of the zoning ordinance. However, the planning commission may modify the requirement for asphaltic or concrete surfacing for parking areas and driveways and instead approve compacted gravel, for such facilities demonstrated to be open and used only on a seasonal basis.
- E. The outdoor lighting of playgrounds, athletic fields and courts, and similar areas shall be permitted; however, in no instance shall such lighting occur beyond the hour of 11:00 p.m.
- F. All parks over one acre in size shall be subject to all provisions within [Access to a major thoroughfare or collector street §5.4](#), access to a major thoroughfare or collector street, of the zoning ordinance.
- G. All parks shall comply with the R-1 schedule of regulations in [Notes to schedule of regulations §3.2](#) of the zoning ordinance, which are not inconsistent with this section. Park lands shall be not less than one-half acres (21,780 square feet) in total area, have a minimum lot width of not less than 120 feet, and a maximum combined lot coverage by buildings and structures of not more than 25 percent of the total parcel. For purpose of this ordinance, structures shall not be deemed to include pedestrian trails.

- H. To minimize erosion, stabilize riverbanks, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of natural water areas, a natural vegetation strip shall be maintained on each parcel or lot in accordance with section 10, Public Act 231 of 1970 (the Natural River Act of 1970) paralleling the shoreline and extending 100 feet inland from all points along the ordinary high water mark in areas determined by the planning commission having natural characteristics worthy of preservation. Within such a natural vegetation strip, trees and shrubs may be selectively pruned or removed to achieve a filtered view of the river from the principal structure and for reasonable access to the river. Said pruning and removal activities: (1) shall insure a live root system stays in place to provide for stream bank stabilization and erosion control; and (2) shall insure that any path to the river is no greater than 20 feet in width, and shall meander down to the river's edge in a manner which protects the soil and vegetation from erosion. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance, may be removed. In addition, no development features, including off-street parking areas and driveways shall be permitted within this 100-foot natural vegetation strip area, with the exception of scenic drives, trails, boat docks, fishing piers and similar water projections. However, in no instance shall such scenic drives or trails continuously extend along the water's edge.

For purposes of this section, the ordinary high water mark shall mean the mark as determined by a state registered land surveyor that is between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

- I. Negative impacts on the natural features of the property, such as woodlands, wetlands, and other similar topographic assets, shall be mitigated to the extent possible and practical as may be determined by the planning commission.
- J. Signs shall be permitted subject to the following requirements:
1. One monument sign shall be permitted for each primary point of vehicular access from a public right-of-way and/or parkway street. Monument sign(s) shall not exceed a height of eight feet and 50 square feet in area per sign face. Monument signs may be located anywhere back of the property line, provided, however, that such signs shall not be placed closer than 50 feet to any residential district or another freestanding sign, or a distance equal to its height to an adjacent public right-of-way and/or parkway street, or adjacent nonresidential property.
 2. One wall sign shall be permitted for each building on the building side having the primary entrance, wall signs may not project above the roof or parapet line and may not project more than one foot beyond the face of the wall of the building. Wall signs shall be attached to, and parallel to, the wall of the building. The maximum size of any such sign shall not exceed ten percent of the building face to which it is attached, however, in no instance shall such sign exceed 100 square feet.
 3. Scoreboards or nonaccessory signs provided they are made an integral part of a recreational stadium or similar use area.

4. The following additional types of signs are permitted without limitation as specified in this subsection.
 - a. Signs erected to designate hours of activity or conditions of use for parks, parking lots, recreational areas, and other similar use areas provided they do not exceed 24 square feet in area per sign face.
 - b. Directional signs used in conjunction with trails, drives or off-street parking areas, provided any such sign does not exceed four square feet in area per sign face, is limited to traffic control functions, does not obstruct traffic vision, and does not contain any advertising copy or logo.
 - c. Traffic control signs such as, but not necessarily limited to, pedestrian crossing signs, stop signs, and yield signs.
 - d. Historic signs, memorial signs, essential service signs and placards as regulated by [subsection F of Signs §5.13](#).
 - e. Menu boards, not exceeding 20 square feet in total area, when used in conjunction with a food service area or concession stand.
 - f. Signs used for public convenience identifying public restrooms, first aid stations, telephones, and similar use areas, provided they do not exceed four square feet in area per sign face.
 - g. Informational kiosks intended for public or semi-public use not exceeding a height of ten feet or 20 square feet in area, per sign face.
- K. All permitted uses requiring a capital improvement of a structural nature shall undergo site plan review in accordance with [Site plan review §6.1](#), of the zoning ordinance. For purposes of this section in classifying uses not requiring capital improvement, the planning commission shall determine that they are either demountable structures related to the permitted use of land, recreation developments, such as, but not limited to, golf driving ranges and outdoor archery range, or structures which do not require foundations, heating systems, or sanitary connections.

3.11 Lot size averaging

Lot size averaging may be permitted by the planning commission, upon application from the proprietor, if it determines that it will provide a better relationship of lots to the topography, vegetation or other natural or manmade features. Lot size averaging is the allowance for variation in lot area and width in a development, but with the average lot area meeting the minimum area as required in this article for that particular one-family residential district.

- A. The planning commission must convene a public hearing held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, as part of its review, study, and approval of an area for lot size averaging.
- B. In the case where lot size averaging is permitted:
 1. The number of lots shall not exceed the number allowed for the zoning district in which the development is located.
 2. Reduction of lot area or width below the minimum required for the zoning district may be permitted for not more than one-third of the total number of lots in the development.
 3. No lot shall have an area or width greater than ten percent below that area or width required in [Notes to schedule of regulations §3.2](#).
 4. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

3.12 Cross-district averaging

When two or more zoning districts are involved within the boundaries of one parcel of land which is under consideration for development of one-family residential use pursuant to Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended, known as the Subdivision Control Act of 1967, the planning commission, upon application from the proprietor, may grant a variation from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land.

- A. The planning commission must convene a public hearing held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, as part of its review, study, and approval of an area for cross-district averaging.
- B. If this variation in development is approved, the following conditions shall be met:
 1. The relocation of lot lines shall generally conform with the existing topography, vegetation, and other natural or manmade features.
 2. The total number of lots in any such development shall not exceed the sum of the total number of such lots in each separate zoning district which comprise the whole of the parcel of land involved.
 3. No individual lot in any such zoning district comprising the whole of such parcel shall have an area or width which shall be less than the minimum required for the higher density zoning district.
 4. All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat.

3.13 Single-family cluster housing option

- A. The intent of this section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site, or the configuration of the site.
- B. The planning commission may approve the clustering and/or attaching of single-family dwelling units on parcels under single ownership and control. In approving an area for the cluster housing option, the planning commission shall find at least one of the following to exist:
 1. The parcel is of narrow width or shaped in such a way that it contains acute angles, which would make a normal subdivision difficult to achieve.
 2. A substantial part of the parcel's perimeter is bordered by a major thoroughfare, which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
 3. The parcel contains a floodplain or poor soil conditions, which result in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps or other documented evidence must be submitted to the planning commission in order to substantiate the parcel's qualification for cluster development under this subsection.
 4. The parcel contains natural assets, which are proposed to be preserved through the use of cluster development. Such assets may include natural stands of large trees, unusual topographic features, or other natural assets which, in the opinion of the planning commission, should be preserved. Requests for qualification under these conditions must be supported by documented evidence which indicates that the natural assets would qualify the parcel under this option. Natural assets used to qualify the parcel under this criteria shall be protected from clearing, grading, filling, or construction except as may be approved for the installation of essential services or recreational amenities.
 5. The parcel contains natural landforms which are so arranged that the change of elevation within the site includes slopes in excess of ten percent between these elevations. These elevation changes and slopes shall appear as the typical features of the site rather than the exceptional or infrequent features of the site.
 6. The topography is such that achieving road grades of less than five percent would be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the planning commission, allow a greater preservation of the natural setting.

C. Applications for the single-family cluster housing option shall be processed in accordance with the following procedures:

1. Prior to filing a formal request, the developer shall meet with the village building official and the community planner to discuss the proposal, administrative procedures, design requirements, and standards for approval. This applicant assistance conference is intended to be informative in nature, and afford the developer an opportunity to discuss the land use and planning policies of the village.
2. Following the applicant assistance conference, the building official shall notify the planning commission of the proposal and shall establish a date where the developer can receive input from the planning commission.

The developer must present the following information to the planning commission at this pre-application conference:

- a. A concept development plan for the property which illustrates the desired generalized future development pattern for the property;
- b. A narrative which demonstrates how the site meets both the eligibility and qualification criteria of [subsection B](#); and
- c. The basis for design density in accordance with [subsection H](#).
Any and all statements made by the planning commission, village staff, and/or their representatives during this meeting shall have no legal force and are not legal or binding provisions, commitments or contracts.
3. The planning commission shall next convene a public hearing held in accordance with section 4a of Act No. 207 of the Public Acts of Michigan of 1921 (MCLA 125-581 et seq.), as amended, as part of its review, study, and approval of an area for the cluster housing option under the eligibility and qualification criteria of [subsection B](#).
4. Upon approving an area for the cluster housing option, the planning commission shall direct the petitioner to submit a site plan for its review, study and approval.
Site plans submitted under this option shall be submitted in conformance with [Site plan review §6.1](#) and accompanied by information regarding the following:
 - a. The proposed manner of holding title to open land.
 - b. The proposed method of regulating the use of open land.
 - c. The proposed method of property maintenance and financing thereof.
 - d. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two-foot contour intervals, main floor grade elevations relative to the existing topography, all computations relative to acreage and density, and any other details requested by the planning commission during the pre-application conference which will assist them in their review of the proposed plan.
 - e. The applicant shall identify measures to mitigate or eliminate negative effects to natural resources identified in [subsection B.4](#) as natural assets intended to be preserved. Consequences for violating such measures shall be stipulated as condition(s) of site plan approval. (See also [subsection C.9 of Landscaping §5.8](#)).

- f. A tree survey shall be required for any property containing woodlands. For purposes of this section, woodlands are defined to mean the presence of either: (1) an area of $\frac{1}{4}$ acre or more containing eight or more live trees per one-fourth acre having a four-inch or greater diameter at four feet above grade, or; (2) the existence of a canopy coverage over more than one-half the area of the subject site. The tree survey shall show the location of the entire woodland boundary on the petitioner's property and the location, size, and species of all trees located therein that are equal to or greater than four inches in diameter at four feet above grade. A printed summary denoting the tag number of such four inch diameter trees, its size and species, and the number of trees in each diameter size class shall also be provided.
 5. The concurrent review, study and approval of an area for cluster housing option under [subsection C.3](#) and a site plan under [subsection C.4](#) is prohibited.
- D. In reviewing the plans and approving the application of this section to a particular site, the planning commission shall require the following:
 1. A landscape berm, at least three feet high, shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The planning commission shall find that the slopes on such berms are gentle enough so as not to erode when planted in grass; and shall review the design of the berm as it relates to street intersections, finding that the horizontal view of oncoming traffic is not obscured. The planning commission may modify this requirement and instead accept a greenbelt planted in accordance with [subsection C.3](#) of [Landscaping §5.8](#) or waive this requirement entirely where an existing on-site stand of vegetation meeting the intent of this section exists. Such existing vegetation may only be approved when it is demonstrated to the satisfaction of the planning commission that such vegetation is free from disease and will not be affected by building construction or other site improvements.
 2. The development must clearly provide a public benefit. For purposes of this section, public benefit shall be defined to include, but not necessarily be limited to: art visible to the public; buildings which implement LEED® green building principles in their design, construction and operation; park land; or, lands to remain undeveloped in perpetuity.
 3. On site(s) two acres or greater in size, a pedestrian circulation system shall be installed which assures that residents can easily and safely walk throughout the site and which also interconnects with adjoining public walkway and/or trail systems.
- E. In areas meeting the eligibility and qualification criteria stated in [subsection B](#) above, the minimum yard setbacks, heights, and minimum lot sizes per unit, as required by [Notes to schedule of regulations §3.2.A](#), may be waived by the planning commission, and the attaching of dwelling units may be accomplished subject to the following:
 1. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the cluster is to be constructed.
 2. The maximum number of units attached shall not exceed four units.
 3. The exterior design of the structures shall be compatible with existing single-family structures located in the general area of the project in regards to architectural style, size, overall floor area and heights. Variety in the design of individual units shall be provided by the use of design details which do not appear to be continuous or repetitious. A building pattern which is repetitious throughout the project shall not be permitted.

- F. Yard requirements shall be provided under this option as follows:
1. Minimum spacing between clusters shall be determined by the number of living units that are arranged in any cluster group as shown on the following table:

Table 3.13.F.1	
Minimum Spacing Between Clusters	
No. of Living Units Per Cluster	Minimum Distance (feet) Between Clusters
1 unit and 1 unit	10
1 unit and 2 units	10
1 unit and 3 units	20
1 unit and 4 units	20
2 units and 2 units	10
2 units and 3 units	20
2 unit and 4 units	20
3 units and 3 units	20
3 units and 4 units	20
4 units and 4 units	20

2. All such groupings shall be so situated as to have on side of the building abutting onto a common open space.
 3. Any side of a building adjacent to a private service drive or private lane shall not be nearer to such drive or lane than 20 feet, measured from the edge of the nearest travel lane. This setback distance may be reduced to not less than ten feet where alleys having a minimum right-of-way width of 16 feet and a minimum pavement width of 12 feet provide access to private parking.
 4. Any side of a building adjacent to a public right-of-way shall not be nearer to such public right-of-way than 30 feet.
 5. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat such side of the groupings as front yard.
 6. No building shall be located closer than 30 feet to the outer perimeter (property line) of the site. The 30-foot setback area may not be included in the "common area" requirements of [subsection F.2](#).
- G. The maximum height of buildings under this option shall be 35 feet. In computing the height of an individual unit in a cluster on a slope in excess of ten percent and when the unit is constructed on posts, the first ten feet of the height of the post shall not be computed. Application of the definition of building height shall apply over and above this ten feet of post height.

- H. Except as may be provided in subsection I below, the density of the site shall be based upon the total dwelling unit count achieved from a “parallel plan” prepared by the applicant and accepted by the planning commission showing the subject site as a single-family detached development meeting the design and layout requirements established for the zoning district in which it is located.
- I. The density may be increased at the discretion of the planning commission up to, but not exceeding, 20 percent of the yield count achieved under [subsection I](#) above. This density bonus shall only be allowed when the following two conditions are met.
 - 1. Upon approval of a community impact study submitted in accordance with [Community impact studies §6.4](#); and
 - 2. Upon a finding that the development is proposed to be located within a walking distance of 1,500 feet to a village shopping district, or is in proximity to public recreation sites or public open space areas, or provides a common open space area equal to not less than 25 percent of the total parcel size.
- J. All land not intended to be conveyed to individual dwelling unit owners under this option shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land which prohibit their development in perpetuity and must be approved by the village attorney to assure the following:
 - 1. That title to the open space is held in common be either the owners of all dwelling units in the detached single-family cluster development, or by a conservancy.
 - 2. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
- K. The construction of a cluster housing development shall be subject to the engineering design standards of the village, as provided by chapter 38 of this Code, as amended, except as may otherwise be provided by this chapter.
- L. Approval of the single-family cluster housing development shall be predicated upon a positive finding of the planning commission that all of the following criteria have been met:
 - 1. The design shall promote the goals, objectives, and policies of the master plan and be consistent with sound land planning principles;
 - 2. Scenic views and vistas shall be unblocked or uninterrupted, particularly as seen from public rights-of-way;
 - 3. Common open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units;
 - 4. Natural assets, or sites having historic archaeological or cultural value shall be protected;
 - 5. Individual lots, buildings and roadways, and open space areas shall be designed to minimize the alteration of environmental site features;
 - 6. The design of structures shall be compatible with existing single-family structures located in the general area in terms of architectural style, size, overall floor area, and height;

7. Clustering of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and common open space areas;
8. Where the proposed cluster housing development abuts an existing conventional single-family subdivision, land zoned for single-family use, or a major thoroughfare, an orderly transition shall occur using one or more of the following techniques:
 - a. Detached single-family dwellings;
 - b. Open or recreation space;
 - c. Sufficient change of topography;
 - d. Buffer plantings of sufficient size, character, density and quantity; or
 - e. Mounding or berming of sufficient size, height, and slope to ensure proper maintenance of the area.

3.14 Residential open space plan

- A. The intent of the residential open space plan is to promote the following objectives:
 1. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.
 2. Encourage developers to use a more creative approach in the development of residential areas.
 3. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
 4. Encourage the provision of open space within reasonable distance to all building sites, lot development and to further encourage the development of recreational facilities.
- B. Modifications to the standards as outlined in [Notes to schedule of regulations §3.2.A](#) may be made in the R-1 through R-4 one-family residential districts when the following conditions are met:
 1. The building site area in all one-family residential districts which are served by a public sanitary sewer system may be reduced up to 20 percent. In the R-1 district, this reduction may be accomplished in part by reducing widths up to 20 feet. In the R-2 and R-3 districts, this reduction may be accomplished in part by reducing widths up to ten feet. These area reductions shall be permitted, provided that the dwelling unit density shall be no greater than if the land area to be built upon were developed in the minimum square foot lot areas as required for each one-family district under [Notes to schedule of regulations §3.2.A](#), schedule of regulations. All calculations shall be predicated upon the one-family districts having the following net densities: R-1 equals 1.6 dwelling units per acre; R-2 equals 2.3 dwelling units per acre; R-3 equals 3.6 dwelling units per acre; R-3.5 equals 4.0 dwelling units per acre; R-4 equals 4.8 dwelling units per acre.
 2. Rear yards may be reduced to 30 feet when such building sites border on land dedicated for park, recreation, and/or open space purposes, provided that the width of such dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent residential dwelling building site.

3. Under the provisions of [subsection B.1](#) of this section, for each square foot of land gained within a residential development through the reduction of size below the minimum requirements as outlined in [Notes to schedule of regulations §3.2.A](#), at least equal amounts of land shall be dedicated to the common use of the owners of the residential development in a manner approved by the village planning commission, in the case where land shall be dedicated to the public, in a manner approved by village council.
 4. The area to be dedicated for residential open space purposes shall in no instance be less than one acre and shall be provided and distributed in a location and shape approved by the planning commission.
 5. The land area necessary to meet the minimum open space requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
 6. This plan for reduced building site sizes shall be permitted only if it is mutually agreeable to the village council and the subdivider or developer where land shall be dedicated to the common use of the lot owners. The plan for reduced sizes shall be subject to the approval of the village council in instances where land is proposed to be dedicated to the public.
 7. This plan for reduced building site sizes shall be started within one year after having received final approval and must be completed within three years. Failure to start within this period shall void all previous approval.
 8. Under this planned unit approach, the developer or subdivider shall dedicate the total park area (see [subsection B.1](#) of this section) at the time of filing of the final plat on all or any portion of the plat, or in the case of single-family detached developments, at the time of final site plan approval.
- C. The planning commission must convene a public hearing held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, as part of its review, study, and approval of an area proposed for the residential open space plan. Such notice of the public hearing shall:
1. Describe the nature of the residential open space request.
 2. Indicate the property which is the subject of the residential open space request.
 3. State when and where the request will be considered by the planning commission.
 4. Indicate when and where written comments will be received concerning the request.

3.15 Zero lot line development

- A. The intent of the zero lot line concept is to:
 1. Promote the more efficient use of land, as compared to traditional single-family development, thereby making housing more affordable to a segment of the community.
 2. Design dwellings that integrate and relate internal and external living areas resulting in more pleasant and enjoyable living facilities.
 3. Permit the outdoor space to be grouped and utilized to its maximum benefit by placing the dwelling unit against one of the property lines.
- B. The planning commission must convene a public hearing held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, as part of its review, study, and approval of an area proposed for zero lot line development.
- C. A zero lot line is restricted for one-family developments only in the R-4 district.
- D. The planning commission may approve an application for a zero lot line development which complies with the following development parameters:
 1. Uses permitted are restricted to detached one-family dwellings on individually platted lots, including every accessory use customarily incidental therewith.
 2. The minimum lot area shall be 5,000 square feet. The minimum lot width required shall be 60 feet.
 3. Each dwelling unit shall only be placed on one interior side property line with a zero setback as to abut the adjoining unit, and the dwelling unit setback on the other interior side property line shall be a minimum of 16 feet. Patios, fences, walks, trellis, garden features, and similar elements shall be permitted within the setback area; provided however, that no structure, with the exception of fences and walks, shall be placed within required easements.
A minimum 25-foot front yard and 25-foot rear yard setback shall be provided. The minimum side yard setback on the street side of a corner lot, or adjacent to any nonresidential district, shall be 20 feet.
 4. The total lot coverage permitted for all buildings on the site shall not exceed 30 percent of the lot area.
 5. Every part of a required setback shall be maintained as an open space, with no principal or accessory structure occupying any portion, except that overhead projections from the building face, such as soffits, and projection of architectural features, such as bay windows or awnings, may project not more than three feet into such space.
 6. The maximum building height shall not exceed two stories and 25 feet in height.
 7. The wall of the dwellings located on the zero lot line shall have no windows, doors, air conditioning units, or any other type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit and a solid wall of at least eight feet in height is provided on the zero lot line. Such wall shall be constructed of the same material as exterior walls of the unit.
 8. A minimum of two off-street parking spaces, excluding the private garage or carport, shall be required for each dwelling unit.
 9. All dwellings constructed on a zero lot line must be provided with a firewall as set forth by local ordinance.

3.16 Planned unit development

- A. **Intent.** The planned unit development (PUD) provision is intended to: permit flexibility in the regulation of land development; encourage innovation in land use in terms of variety, design, layout, and type of structures constructed; foster new site treatments not contemplated in other zoning districts or public benefit which will inure to the users of the PUD project or the residents of the Village of Milford; allow mixed-use developments; and, to achieve efficient development of land and infrastructure. PUDs shall also meet one or more of the following objectives:
1. Encourage innovation and variety in housing choices to meet the needs of a population diverse in age, income and household composition.
 2. Promote additional shopping and personal service opportunities as part of buildings which contain residential and one or more of the following uses: office, retail or personal service establishments.
 3. Support the conversion of vacant, abandoned, underutilized, deteriorated or functionally-obsolete property into productive use.
 4. Enhance employment opportunities by allowing a complementary mixture of uses in an integrated and well planned area in close proximity to private residences.
 5. Promote a walkable, sustainable development pattern that supports alternative forms of transportation.
- B. **Eligibility requirements.** The PUD regulations are applicable in all zoning districts and can be used for developments meeting the following criteria:
1. It is determined by the planning commission that the development is consistent with the long-range land development proposals of the Milford Community Master Plan, including both village-wide and the specific area goals.
 2. The site can be adequately served by a public sanitary sewer system, a public storm system, and a public water supply system.
 3. The development will protect natural resources and encourages the preservation or restoration of historic resources and established patterns of development in the vicinity.
 4. A minimum site size of no less than one-half (0.5) acre is required. There is no maximum site size; however, all parcels must be contiguous unless separated by a right-of-way (public, private or utility).
 5. The subject site is under the unified control of a property owner (an individual, partnership, corporation or other legal association) having exclusive responsibility for completing the development in conformance with this section.

C. **Waiver of development requirements.**

1. Regulations relating to the use of land, including permitted land uses, lot sizes, height limitations, yard setbacks, density, site improvements (such as landscaping, site lighting and signage), and open space shall, in the first instance, be based upon the standards and requirements of the zoning district to which it is most similar.
2. The planning commission may recommend, and the village council may permit flexibility in zoning and subdivision standards and encourage innovation in land use and variety of design, layout, and type of structures and their required facilities and appurtenances thereto, provided any variation granted would also result in the overall design being compatible with the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use(s).

D. **Permitted uses of land.** PUDs include the following permitted uses:

1. One-family detached dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Townhouses.
5. All principal uses permitted in the O-1, office district.
6. All principal uses permitted in the B-3, general business district.

E. **Planned unit development review and approval process.** Areas designated for PUD are not identified on the zoning districts map in advance. PUD areas are the result of a public hearing held before the planning commission to rezone a specific parcel of land to a PUD district designation based on the application and approval procedures specified below.

1. Application for a PUD district classification shall be for an amendment to the village zoning districts map and the simultaneous approval of a general development plan (GDP). The rezoning request shall be filed with the village clerk and include the following additional exhibits and/or written narratives:
 - a. A GDP meeting the content requirements for site plans as set forth in [Site plan review §6.1](#).
 - b. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the flexibility allowances under PUD regulations.
 - c. A general description of the expected schedule of development including progressive phasing and time schedule.
 - d. A community impact study meeting the informational requirements of [Community impact studies §6.4.B](#).
 - e. A full description as to how the proposed PUD satisfies the eligibility requirements and standards of approval of this section.
 - f. A draft development agreement which establishes the formal rights and obligations of the property owner and the Village of Milford regarding the future development of the site. The development agreement shall, at a minimum, specify: the parties to the agreement; the obligations of the property owner; a term or duration within which the action and obligations of the agreement must be fulfilled by the property owner; vested rights; procedures for determining compliance with the conditions included in the agreement; default remedies; provisions guiding the transfer of rights and obligations to subsequent property owners; and enforcement procedures.

2. Following receipt of a request to approve a PUD, the planning commission shall hold at least one public hearing on the request. Notice of the public hearing shall be published in a newspaper of general circulation in the Village of Milford not less than 15 days before the date of the hearing. A 15-day notice of the public hearing shall also be provided to the property owner, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to all occupants of all structures within 300 feet of the subject property regardless of whether the structure is located in the Village of Milford. The public hearing notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is subject of the request. The notice shall include a listing of all street addresses within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request for public hearing will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 3. Within 90 days following the public hearing, the planning commission shall recommend to the village council that it deny, approve, or approve with conditions the request. The planning commission shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision.
 4. The village council shall be provided with the planning commission's recommendation, a summary of comments received at the public hearing, and all documents related to the PUD request. Within 90 days of the action of the planning commission, the village council by majority vote shall deny, approve, or approve with conditions the PUD request.
 5. Within 15 days of village council approval of a PUD request, a notice of ordinance adoption shall be published in a newspaper of general circulation within the Village of Milford. It shall include a summary of regulatory effect of the zoning districts map amendment and the area affected, the effective date of the amendment, and the place and time when the amendment to the zoning districts map may be inspected. For purposes of this section, the effective date of rezoning property to a PUD district designation shall be coincidental with the date of the recording of an executed development agreement with the Oakland County Register of Deeds Office by the property owner pursuant to the requirements of [subsection E.6](#), below.
 6. Upon village council approval of a PUD request, the property owner shall then sign a development agreement which is acceptable to the village attorney attesting that the approved PUD district designation, the approved GDP, and any conditions attached to the approvals, shall be binding on the property owner and upon their heirs, successors, and assigns. The executed development agreement shall be recorded with the Oakland County Register of Deeds Office by the property owner within 30 days of its signing. The property owner shall immediately thereafter provide a certified copy of the recorded development agreement with the village clerk for record keeping purposes.
- F. **Standards for approval.** The planning commission and village council shall review the particular circumstances and facts applicable to the request for PUD approval and make a determination as to whether the PUD request should be denied, approved or approved with conditions, using the standards in [subsection D](#) of [Special land uses §6.3](#).

- G. **Amendments to an approved GDP.** A property owner may request an amendment to an approved GDP.
1. Minor modifications to an approved GDP may be administratively approved by the village zoning administrator. Modifications to be considered minor shall include, among other similar modifications, the following:
 - a. A change in residential floor plan configuration.
 - b. A change in nonresidential floor area of ten percent or less.
 - c. Minor variations in site layout which do not constitute major changes.
 - d. A change in lot coverage of five percent or less.
 2. Major modifications to an approved GDP shall follow the procedures and conditions required for the original submittal and review in full. Modifications to be considered major changes shall include one or more of the following:
 - a. A change in the concept of the development.
 - b. A change in use or character of the development.
 - c. A change in the type or number of dwelling units as identified in the GDP.
 - d. A change in nonresidential floor area of over ten percent.
 - e. A change in lot coverage of more than five percent.
 - f. The rearrangement of lots, blocks and building tracts.
 - g. A change in the character or function of any street.
 - h. A reduction in land area set aside for common open space or the relocation of such area.
 - i. An increase in building height.
 3. The planning commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show the reasons for any requested change due to changed physical or economic factors or consumer demand.
- H. **Expiration of approvals.** All phases of a PUD project shall be completed within two years of the effective date of its approval.
- I. **Extension of project completion deadlines.** Project completion deadlines may be extended in accordance with [subsection I](#) and [subsection J](#) of [Site plan review §6.1](#).
- J. **Revocation of PUD district designation and GDP approval.** Failure to complete the PUD project within a two-year period, as may be extended, shall authorize the village council to revoke the property owner's rights to develop under the terms of the development agreement and to initiate a zoning districts map amendment to revert the subject site to its previous zoning classification.
- K. **Open space limitations.** A property owner may not request the village council to approve a PUD with open space that is not contiguous with the rest of the PUD.

3.17 Exceptions to height limits

The height limits set forth in this chapter may be modified subject to the following provisions:

- A. Height limitations shall not apply to farm buildings, flagpoles, public monuments, or municipal water towers.
- B. The application of height limits for chimneys, church spires, television or radio antennas for personal reception of broadcasts, belfries, cupolas, domes, masts, skylights, smokestacks, ventilators, HVAC equipment and for their enclosures, and similar vertical projections pertaining to, or found necessary for, the principal uses permitted or uses permitted subject to special conditions, may be modified by the planning commission at the time of site plan review, or subsequently by the building official, subject to the following conditions and limitations.
 1. Height modifications shall not violate the spirit and intent of the district in which they are located.
 2. The village council may specify a height limit for any such structure when such structure requires authorization as a conditional use.

3.18 Lot area

Any lot existing and of record on the effective date of this chapter may be used for any principal use permitted in the district in which such lot is located, other than conditional uses for which special lot area requirements are specified in this chapter, whether or not such lot complies with the lot area and width requirements of this chapter. Such use may be made provided that all requirements other than lot area and width prescribed in this chapter are complied with and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit; see also [Nonconforming uses and buildings §7.4.E](#), nonconforming lots.

3.19 Yard regulations

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the zoning board of appeals.

3.20 Porches

- A. In all zoning districts, an open, unenclosed, and uncovered porch or paved terrace may project into the required front yard setback for a distance not exceeding ten feet.
- B. In the R-3, R-3.5, and R-4 districts, a covered porch may encroach into the required front yard setback for a distance not exceeding ten feet, but in no instance shall the porch be closer than 15 feet to the front lot line. Such porches shall also not exceed a gross floor area of 120 square feet.
- C. In all zoning districts, balconies and enclosed porches must be constructed within the required front yard setback.

Δ [Ord. No. 231-247](#)

3.21 Projections into yards

Architectural features, not including vertical projections, may extend or project into a required side yard not more than three inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

3.22 Access through yards

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yard.

3.23 Townhouses in the T, B-2, and RM-1 Districts

- A. All townhouse developments in the village shall conform to the following regulations:
1. Maximum building height: 35 feet
 2. Minimum livable floor area per unit: 950 sq ft.
 3. Maximum net density:

Table 3.23.A.3		
Maximum Net Density of Townhouses		
Zoning District	Maximum Net Density (units per acre)	Maximum Net Density With Approval of Community Impact Study (units per acre)
T, Townhouse	8	10
B-2, Central business	15	20
RM-1, Multiple Family Residential	15	20

4. Minimum open space.
 - a. T district sites greater than 2 acres: 20% of the gross site area
 - b. B-2 and RM-1 district sites 2 acres or larger: 35% of the gross site area
5. Setbacks:
 - a. Minimum front yard: 10 feet from an abutting public right-of-way
6. All applicable standards within this chapter, not inconsistent with the provision of subsection A above, shall be applied to all townhouse residential district lands within the village.

- B. Townhouse structures shall consist of not less than four or more than 16 dwelling units in a row.
1. When calculating maximum net density, ponds, lakes, rivers and similarly inundated areas consistently covered by water are excluded.
 2. Upon the approval of a community impact study submitted in accordance with [Community impact studies §6.4](#), the net density may be increased at the discretion of the planning commission up to the densities listed in Table 3.23.A.3
 3. Open space. In the B-2, central business district, and the RM-1, multiple-family residential district, such open space area shall be designated and located as to promote year-round use by the occupants of the development or by others for active or passive recreational use, including, but not limited to, playfields, playgrounds, nature study areas or gardens. In the T, townhouse residential district the planning commission may modify the required amount of open space and accept a lesser percentage upon a finding that the development is proposed to be located within a walking distance of 1,500 feet to a village shopping district, or is in proximity to public recreation sites or public open space areas.
 4. In the T, townhouse residential district, the required front yard setback shall be consistent with the established front yard setback of developed property abutting the subject site.
 5. Spacing between any group of dwelling units shall not be less than the height of the taller structure, measured between the nearest point of the two groupings.
 6. Townhouse structures shall not be located closer than one-third of the maximum proposed building height to any interior property line, except that townhouse structures located on sites two acres or greater in area shall not be located closer than 30 feet to any interior property line, abutting a single-family residential district.
 7. The outdoor storage of recreational vehicles is prohibited.
 8. Resident parking in the ratio of two parking spaces for each dwelling unit shall be provided on site. Visitor parking in the ratio of one parking space for every four dwelling units shall also be provided on site.
 9. Residential development signs shall be permitted on development sites of two acres or greater in area in accordance with [subsection D.2 of Signs §5.13](#), except that not more than one residential development sign shall be permitted.
 10. The removal of structures located within the downtown overlay district, which meet the National Register definition for contributing building, for an historic district, in order to accommodate townhouse development is prohibited.
 11. Each dwelling unit shall be provided with an enclosed garage accommodating at least one passenger vehicle.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

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(Intentionally Blank)



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Use Standards

Article 4 - Use Standards

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4.1 Adult entertainment use

Adult entertainment uses may be permitted as a special land use in the general business (B-3) and industrial (I) districts subject to the following:

- A. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use nor within 600 feet of any of the following uses:
 1. All class "C" establishments licensed by the state liquor control commission.
 2. Pool or billiard halls.
 3. Coin- or token-operated amusement centers.
 4. Teen centers or dance halls.
 5. Ice or rollerskating rinks.
 6. Pawnshops.
 7. Theaters.
 8. Any public park.
 9. Any place of worship.
 10. Any public or private school having a curriculum including kindergarten or any one or more of the grades 1 through 12.

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

- B. No adult entertainment use shall be located within 600 feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
- C. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
- D. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.

4.2 Age-restricted housing

Age-restricted housing may be permitted in the single-family residential (R-1, R-2, R-3, and R-4) districts subject to the following:

- A. All age-restricted housing shall be constructed on parcels of at least three acres and may provide for the following:
 1. Cottage type one-story dwellings and/or apartment type dwelling units.
 2. Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- B. Minimum dwelling unit size shall be 350 square feet per unit, not including kitchen and sanitary facilities.
- C. Total coverage of all buildings, including dwelling units and related service buildings, shall not exceed 25 percent of the total site not including any dedicated public right-of-way.
- D. Buildings of greater height than the maximum height allowed in [Article 3 - Zoning Districts](#) and the [District Summary Table](#) schedule of regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.

4.3 Arcades, billiard parlors, card rooms, and similar uses

Establishments, the principal use of which is to provide facilities and space for patrons to engage in the playing of mechanical and/or electronic amusement devices, pool, billiards, cards or similar activities, subject further to the following requirements, conditions and applicable ordinances in the central business (B-2) district):

- A. The site shall not be located within 100 feet of a residential district nor within 600 feet of a school.
- B. The site shall be so located as to abut a major thoroughfare right-of-way, and all ingress/egress to the site shall be directly from such major thoroughfare.
- C. No loudspeaker or public address system shall be used.
- D. For purposes of this section, a pool room or billiard parlor shall be an establishment in which three or more pool tables and/or billiard tables are operated or maintained.

4.4 Auto engine and body repair, and undercoating shops

In the industrial (I) district, these uses must be located in a completely enclosed building.

4.5 Automotive service facility

Autoservice facilities may be permitted in the central business district (B-2) subject to the following conditions:

- A. No overnight outdoor storage.
- B. Developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center
- C. A building permit shall not be issued separately for the construction of any automobile service center within the B-2 district.

4.6 Bed and breakfast operations

Any dwelling unit used for a bed and breakfast operation shall comply with the following requirements:

- A. Not more than 50 percent of the total floor area shall be used for bed and breakfast sleeping rooms.
- B. There shall be no separate cooking facilities used for the bed and breakfast stay.
- C. Occupancy by guests shall be restricted from one to seven days.
- D. One additional parking space shall be provided for each guestroom on-site; further, such parking shall not be permitted within a required front yard.

4.7 Car sales rooms, new and used

In the central business district (B-2), new and used car sales rooms cannot provide outdoor sales space and/or service and repair activities.

4.8 Commercial recreation, indoor

In the general business (B-3) district, indoor commercial recreation uses must be located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district

4.9 Congregate care facility or adult foster care facility for more than six adults

These facilities may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1) districts subject to the following conditions:

- A. Minimum lot size shall be three acres.
- B. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#), access to a major thoroughfare or collector street.
- C. No structure shall be located closer than 40 feet to any property line.
- D. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the facility there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscaped setbacks, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The 1,500 square feet requirement is over and above the building coverage area.

4.10 Convalescent or nursing homes

Conditions for convalescent or nursing homes located in the multiple-family residential district (RM-1):

- A. The building shall not exceed a building height of two stories.
- B. The minimum lot size shall be three acres.
- C. No building shall be closer than 40 feet to any property line.
- D. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#), access to a major thoroughfare or collector street.
- E. There shall be provided on the site not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.

4.11 Day care centers, child and adult

Child and adult day care centers may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1) districts if each person so cared for there shall be provided and maintained a minimum of 150 square feet of open space. Such space shall have a total minimum area of not less than 5,000 square feet and shall be fenced and screened from any adjoining lot in any residential district.

4.12 Golf courses

Golf courses may be permitted in the single-family residential (R-1, R-2, R-3, and R-4) districts subject to the following conditions:

- A. The site shall be so planned as to provide principal vehicular access to the site which shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#), access to a major thoroughfare or collector street.
- B. The site shall be so laid out as to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrians and vehicular traffic safety.
- C. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
- D. Whenever a swimming pool is to be provided, such pool shall be provided with a protective fence six feet in height, and entry shall be by means of controlled gate.
- E. Golf courses, including their accessory buildings and uses customarily incidental to them. Golf courses and their accessory buildings and uses customarily incidental to them may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1), Parks and Recreation (P&R) districts subject to the following conditions:
 1. The site shall be planned so as to provide principal vehicular access to the site which shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#), access to a major thoroughfare or collector street, of the zoning ordinance.
 2. The site shall be laid out so as to achieve a relationship between the major thoroughfares and any proposed service roads, entrances, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
 3. Development features including the principal and accessory buildings and structures shall be located and related so as to minimize the possibilities of any adverse effects upon adjacent properties. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line abutting residentially zoned lands, provided that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
 4. Whenever a swimming pool is to be provided out of doors such pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.

4.13 Fast food restaurant, including those having drive-through lanes or a drive-in restaurant

Fast food restaurants, including those having drive-through lanes or a drive-in restaurant, may be permitted in the general business (B-3) district subject to the following:

- A. Such business shall be prohibited in the special downtown district overlay zone established by [SDD Special Downtown District Overlay §3.1.15](#).
- B. Building setbacks
 1. A building setback of at least 50 feet shall be maintained from the right-of-way line of an existing or proposed street.
 2. A building must be setback 100 feet distant from residentially zoned district.
- C. All exterior lights shall be shielded from adjacent residential districts in accordance with [Lighting §5.7](#).
- D. Screen walls shall be provided in accordance with the provisions of [Screening walls §5.10](#) when abutting or adjacent districts are zoned residential or office.
- E. If part of a planned shopping center, all access to the restaurant shall be directly from internal circulation roads and driveways serving the planned shopping center. Separate driveways exclusively serving the restaurant are expressly prohibited. Pedestrian links by means of sidewalks or other clearly defined passages separated from vehicular traffic shall also be established from the restaurant to other parts of the planned shopping center.
- F. Drive-up windows shall be located in accordance with [Notes to schedule of regulations §3.2.C](#).
- G. Payment and/or fast food pick-up windows and menu ordering boards shall be positioned on the site in a manner which minimizes sound levels to neighboring residentially zoned districts to the maximum extent practicable, so as not to become a nuisance factor during their use.
- H. The site design shall incorporate, to the maximum extent practicable, landscaping consisting of a planting bed(s) placed along the perimeter of a freestanding restaurant building and site; additionally, not more than 80 percent of the site shall be covered by buildings and other impervious surfaces.

4.14 Fire stations

Fire stations may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT), and multiple family residential (RM-1) districts subject to the following:

- A. The property shall front, and provide direct access to, a major thoroughfare.
- B. Required front, side and rear yard building setbacks of 30 feet, 20 feet, and 35 feet, respectively, shall be provided on site.
- C. The minimum lot size shall be 0.5 acres.
- D. The site shall be designed to permit firefighting and rescue apparatus to enter and circulate through the site with minimal interference with vehicular or pedestrian cross-traffic.
- E. Sufficient area shall be provided on site for the temporary storage of firefighting apparatus and equipment. At no time shall stored firefighting apparatus and equipment extend over or occupy a portion of a public right-of-way.
- F. The building height shall not exceed two stories or 35 feet. A watch tower, alarm center or other similarly defined vertical projection pertaining to, and found as a necessary part of a fire station may, however, exceed a height of 35 feet subject to requirements of [Exceptions to height limits §3.17.B](#).
- G. Lot coverage shall not exceed 50 percent.
- H. Off-street parking shall be permitted in the required front yard setback provided a ten-foot wide landscaped greenbelt is maintained between the nearest point of the off-street parking area, exclusive of driveways, and the front lot line. (See also [subsection C.3 of Landscaping §5.8](#) for greenbelt buffer landscaping requirements.)
- I. Each vehicular entrance and exit shall be at least 25 feet distant from adjacent property. A lesser distance or waiver of this requirement may be granted subject to the requirements of [subsection E of Off-street parking and loading §5.6](#).
- J. Off-street parking shall be based upon anticipated usage resulting from the primary use(s) associated with the property including visitor parking, as calculated by the fire chief. In computing capacities of any joint use, the total space requirements shall be the sum of the individual requirements which are expected to occur at the same time.

4.15 Gasoline service station

Establishments providing the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service as provided for elsewhere in this article, but not including vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, and such other activities whose external effects could adversely extend beyond the property line, may be permitted in the general business (B-3) district subject to the following conditions:

- A. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- B. The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and have no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of 10,000 square feet, subject to all other provisions required in this article.
- C. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
- D. Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard.
- E. The parking of vehicles on-site shall be limited to those which are to be serviced within a 72-hour period.
- F. A ten-foot landscaped greenbelt shall be provided along all street frontages.

4.16 Home occupation and home-based business regulations

- A. **Intent.** It is the stated intent of this section to allow home occupations (those conducted exclusively by the household member) and home-based businesses (those conducted by a household member and non-resident) which: are incidental to the use of the premises as a residence; are compatible with residential uses; are limited in extent, and, do not detract from the residential character of the neighborhood. A medical marihuana home occupation is addressed separately from other forms of home occupations or home-based businesses in recognition of its unique nature. Medical marihuana home occupation regulations and requirements are presented in [Medical marihuana home occupation regulations §4.21](#).
- B. **Permit procedures.** Home occupations and home-based businesses classified as type I shall be permitted by right with no permit required. Home occupations and home-based businesses classified as type II shall only commence after receipt of a special condition use permit issued in accordance with the procedures and requirements specified in [Special land uses §6.3](#). Type II home occupations and home-based businesses shall not be transferable from person to person or address to address except that, in the case of death, should a surviving partner, spouse or child residing at the same address desire to continue the home occupation or home-based business, written notice to that effect shall be given to the building official, and the building official may authorize continuation of that permit.
- C. **Type designation letter requirements.** All uses not listed as a type I or type II use shall require a letter of type designation from the building official based upon the intent of the home occupation provisions and experience with similar uses. Each decision shall be used to create a supplemental list of approved and denied home occupation and home-based business uses. Once a use is listed as either an approved or denied use, a letter of type designation shall not be required for that use. The use shall either be approved or denied based on the classification on the supplemental list.
- D. **Prohibited uses.** The following uses are expressly prohibited as a home occupation or home-based business:
 1. Recycling center;
 2. Dance studio;
 3. Scrap and salvage operation.
- E. **Required conditions.** Home occupations and home-based businesses shall meet the following conditions and requirements:
 1. The home-based business shall employ no more than two full-time or part-time employees on site, other than the residents of the dwelling unit.
 2. There shall be no change to the principal residential structure where such home occupation or home-based business is conducted which alters the character and appearance of such structure on the premises.
 3. One unlighted wall mounted sign may be allowed for each residence pursuant to [subsection D of Signs §5.13](#). The sign shall not exceed three square feet in area. The sign shall be attached flat against the front wall of the building.
 4. Product sales associated with intermittent private social events (e.g., Tupperware® parties) or e-commerce (e.g., eBay® transactions) shall be exempt from the provisions of this section.

5. One off-street parking space shall be provided for each non-resident employee. At least one off-street parking space shall be provided for customer parking. These requirements shall be in addition to those specified in [subsection A.1 of Off-street parking and loading §5.6](#) for the residential use of the dwelling unit by its householder(s) and visitors.
 6. No equipment or process shall be used by the home occupation or home-based business which creates noise, vibration, glare, fumes, odors, or electrical interference which is a nuisance to the normal senses of persons off the parcel or lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, telephone, television, computer, or any telecommunication device off the premises, or causes fluctuation in line voltage off the premises.
 7. The use of the dwelling unit for the home occupation or home-based business shall be clearly incidental and subordinate to its use for residential purposes and occur on the same zoning lot. In total, all home occupations or home based businesses conducted on the premises may occupy an area equal to not more than 25 percent of the floor area of the dwelling unit, inclusive of any space within a detached accessory building used for the home occupation.
 8. The open storage of material, equipment, or refuse associated with or resulting from the home occupation or home-based business is expressly prohibited. It is the intent of this subsection to prevent unsightliness or outdoor displays which are discernible beyond the property line.
 9. Shipping and receiving of products, merchandise, or supplies shall be limited to between the hours of 8:00 a.m., and 6:00 p.m. and shall ordinarily occur in smaller vehicles customarily used for residential deliveries.
 10. Not more than three home occupations or home-based businesses may occur on site.
 11. Merchandise shall be limited only to products manufactured or substantially altered on the premises, or to supplies necessary for the conduct of the home occupation or home-based business. (For example, a single-chair barber would be allowed to sell combs, shampoo, hair spray, and other miscellaneous items to customers.) A retail showroom, sales area, or similar use area is expressly prohibited.
 12. The home occupation or home-based business shall not involve the storage of a hazardous substance. (See [Article 2 - Definitions](#) for definitions.)
 13. The use of a single-family home by an occupant of that residence of a home occupation to give instruction in a craft or fine art is expressly permitted. This provision shall not relieve the occupant from complying with conditions of use established by this section which accompany its use as a home occupation.
 14. No traffic shall be generated by such home occupation or home-based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation or home-based business shall be provided by an off-street area, located other than in a required front yard.
- F. **Type I uses.** The following type I uses shall be permitted in any single-family residential zoning district:
1. Dressmaking, sewing and tailoring.
 2. Studio used for painting, sculpturing, woodworking, photography, or writing.
 3. Telephone answering service.
 4. Home crafts, such as model or jewelry making, or rug weaving.

5. Tutoring.
6. Secretarial services, home typing, computer programming, or data processing.
7. Home office of a professional person such as an attorney, real estate agent, bookkeeper, insurance agent, architect, financial planner, tax preparer, or accountant.
8. Home office for a sales representative or manufacturer's representative.
9. Laundering or ironing service.
10. Repair of small appliances, watches and clocks, cameras and other small items.
11. Travel consultant.
12. Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home because of his or her disability.
13. Direct sale product distribution (Amway, Avon, Tupperware, etc.).
14. Sale of produce grown on the premises.
15. Mail order sales.
16. Telephone sales.
17. Palm reading or fortune telling.
18. House cleaning service.
19. Locksmith.
20. Wallpapering, painting, or interior design services.
21. Home office and workshop of a plumber, electrician, or similar trade.
22. Caterer/food preparation business.
23. Baby sitting and elder day care in compliance Michigan Building Code occupancy limits.
24. Flower arranging.
25. Swimming pool maintenance.
26. Tree trimming.
27. Archery sales and service.

- G. **Type II uses.** The following type II uses may be permitted in any single-family residential zoning after receipt of a special condition use permit issued in accordance with the procedures and requirements of [Special land uses §6.3](#):
1. Shop of beautification, barber, manicurist, hair stylist, or massage therapist.
 2. Taxidermy or animal hospital.
 3. Kennels having interior boarding facilities, animal rescue and/or pet sitting (day care) service in accordance with part II, chapter 14, article II — animal control, of the Village of Milford Code of Ordinances.
 4. Domesticated pet grooming operation.
 5. Small equipment rental.
 6. Limousine or pedicab service.
 7. Landscape maintenance.
 8. Domesticated pet dealer or breeder in accordance with part II, chapter 14, article II — animal control, of the Village of Milford Code of Ordinances. Any litter of dogs and cats which causes three or more household pets to be located on the premises shall be permitted for a period not more than six months after birth; however not more than two such litters shall be allowed to remain on said premises within any 12-month period.
 9. Millwork and cabinet making.
 10. Licensed FFL gun dealer.
 11. Repair of small engines and associated equipment.
 12. Furniture repair, restoration and upholstering.
 13. The offices of a physician, dentist, veterinarian, or similar health care provider, used for consultation or emergency treatment.
- H. **Enforcement procedures.**
1. Any aggrieved person believing that a violation or violations of the section is occurring and who desires that action be taken by the village shall notify the building official in writing of such alleged violation(s). Within 30 calendar days after receipt by the building official of such written allegation(s), the building official shall complete an investigation of the alleged allegation(s) to determine the merits of such complaint.
 2. Within 14 days after the building official has completed the investigation, he/she shall notify in writing the following persons:
 - a. If the building official determines that no violation as alleged or otherwise is occurring, then written notification of that decision shall be personally provided to complainant or deposited during normal business hours for delivery to the complainant with the United States Postal Service or other public or private delivery service.
 - b. If the building official determines that a violation is occurring or has occurred as alleged or otherwise, then notification of that finding and a time of compliance shall be sent by certified mail return requested to both the violator and complainant. The notification shall also state what action, if any, will be taken if compliance is not timely effected.

- I. **Nonconforming home occupations and home based businesses.** A nonconforming home occupation or nonconforming home-based business is one which was lawfully established and maintained prior to the effective date of this section but is no longer allowed because of the application of this section or any amendment thereto. All home occupations being conducted on the effective date of this section shall have 90 days thereafter to comply with the required conditions specified herein and, if necessary, to apply for a special condition use permit. Householders conducting a home occupation or home-based business which require a special condition use permit may continue to conduct their occupation or business pending a final determination of their application by the village council. Should the village council deny the petition for a special condition use permit, the householder shall immediately cease their home occupation or home-based business activities from such residential premises.
- J. **Annual registration and inspection requirements for type II uses.** Notwithstanding the above, any householder conducting a type II home occupation or home-based business shall annually register their occupation or use with the village building department and to permit an annual inspection of the premises by the village building department to determine compliance with this section. Such registration shall be accompanied by a payment of a reasonable registration and inspection fee established by resolution of the village council, as may be amended. Type II home occupations and home-based businesses shall be field-checked by the building official, or his or her designee, to determine compliance. Failure to timely register or to make payment shall be grounds to deny the operation of the home occupation or home-based business. In addition, the building official, or his or her designee, shall have the right at any time, to enter and inspect the premises for safety and compliance purposes for cause shown.
- K. **Appeal procedures.** An interested person who is aggrieved by any determination or decision under this section may request an appeal to the zoning board of appeals. Such appeal shall be processed and acted upon by the zoning board of appeals in accordance with the procedures and notification requirements of [Board of Appeals §7.5](#).



4.17 Hospitals, general

General hospitals, with no maximum height restrictions, may be permitted in the general business (B-3) district when the following conditions are met:

- A. All such hospitals shall be developed only on sites consisting of at least ten acres in area.
- B. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#), access to a major thoroughfare or collector street.
- C. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear, and side yards for all two-story structures. For each story above two, the minimum yard distance shall be increased by at least 20 feet.
- D. Ambulance and delivery areas shall be obscured from all residential, office and business districts with a six-foot-high wall integrated with the main structure.

4.18 Junkyards

Junkyards may be permitted in the industrial (I) district subject to the following conditions:

- A. Must be entirely enclosed within a building or within an eight-foot obscuring wall and provided further that one property line abuts a railroad right-of-way.
- B. Junkyards located within 1,000 feet of the nearest edge of the right-of-way of any interstate or state primary or secondary highway shall further be subject to any and all provisions of Act No. 219 of the Public Acts of Michigan of 1966 (MCL 247.331 et seq.), as amended, pertaining to control of junkyards adjacent to highways.
- C. There shall be no burning on the site.
- D. All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

4.19 Local municipal administration buildings

Local municipal administration buildings may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT), and multiple-family residential districts for buildings predominately for the general conduct of government. Such buildings include, but are not limited to, village halls and other headquarters of government where the governing body regularly meets, subject to the following conditions:

- A. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#), access to a major thoroughfare or collector street.
- B. The minimum lot size required shall be 217,800 square feet (five acres).
- C. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches in height measured from the surface of the parking area. This wall shall be provided on all sides when the next zoning district is designated as a residential district.
The planning commission may waive the wall requirement and, instead, approve a greenbelt planted in accordance with [Plant materials §5.9](#), upon a showing that the landscaped screening barrier would effectively obscure the parking area from public view.
The requirement for a screening barrier between off-street parking areas and any abutting residential districts shall not be required when such areas are located more than 200 feet distant from such abutting residential district.
- D. Pedestrian sidewalks and walkways shall be provided on the site in accordance with [Site plan review §6.1](#), and as may be required by the planning commission.
- E. All loading and unloading shall be off-street in the rear yard, and be so designed as to avoid undue interference with public use of off-street parking areas.
- F. The principal buildings on the site shall be set back from abutting properties zoned for residential use and public rights-of-way not less than 75 feet.
- G. Buildings of greater than the maximum height allowed in [Article 3 - Zoning Districts](#) and the [District Summary Table](#) may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.

4.20 Lumber and planing mills

In the industrial (I) district, lumber and planing mills must be completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the district.

4.21 Medical marihuana home occupation regulations

- A. **Intent.** It is the intent of this section to give effect to the intent of the Michigan Medical Marihuana Act, P.A. 2008 Initiated Law, MCL 333.26421 et seq. (hereinafter “Act”) as approved by the electors and not to determine and establish an altered policy with regard to marihuana. These provisions are designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the village and its residents to significant adverse conditions. In consideration of this concern, local regulations enumerated below generally provide that: the primary caregiver must reside in the dwelling where his/her medical marihuana is cultivated and/or stored; medical marihuana primary caregiver activity only occur within a single-family dwelling located in the R-1 through R-4, one-family residential zoning districts except as otherwise set forth herein; and, the distribution and use of medical marihuana occur on the lot, parcel, or site condominium unit occupied by the qualifying patient. Nothing in this section shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow the use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and these regulations; and nothing in this section shall be construed to undermine or provide immunity from federal and state law as it may be enforced by the federal or state government relative to the cultivation, storage, distribution or use of marihuana.
- B. **Remainder of article; effect of permit approval.** In recognition of the unique nature of the medical marihuana home occupation provided for hereunder, the conditions and requirements set forth in [Home occupation and home-based business regulations §4.16](#) for home occupations and home-based businesses shall not be applicable to medical marihuana home occupations. In addition, the issuance of a medical marihuana home occupation permit hereunder shall relieve the applicant from any obligation of site plan review or a land use permit for the activity authorized thereunder.
- C. **Regulations.**
1. Medical marihuana home occupation permit requirement.
 - a. The cultivation, storage and/or distribution of marihuana by a primary caregiver conducted in accordance with the Act shall only occur within a single-family dwelling located in the R-1 through R-4, one-family residential zoning districts subject to the terms and conditions set forth in this section. Except as set forth in [subsection D](#) below, no such cultivation, storage and/or distribution shall be lawful in this village unless and until the location of the premises in which such primary caregiver activity is conducted has received a medical marihuana home occupation permit under this section.
 - b. Application for permit. The requirement of this section is to require a permit for a location and not to license persons. A confidential application for a medical marihuana home occupation permit on a form approved by the village council shall be submitted to the zoning administrator. An application shall:
 - I. Not require the name, home address or date of birth of a qualifying patient.
 - II. Include the name of the primary caregiver (or medical marihuana home occupation permit holder, if different), and the address of the premises (lot, parcel, or site condominium unit).

- III. Describe the enclosed locked facility in which any and all cultivation of marihuana is proposed to occur or where marihuana will be stored, with such description including the location of the facility in the building.
 - IV. For safety and other code inspection purposes, it shall describe and provide detailed specifications of equipment proposed to be used to facilitate the cultivation and harvesting of marihuana plants including, but not necessarily limited to, lighting, HVAC, electrical service, and plumbing.
 - V. Contain such other information as the village council determines is needed for the administration of this section or to ascertain satisfaction of the standards for the granting of a permit hereunder.
- c. Application fee. No application for a permit hereunder shall be approved without payment of a non-refundable application fee to help defer a portion of the cost of administering and enforcing this section. The application fee shall be set by resolution of the village council and may be adjusted from time to time thereafter as the village council deems appropriate.
 - d. Confidentiality. It is the intent of this section that the information acquired through the permitting procedure prescribed herein shall be accessible to the zoning administrator, Michigan Construction Code and Fire Code enforcement officials, and law enforcement officials and their support personnel in the performance of their duties and shall otherwise remain confidential and not subject to public disclosure except as otherwise required by law.
2. Requirements and standards for approval of permit and for the activity permitted.
 - a. There shall be not more than one primary caregiver operating upon the lot, parcel, or site condominium unit for which a permit is requested. The primary caregiver shall reside within the dwelling located upon the lot, parcel, or site condominium unit for which a permit is requested. A primary caregiver may assist not more than five qualifying patients with their medical use of marihuana.
 - b. The lot, parcel, or site condominium unit for which a permit is requested shall not be located:
 - I. Within 1,000 feet of a public or private elementary or secondary school, public or private preschool or licensed daycare facility.
 - II. Within 300 feet of a public park, public beach or public recreational area.
 - III. Within 500 feet of another lot, parcel, or site condominium unit for which a medical marihuana home occupation permit has been issued pursuant to this section.
- Measurements for purposes of this subsection shall be made from the parcel or lot line, or site condominium unit boundary, to the applicable property or boundary line of the preschool, school, daycare facility, public park, public beach, public recreational area, or a lot, parcel or site condominium unit which previously received a medical marihuana home occupation permit.
- c. Subject to the exceptions set forth in [subsection E](#) below, the medical marihuana primary caregiver activity shall occur only within a single family dwelling located in the R-1 through R-4, one-family residential zoning districts. The primary caregiver activity shall at all times be subordinate and incidental to the use of the dwelling as a residence.

- d. The primary caregiver shall be allowed to cultivate not more than 12 marihuana plants for each of his/her qualifying patients. All marihuana and marihuana plants shall be contained inside the main residential structure except when being delivered by the primary caregiver to a qualifying patient off-site.
 - e. That portion of the single-family dwelling unit used for the growing, processing, or storage of medical marihuana shall not exceed a gross floor area of 150 square feet.
 - f. All medical marihuana must be kept in an enclosed locked facility to which only the registered patient and/or primary caregiver have access.
 - g. The primary caregiver shall not distribute or allow the use of marihuana by the qualifying patients he/she is designated to serve upon the lot, parcel, or site condominium unit for which a permit is issued hereunder unless the qualifying patient resides therein.
 - h. The distribution of ancillary products by the primary caregiver shall be permitted, subject to any village business licensing requirements.
 - i. If a residential room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 10:00 p.m. and 6:00 a.m. shall employ shielding methods to prevent ambient light spillage that causes or creates a distraction or nuisance to any adjacent residential properties.
 - j. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a premises in which electrical wiring, lighting and/or watering devices are located, installed or modified that support the cultivation or harvesting of marihuana. Prior to a permit issued hereunder taking effect and the commencement of primary caregiver activities, the premises shall be inspected for compliance with applicable provisions of the Michigan Construction Code and the Michigan Fire Code. The premises shall be inspected annually thereafter for continued compliance with all applicable zoning ordinance and construction code and fire code requirements.
 - k. There shall be no sign identifying the premises as a site at which marihuana is cultivated, harvested or distributed.
 - l. The primary caregiver activities conducted on the premises for which a medical marihuana home occupation permit is granted hereunder shall be in conformance with the application approved hereunder, the Act, and the administrative rules promulgated pursuant to the Act.
 - m. Nothing in this section shall be deemed to allow dispensaries or collective ingestion facilities, which are hereby strictly prohibited.
- D. **Disclaimer of immunity.** Nothing in this section shall be construed as allowing the use, cultivation, distribution or possession of marihuana not in strict compliance with the express provisions of the Act and the provisions of this section. Further, nothing in this section shall be construed to undermine or provide immunity from federal or state law as it may be enforced by the federal or state government relative to the use, cultivation, distribution or possession of marihuana or to prevent prosecution thereunder.

- E. **Exceptions.** This section shall not be deemed to prohibit or restrict or require a permit for the following:
1. The cultivation, storage and/or use of marihuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is receiving care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
 2. The cultivation, storage and/or distribution of marihuana in accordance with the Act by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.
 3. The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marihuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
- F. **Enforcement.** Any violation of this section shall be considered civil infractions.

4.22 Metal plating, buffing, and polishing

Metal plating, buffing, and polishing may be permitted in the Industrial (I) district provided that they have and employ appropriate measures to control the type of process to prevent noxious results and/or nuisances.

4.23 Mini-warehouses (self-storage facilities)

Mini-warehouses (self-storage facilities) may be permitted in the general business (B-3) and industrial (I) districts, subject to the following:

- A. The minimum size of the site devoted to such use shall not be less than one acre.
- B. Building setbacks shall be as follows: Front yard not less than 20 feet; side and rear yards not less than ten feet.
- C. Building separation between self-storage buildings on the same site shall be 15 feet, as measured from side to side or front to rear, or equal to the building height, whichever is greater.
- D. The total lot coverage of all structures shall be limited to 50 percent of the total lot area.
- E. Screening shall be in accordance with [Screening walls §5.10](#).
- F. Parking shall be provided in the ratio of one space for each 2,000 square feet of gross building area. At a minimum, two parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two spaces for the resident manager, and one additional space for each additional employee, shall be provided adjacent to the rental office.
- G. Internal driveway aisles shall be a minimum of 24 feet in width.
- H. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with [subsection E of Off-street parking and loading §5.6](#).

- I. In the B-3 district:
 - 1. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#).
 - 2. Building height shall not exceed one story or 15 feet, except that a caretaker or resident manager's unit may be allowed a building height of two stories or 25 feet.
 - 3. No single storage building shall exceed 5,000 square feet.
 - 4. All storage on the property shall be kept within an enclosed building.
- J. In the I district, vehicular access from this site shall be directly onto a collector or major thoroughfare in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#).

4.24 Mortuary establishments

- A. Mortuary establishments may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT), and multiple-family residential (RM-1) districts subject to the following:
 - 1. Adequate assembly areas shall be provided off-street for vehicles to be used in funeral processions.
 - 2. A caretaker's residence may be provided within the main building.
 - 3. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#).
 - 4. A nonresidential use may be provided in a separate building provided it is clearly accessory and incidental to the main use.
 - 5. An accessory building provided on-site shall not exceed an area greater than 25 percent of the principal building.
 - 6. All outdoor lighting shall be provided in accordance with [Lighting §5.7](#).
 - 7. For purpose of computing the minimum number of parking spaces in accordance with [Off-street parking and loading §5.6](#), usable floor area shall be defined to mean those areas used as assembly rooms, parlors and slumber rooms. Measurement of usable floor area shall be measured from the interior face of walls.
- B. Conditions required in the office (O-1) district:
 - 1. Adequate assembly areas are provided off-street for vehicles used in funeral processions.
 - 2. A caretaker's residence may be provided within the main building of mortuary establishments.
 - 3. Principal vehicular access shall be in accordance with provisions of [Access to a major thoroughfare or collector street §5.4](#).

4.25 Museums and libraries

Museums and libraries may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT), and multiple-family residential (RM-1) districts provided that principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#).

4.26 Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education

Non-profit public, parochial, and private intermediate and/or secondary schools offering courses in general education may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1) districts provided that principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#).

4.27 Non-profit colleges, universities and other such institutions of higher learning, public and private

Non-profit colleges, universities, and other such institutions of higher learning, public and private, may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1) districts subject to the following:

- A. Any use permitted herein shall be developed only on sites of at least ten acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
- B. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#).
- C. No building shall be closer than 75 feet to any property line.

4.28 Nurseries and garden supply centers

Nurseries and garden supply centers may be permitted in the general business (B-3) district subject to the following:

- A. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
- B. All loading and parking shall be provided off-street.
- C. The storage of any soil, fertilizer or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent uses.
- D. The ancillary outdoor sale and display of retail and wholesale products and produce shall be permitted in the special downtown overlay zone subject to the following additional conditions and requirements:
 1. Outdoor sale and display areas shall be permitted exclusively for seasonal items. In no instance shall the outdoor sales and display areas be used for the merchandising of power equipment, playground equipment or statuary.
 2. Outdoor sale and display areas may be provided on site for up to nine consecutive months within any one calendar year.

4.29 New and used car sales rooms and offices

In the central business (B-2) district, new and used car sales rooms and offices cannot provide outdoor sales space and/or service and repair activities.

4.30 One-family detached dwellings

- A. Occupancy shall be restricted solely to existing structures originally built for single-family dwelling unit purposes that are habitable and intended to be fully occupied as a housekeeping unit.
- B. The dwelling unit shall be capable of providing a minimum livable floor area of 950 square feet.
- C. Off-street parking shall be provided in accordance with [subsection A.1 of Off-street parking and loading §5.6](#) requirements.

4.31 Outdoor cafes

The establishment of an outdoor cafe within the village on private property may be approved as a seasonal use by filing an application for such use with the village manager. Such application must provide the village manager with sufficient information to ascertain that each of the following conditions will be met:

- A. The outdoor cafe must be immediately adjacent to the principal use and positioned in a manner to avoid interference with established loading/unloading zones, off-street parking areas and associated maneuvering lanes.
- B. The occupation of an on-site sidewalk for an outdoor cafe is permitted, provided:
- C. A minimum unobstructed pedestrian right-of-way of five feet is maintained;
- D. Such right-of-way is not otherwise used in any way by the applicant in the conduct of his/her business; and
- E. No equipment, including but not limited to umbrellas, shall extend into or over the pedestrian right-of-way and no barrier to pedestrian or vehicular visibility will occur.
- F. Outdoor cafe operations may be allowed only between the hours of 9:00 a.m. and 12:00 a.m., from April 15 through November 1.
- G. If alcohol is to be served in conjunction with the proposed outdoor cafe use, barriers designating the service area as required by the state liquor control commission must be utilized. If no alcohol is to be served, a barrier approved by the manager must be utilized between the service area and any pedestrian right-of-way, off-street parking area, loading/unloading zone, or other outdoor use area.
- H. No additional signs or advertising shall be allowed.
- I. All proposed outdoor cafe operations shall be serviced by a full-time wait staff and shall be conducted in a fashion substantially similar to the interior operation of the principal use.
- J. Except as provided below, the number, size and location of tables, chairs and equipment shall be subject to the approval of the village manager following a recommendation of the building official. Planning commission approval shall be required pursuant to procedures of [Site plan review §6.1](#) when on site structural changes are also proposed to occur or when, in the judgment of the village manager, the proposed number, size, and location of tables, chairs, and equipment will materially impede on-site pedestrian and/or vehicular traffic circulation, or will significantly increase customer loading necessitating a need for additional off-street parking spaces.

4.32 Overnight lodging facility

In the general business (B-3) district, overnight lodging facilities may be permitted provided that the following conditions are met:

- A. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- B. Each unit shall contain not less than 250 square feet of floor area.
- C. No guest shall establish permanent residence at a motel for more than 30 consecutive days within any calendar year.

4.33 Parking spaces

P-1 Vehicular Parking Districts shall be developed and maintained in accordance with the requirements of [Accessory buildings and structures §5.1](#).

4.34 Performing arts center

When conducted within a completely enclosed building, performing arts centers in the (O-1), central business (B-2) and general business (B-3) districts are subject to the following conditions:

- A. Primary vehicular access shall be provided only to an existing or planned major thoroughfare, service drive, or collector street in accordance with [Access to a major thoroughfare or collector street §5.4](#).
- B. Primary vehicular access to accessory off-street parking areas shall be at least 25 feet distant from adjacent property. A lesser distance or waiver of this requirement may be granted by the village council, upon receipt of a recommendation of the planning commission, subject to the requirements of [subsection E of Off-street parking and loading §5.6](#). Dedicated service driveways or secondary point of vehicular access are expressly exempt from this requirement.
- C. The minimum lot size shall be 0.5 acres.
- D. An obscuring ornamental masonry wall, not less than four-foot, six inches or more than eight foot in height, shall be provided and maintained on those sides abutting or adjacent to a residential district in accordance with [Screening walls §5.10](#).
- E. Buildings of greater than the maximum height allowed in [Article 3 - Zoning Districts](#) and the [District Summary Table](#), may be allowed provided the front, side and rear yards are increased above the minimum required yards by one foot for each one foot or part thereof of building height that exceeds the maximum height allowed.
- F. The site shall be designed to permit motorized vehicles to enter and circulate through the site with minimal interference with pedestrian circulation patterns.

- G. Off-street parking requirements shall be based upon the anticipated peak-hour usage resulting from the primary use(s) associated with property as documented by current professional traffic engineering studies for that particular use(s). An adjustment may be made by the village council, following a recommendation from the planning commission, when it is found that off-site facilities, whether public or private, are conveniently available and would not adversely affect the retail, office, and ancillary service facility needs of nearby core business areas. The use of privately held off-site parking areas shall require a written agreement, executed by all parties concerned, assuring the continued availability of the off-site parking facilities for the use they are intended to serve. Such use agreements, and any subsequent amendments thereto, shall be drawn to the satisfaction of the village attorney.
- H. Except as provided below, not more than 100 seats shall be provided in the hall intended to be used for the viewing of any stage performance or film. The planning commission may approve additional seating upon receipt of technical reports and/or expert testimony demonstrating to their satisfaction that the additional occupancy will: ensure safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets; and, provide for a harmonious relationship between the development on the site and adjacent uses and prospective development of neighboring property.
- I. Site signage must comply with the requirements of [Signs §5.13](#). Marquee signs are expressly prohibited.

4.35 Places of worship

Places of worship may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1) districts subject to the following:

- A. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than 15 feet.
- B. Buildings of greater than the maximum height allowed in article XI, schedule of regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
- C. Principal vehicular access to the site shall be in accordance with the provisions of [Access to a major thoroughfare or collector street](#).

4.36 Private noncommercial recreational areas; institutional or community recreation centers; and nonprofit swimming pool clubs

Private noncommercial recreational areas, institutional or community recreation centers, and nonprofit swimming pool clubs may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1) districts subject to the following conditions:

- A. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan, and the site shall be so planned as to provide principal vehicular access in accordance with the provisions of [Access to a major thoroughfare or collector street](#).
- B. Front, side, and rear yards shall be at least 75 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- C. Whenever a swimming pool is constructed under this section, such pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.

4.37 Public utility buildings and uses without storage yards

Public utility buildings and uses without storage yards may be permitted in the single-family residential (R-1, R-2, R-3, and R-4), two-family residential (RT) and multiple-family residential (RM-1) districts subject to the following:

- A. When operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity.
- B. No building and/or structure shall be located in any required yard.

4.38 Recreational uses, indoor and related uses

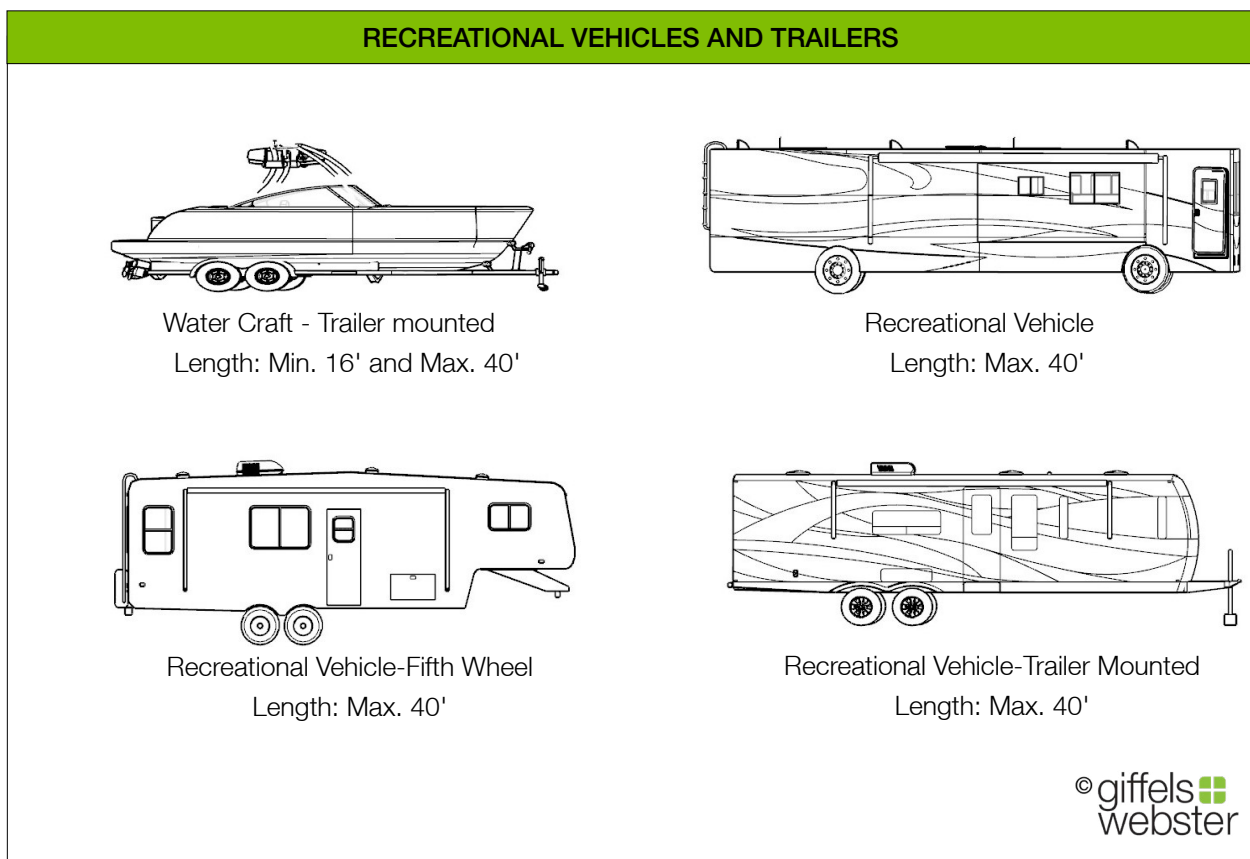
Indoor recreational uses and related uses such as physical therapy rehabilitative offices and/or examination rooms provided that space exclusively devoted to such related use does not exceed ten percent of the usable floor area of the principal building to which it is attached, or in which it is placed is a permitted use in the Parks and Recreation (P&R) district.

4.39 Recreational uses, outdoor

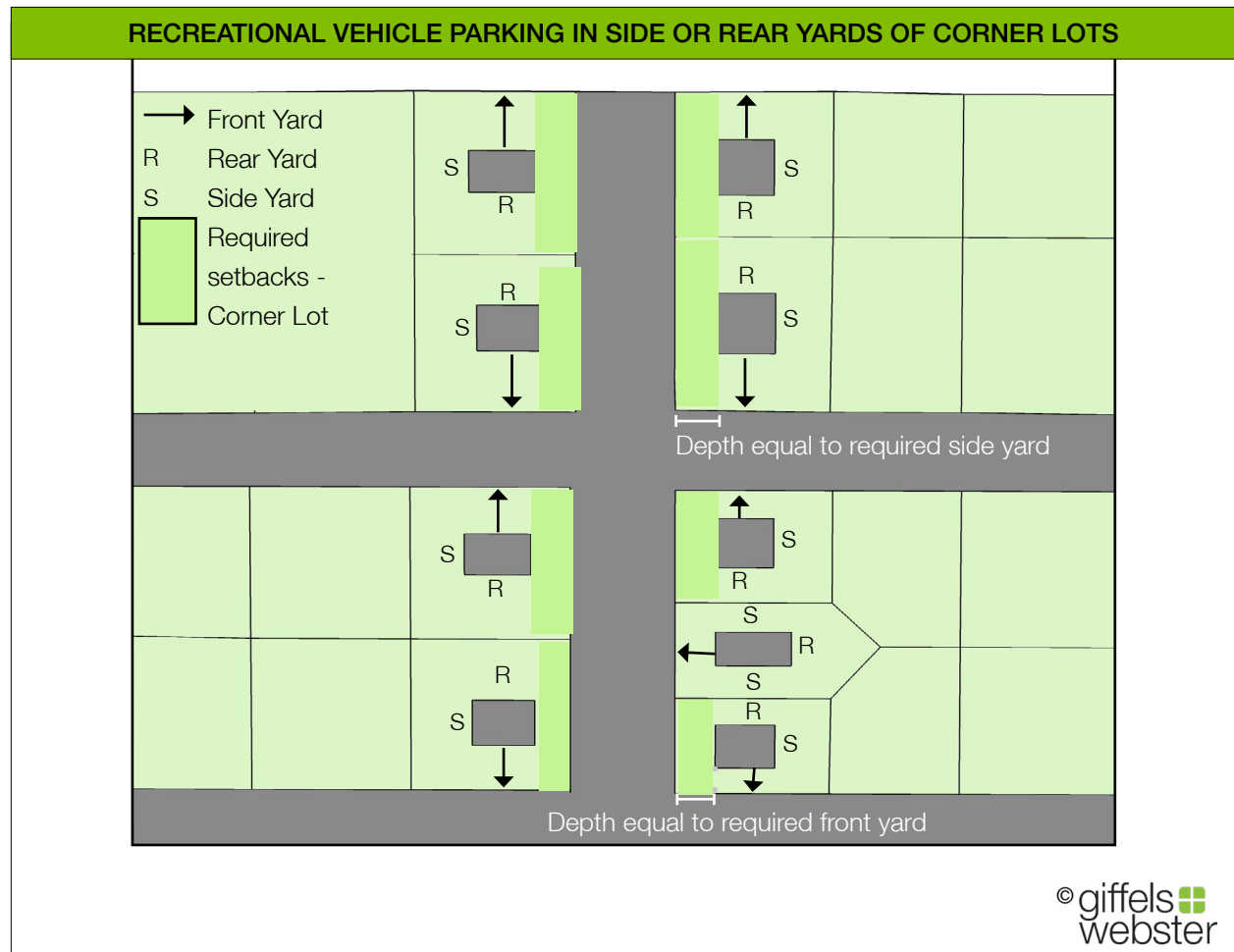
Outdoor recreational uses including parks, playgrounds, playfields, pools, hiking trails, cross-country ski trails, bike paths, tennis courts, ice rinks, and similar uses which will not, in the judgment of the planning commission, be a nuisance to other uses located within the Parks and Recreation (P&R) district, or any adjacent zoning district are permitted uses.

4.40 Recreational vehicles

- A. **Areas of applicability.** The following provisions shall apply to all legally licensed or registered recreational vehicles (see definitions in [Article 2 - Definitions](#)) on lands not specifically designated for such parking and storage for periods greater than 24 consecutive hours.
- B. **Exemptions.** The temporary parking or storage of recreational vehicles may be permitted for routine maintenance, cleaning, loading, unloading, and similar activities completed within a three-day period within any given two-week period.
- C. **Prohibitions.**
 1. Storage of a recreational vehicle, trailer coach or large watercraft over forty feet in length is not permitted in any residential zoning district (see [Recreational Vehicles and Trailers](#) below).
 2. The parking or storage of recreational vehicles for compensation is not permitted in any residential zoning district, except for storage facilities provided exclusively for tenants of multiple-family developments.



- D. **Placement standards.** Residents of the village may store or place their own recreational vehicle on their own property for an indefinite period of time, provided the vehicles are in operable condition, under the following terms and conditions:
1. The recreational vehicle is permitted to be housed within a vented garage or within a carport.
 2. The recreational vehicle is permitted to be located within a side or rear yard. If a corner lot has a front yard that also functions as a side yard (see Recreational Vehicle Parking in Side or Rear Yards of Corner Lots Figure below) a recreational vehicle is permitted in the side yard providing it has a setback of not less than eight feet from the right-of-way. ✕
 3. Notwithstanding any other provision of this article, for a maximum two year period from the effective date of this article, a recreational vehicle which was owned and was being parked on a property by the occupant of the property on the effective date of this article may be parked in its current location, provided all of the following requirements are met:
 - a. There is no reasonable access to the rear or side yard.
 - b. The driveway (if that is where the recreational vehicle has been stored) consists of an all-weather surface such as gravel or asphalt.
 - c. No portion of the recreational vehicle intrudes over the curb or sidewalk into the public right-of-way nor may it intrude on any adjacent property not owned by the recreational vehicle owner.



- E. **Use as temporary dwelling.** One recreational vehicle (motor home, pick-up camper or trailer coach only) may be used as a temporary dwelling on a lot already containing another dwelling unit, under the following terms and conditions:
 - 1. A recreational vehicle may be used as a temporary dwelling for up to three days without a permit and for an extended period not to exceed seven days provided a permit has first been secured from the zoning administrator.
 - a. The permit issued must be affixed to the recreational vehicle in such a manner that it is prominently displayed and visible, to the extent possible, from a public right-of-way.
 - b. Recreational vehicles meeting the requirements of this subsection may be parked within a front yard, need not be sight-screened, and need not comply with accessory structure setback requirements for the effective period of the permit.
 - c. No more than one temporary use permit may be granted for use on the same lot within any six-month period.
 - d. The recreational vehicle cannot be connected to the village sanitary sewers and should be at least five feet from the nearest structure.
- F. **Special provisions.**
 - 1. Not more than three recreational vehicles shall be parked or stored out of doors at any time. The total combined length of all parked or stored recreational vehicles shall not exceed 75 feet.
 - 2. Only one recreational vehicle which is parked or stored out of doors may reach the maximum allowable length of 40 feet.

4.41 Residential unit(s)

In the office (O-1) and central business (B-2) districts, the following conditions are required:

- A. The dwelling unit(s) may be provided on any floor other than a floor where grade level access is provided.
- B. The minimum floor area per unit shall equal 350 square feet for an efficiency unit, 500 square feet for a one-bedroom unit, 700 square feet for a two-bedroom unit, 900 square feet for a three-bedroom unit, and 1,100 square feet for units containing four bedrooms.
- C. Off-street parking shall be provided in accordance with multiple-family dwelling parking standards in [Off-street parking and loading §5.6](#).

4.42 Retail business or service establishment

- A. Conditions required in the office (O-1) district:
1. Establishments permitted in the B-2 business district as a principal use permitted which will operationally abut an existing B-2 business district are also permitted in the O-1 district.
 2. Any retail business or service establishment permitted in the B-3 business district as a principal use permitted which will operationally abut an existing B-3 business district is also permitted, subject to the following conditions:
 - a. All businesses or service establishments shall be located within a mixed use structure principally erected for office use. In no instance shall the gross floor area devoted to business or service use exceed 50 percent of the total gross floor area of the structure.
 - b. All retail or service uses established as part of a mixed use development, including all accessory parking, loading space, and site access, shall be functionally separate from the office facilities on the premises and must operationally abut a respective and existing business zone. No business use permitted in an O-1 district shall operationally abut any residential portion of an O-1 district.
 - c. The site shall be so located as to have at least one property line abutting and directly accessible to a major thoroughfare in accordance with the provisions of [Access to a major thoroughfare or collector street §5.4](#).
 - d. All business establishments shall be retail or service establishments dealing with the consumers. All goods produced on the premises shall be sold at retail on the premises where produced. Drive-in, drive-through and/or carryout restaurants are strictly prohibited.
 - e. The outdoor storage or display of goods and materials shall be prohibited.
 - f. The planning commission may require the installation of trash storage areas in accordance with [Outdoor trash storage areas §5.12](#).
 - g. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
 - h. All loading and parking shall be provided off-street.
 - i. Undeveloped areas shall be planted with grass, ground cover, shrubbery and/or other suitable plantings specified in [Plant materials §5.9](#), except where specific landscape elements such as greenbelts, sidewalks, or screening walls are required.
- B. In the central business district (B-2) retail business activity must take place in an enclosed building.

4.43 Theaters, assembly halls, concert halls, and similar places of assembly

In the central business district (B-2), activity associated with these uses must be conducted completely within enclosed buildings.

4.44 Vehicle dealers with outdoor sales space and/or repair facilities

Establishments for the sale of new or secondhand automobiles, house trailers, recreational vehicles, or rental trailers and/or automobiles in the general business (B-3) district may be permitted, subject to the following:

- A. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- B. Vehicular access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
- C. Any servicing of vehicles including major motor repair and refinishing shall be subject to the following requirements:
 1. Any such activities shall be clearly incidental to the sale of such vehicles and shall occur within a completely enclosed building.
 2. Partially dismantled and/or damaged vehicles shall be stored within an enclosed building.
 3. New, used and/or discarded parts and supplies shall be stored within a completely enclosed building.
 4. Any such activity shall be located not less than 50 feet from any property line.
 5. There shall be no external evidence, beyond the building, by way of dust, odor, or noise of such activities.
- D. All exterior lighting shall be shielded from adjacent residential districts in accordance with [Lighting §5.7](#).

4.45 Wireless communication facilities

- A. **Purpose and intent.** The general purpose and intent of these regulations is to regulate the establishment of wireless communication facilities (WCF) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Village of Milford. It is the further purpose and intent of these regulations to:
 1. Provide for the appropriate location and development criteria for wireless communication support facilities and wireless communication antennas within the village.
 2. Allow the location of wireless communication support facilities on industrial land, public land, land owned by public utilities, or within cemeteries.
 3. Minimize the adverse effects of such facilities through careful design, siting and screening criteria.
 4. Maximize the use of existing and future wireless communication support facilities and encouraging multiple uses on such facilities.
 5. Protect the character of residential areas throughout the village from the effects of wireless communication facilities.
 6. Promote the public health, safety and welfare.

B. Application review.

1. Application. The Village of Milford shall prepare and make publicly available an application form which shall be limited to the information necessary to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
2. Type of review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Building Official shall review such application to determine whether the application so qualifies.
3. Timeframe for review. 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the Village of Milford shall approve the application unless it determines that the application is not covered by this Section for Eligible Facilities.
4. Tolling of the timeframe for review. The 60-day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Village and the applicant, or in cases where the Building Official determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - a. To toll the timeframe for incompleteness, the Village must provide written notice to the applicant within 14 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - b. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Village's notice of incompleteness.
 - c. Following a supplemental submission, the Village will notify the applicant within 5 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in [subsection D of Section 4.45](#). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

C. **Collocations allowed by administrative approval or requiring site plan approval**

1. For proposed collocations that meet a-d below, review fees shall not exceed the actual review and processing fees or \$1,000, whichever is less. Any proposed collocation that meets items a. and b. below, but not c. and d., shall follow the procedures for site plan review as provided in [Article 6 - Development Procedures](#). Administrative approval shall be granted if the following conditions are met:
 - a. The wireless communication equipment will be co-located on an existing wireless communication support structure or in an existing compound.
 - b. The existing wireless communication support structure or existing equipment compound is in compliance with local zoning requirements or received prior approval by the village.
 - c. The proposed co-location will not:
 - I. Increase the overall height of the wireless communication support structure by more than 20 feet or ten percent of its original height, whichever is greater.
 - II. Increase the width of the wireless communication support structure by more than the minimum necessary to permit co-location.
 - III. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communication support structure or equipment compound by the village.

D. **General criteria for Wireless Communications Facilities:** The installation of a wireless communication antenna shall comply with the following general provisions:

1. Wireless communications support structures shall be located on lots or parcels of not less than two acres.
2. Wireless communications facilities shall require no personnel on the premises except as necessary for maintenance and repair.
3. Wireless communications facilities proposed to be located on a historic landmark or in a designated historic district may be denied if the facility would detract from the historic character of the historic landmark or district.
4. Accessory equipment.
 - a. If a Wireless communications facility requires an accessory equipment storage structure, it shall not be greater than 20 feet in height and shall meet all zoning requirements.
 - b. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a safety hazard.
5. Principal and accessory uses.
 - a. Wireless communications facilities shall not be allowed on any site used as a single-family dwelling unit.
 - b. The wireless communications facility may be located on a zoning lot containing other principal uses; the wireless communications facility may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the wireless communications facility is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.

6. Setbacks and buffers.

- a. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
- b. All wireless communications facilities shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCF and the line of sight angle and distance from the right-of-way and neighboring uses.
- c. The wireless communications facility shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the wireless communication facilities equipment structure or storage area, whichever is closer.
- d. The wireless communications facility shall have a landscaped buffer so that the base of the support structure and accessory equipment structure or storage area shall be screened from any right-of-way, residential use or residential zoning district. Such landscaped buffer may be placed on the site in a manner which will maximize the aesthetic and environmental benefits while at the same time providing the visual buffer required hereby. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six feet at maturity and conifer trees planted on 15-foot centers along the approved buffer of a species approved by the planning commission unless safety requirements of the principal use requires otherwise (i.e., utility substations).

7. Other review and permitting.

- a. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
- b. All wireless communications facilities shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) structural standards of steel antenna towers and antenna supporting structures.
- c. The wireless communications facility shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- d. Antennas and metal wireless communications facilities shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

8. Appearance.

- a. The construction of the wireless communications facility shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
- b. Wireless communications facilities shall have a nonreflective finish.
- c. The wireless communications facility shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider and emergency telephone numbers.

9. Parking. A minimum of two parking spaces shall be provided on-site and interior to the perimeter barrier. The parking area shall be provided with a permanent durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated within such parking area.
 10. All wireless communications facilities shall be equipped with an anti-climbing device to prevent unauthorized access.
- E. **Replacement of existing wireless communications support structure.** An existing wireless communications support structure which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional wireless communications equipment and is subject to site plan review as provided in [Article 6 - Development Procedures](#) provided that:
1. The replacement wireless communications support structure shall not exceed a total height of 150 feet or, if the existing wireless communications support structure has an approved height greater than 150 feet, the replacement wireless communications support structure shall not exceed the approved height.
 2. The replacement wireless communications support structure shall be located within the same zoning lot as the existing wireless communications support structure and shall be located so as to maximize compliance with existing minimum yard requirements.
 3. The applicant shall cause the existing wireless communications support structure to be removed within 90 days of completion of the replacement wireless communications support structure and the relocation or installation of the wireless communications equipment. In any event, the existing wireless communications support structure shall be removed within 180 days of the village's final construction inspection of the replacement wireless communications support structure.
 4. If the location of the replacement wireless communications support structure is such that the existing wireless communications support structure must be moved before the replacement wireless communications support structure is constructed, temporary portable antenna support facilities may be used, but must be removed within 30 days of the completion of the replacement wireless communications support structure and the relocation or installation of the wireless communications support equipment. In any event, the temporary portable antenna facilities must be removed within 60 days of the village's final construction inspection of the replacement wireless communications support structure..
 5. The replacement wireless communications support structure shall meet all criteria and requirements in [subsection D](#) above.

- F. **New wireless communications facilities.** Review criteria for all new wireless communications facilities.
1. New wireless communications facilities shall be accessory uses and shall be located on property zoned I-1, or on property only owned and used by:
 - a. Federal, state or local government entities;
 - b. Utility companies;
 - c. Cemeteries;
 2. A new wireless communications facility shall not be approved unless it can be demonstrated by the applicant that there is a need for the new wireless communications facility which cannot be met by placing wireless communications equipment on an existing wireless communications support structure or replacement of an existing wireless communications support structure. Information concerning the following factors shall be considered in determining that such need exists:
 - a. Insufficient structural capacity of existing wireless communications support structures or other suitable structures and infeasibility of reinforcing or replacing an existing wireless communications support structure.
 - b. Unavailability of suitable locations to accommodate system design or engineering on existing wireless communications support structure or other structures.
 - c. Radio frequency interference or other signal interference problems at existing wireless communications support structure or others structures.
 - d. The cost of using an existing wireless communications support structure or other structure exceeds the costs of permitting and constructing a new wireless communications support structure.
 - e. Other factors which demonstrate the reasonable need for the new wireless communications support structure.
 - f. The denial of the application for a proposed wireless communications support structure will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication servers and/or will have the effect of prohibiting the provision of personal wireless communication services.
 - g. The refusal of owners or parties who control wireless communications support structure or other structures to permit a wireless communications equipment to be attached to such wireless communications support structures.
 3. The applicant must include a statement in the application for a new wireless communications support structure of its good faith intent to allow the co-location of the wireless communications equipment of other entities, provided that the cost of modifying the wireless communications support structure to accommodate the co-location wireless communications equipment is borne by the co-locating entity.

4. The applicant shall send a written notice to all potential users of the new wireless communications support structure offering an opportunity for co-location. The list of potential users shall be provided by the village based on those entities who have requested approval of wireless communications support structures in the past, current FCC license holders and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the village at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the new wireless communications support structure, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
5. New wireless communications support structures shall meet the following additional criteria:
 - a. The wireless communications support structure shall not exceed 150 feet in height. This provision shall not apply to a wireless communications support structure shown necessary for the co-location of a wireless communications equipment for public safety communication by a governmental agency.
 - b. The wireless communications support structure shall meet all criteria and requirements of [subsection D](#) above.
6. Application and approval requirements for new wireless communications support structures.
 - a. The installation of a new wireless communications support structure shall be subject to special conditional use procedures outlined in [Special land uses §6.3](#); however, the village shall determine the special conditional use application is complete within 14 business days of its receipt. The village council, upon receipt of the findings and recommendation of the village planning commission, shall approve or deny the application not more than 90 days after the application is considered administratively complete.
 - b. A site plan prepared in accordance with [Section 6.1 Site plan review](#) shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - c. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in [subsection G](#) below. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the village's attorney establishing the land in question as security for removal.
 - d. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the WCSF is on the premises.

- G. **Removal of abandoned wireless communications facilities.** Any wireless communications facility which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no wireless communications equipment or other commercial antenna has been operational and located on the wireless communications facility for 180 days or more. Where the removal or demolition of an abandoned wireless communications facility has not been lawfully completed within 60 days, and after at least 30 days' written notice, the village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the wireless communications facility or the village may place a lien on the property to cover costs for the removal of the wireless communications facility. A lien on the property shall be superior to all other liens except taxes.
- H. **Variances and appeals.** Variances from this section may be requested from the zoning board of appeals. Appeals of a planning commission decision shall also be taken to the zoning board of appeals.

Δ [Ord. No. 231-242](#)

Chapter 94 | Article 5

Site Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
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Article 5 - Site Standards

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- 1. Purpose & Intent
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5.1 Accessory buildings and structures

Accessory buildings or structures, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- B. Accessory buildings and structures shall not be erected in any side yard nor in any front yard.
- C. An accessory building shall not occupy more than 25 percent of a required rear yard, except in the R-4 district where 30 percent shall be allowed.
- D. No detached accessory building shall be located closer than three feet to any side or rear lot line. No detached accessory building shall be located closer than ten feet to any main building except for garages upon meeting the following conditions:
 1. The foundation shall not be less than the minimum required by the local building code for frost protection (42 inches); and
 2. On those portions of garages located within five feet of the main building, a fire separation of not less than one-hour fire resistance rating shall be provided on the garage building side.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- E. No detached accessory building in R-1 through R-4, RT, RM-1, O-1, B-2, and B-3 districts shall exceed one story or 15 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structure in such districts.
- F. When an accessory building is located on a corner lot, the lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard setback required on the lot to the rear of such corner lot.
- G. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could or are likely to produce noise, odors, and other nuisances shall not be located adjacent to an adjoining property owner's sleeping area where windows and/or doors on the adjacent property would be exposed to the nuisance.
- H. Decks or patios shall be subject to the following regulations:
 1. Except as provided below, where a deck is structurally attached to a main building it shall be subject to and conform to all regulations of this chapter applicable to the main building. A maximum four-foot wide walkway to a deck may occupy a portion of the required side yard setback.
 2. Decks shall not be erected in any minimum side or front yard setback except that an open deck without a roof or sunscreen may project into a required front yard setback a distance not exceeding ten feet. A deck may not occupy more than 25 percent of a required rear yard.
 3. A permit shall be required for construction of all decks. Concrete or wood patios constructed on grade and not intended for enclosure of a structure shall not be required to secure a permit.

4. Decks may encroach into the required 35-foot rear yard setback of the R-4, One-Family Residential District, subject to the following:
 - a. Freestanding decks designed to be an integral architectural element of a gazebo, pool, or similar accessory structure shall be not less than three feet distant from the rear lot line;
 - b. Decks directly adjacent or attached to a principal dwelling designed to be an extension of usable floor area may encroach into the required rear yard setback not more than ten feet.

5.2 Private swimming pools

Private swimming pools shall be permitted as an accessory use within the rear yard or an unrequired side yard, provided they meet the following requirements:

- A. Private swimming pools shall not require planning commission review and approval.
- B. There shall be a minimum distance of not less than ten feet between the adjoining property line or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten feet.
- C. There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
- D. No swimming pool shall be located less than 35 feet from any front lot line.
- E. No swimming pool shall be located in an easement.
- F. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a fence not less than four feet in height. The gates shall be of self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the building inspector upon inspection and approval.
- G. The swimming pool shall be placed at least ten feet from any overhead wiring as measured horizontally when viewed from above.

5.3 Residential entranceway

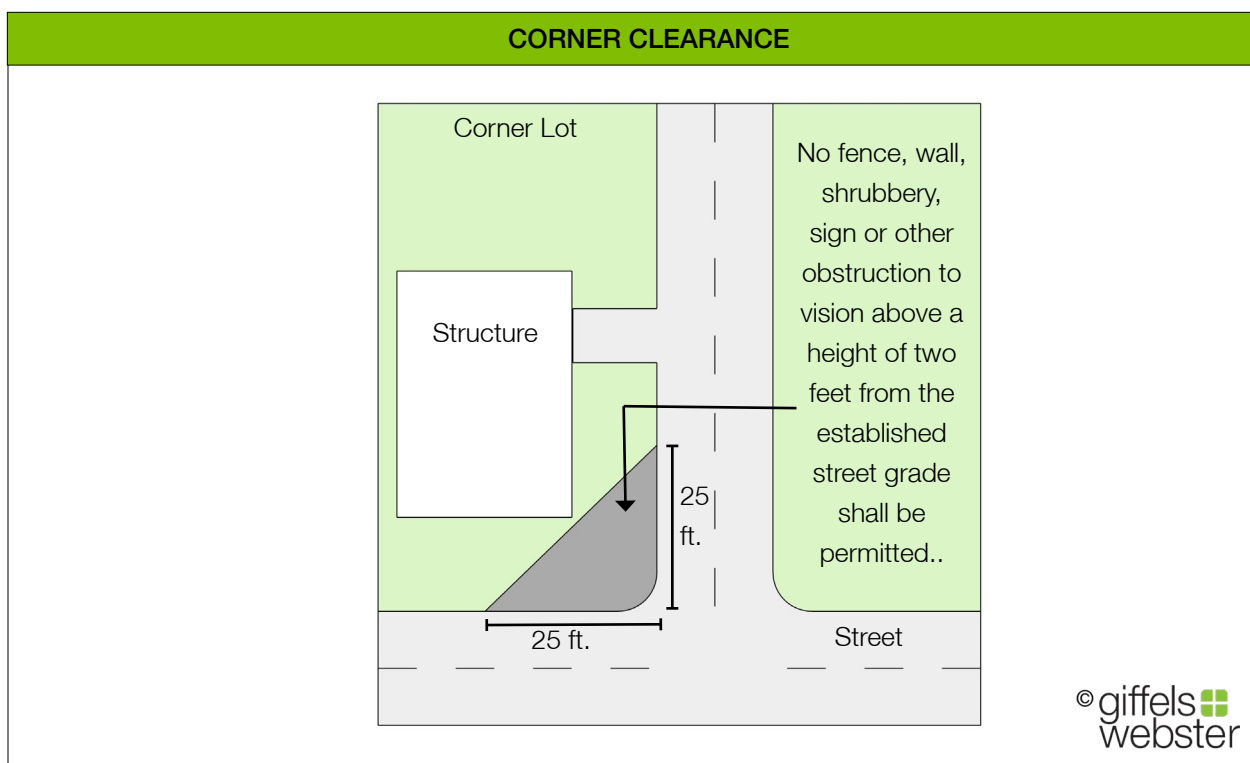
In all residential districts, so-called entranceway structures, including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple-housing projects, may be permitted and may be located in a required yard, except as provided in [subsection D of Signs §5.13](#), provided that such entranceway structures shall comply to all codes of the municipality, and shall be approved by the building department and a permit issued.

5.4 Access to a major thoroughfare or collector street

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare, service drive, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, service drive or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future. This exception shall apply only if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

5.5 Corner vision clearance

Except as may otherwise be provided in this chapter, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.



5.6 Off-street parking and loading

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as prescribed in this section.
1. Off-street parking shall be on the same lot of the building it is intended to serve, except as may be otherwise provided for by this chapter.
 2. Required residential off-street parking spaces shall consist of a parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve, and are also subject to the provisions of [Accessory buildings and structures §5.1](#), accessory buildings and structures, for garages.
 3. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
 4. Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required under this section for a similar new building or new use.
 5. The joint use of parking facilities by two or more uses is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied.
 6. In computing capacities of any joint use, the total space requirements is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different times from the peak requirement for other joint uses, the maximum capacity required for joint use will be less than the sum of total individual space requirements.
 7. A copy of an agreement between joint users shall be filed prior to the occupancy of the building by the new occupant and recorded with the county register of deeds. The agreement shall include guarantees for continued use of the parking facility for each party to joint use.
 8. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
 9. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
 10. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the planning commission considers is similar in type. Refer to [Notes to schedule of regulations §3.2.C](#) for stacking space requirements for unidentified drive-through facilities and drive-up windows.
 11. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

12. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern, and be defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

B. Minimum number of off-street parking spaces.

1. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use		Required Parking Spaces
a. Residential uses		
I.	Residential, detached or attached, one-family and two-family structures	Two spaces for each dwelling unit.
II.	Residential, multiple-family	Two spaces plus one-quarter space per bedroom.
III.	Housing for the elderly	One space for each three dwelling units and one space for each employee. Should units revert to general occupancy, two spaces plus one-quarter space per bedroom.
IV.	Mobile home park	Two spaces for each mobile home site and one space for each employee of the mobile home park.
b. Institutional uses		
I.	Places of worship	One space for each four seats or eight feet of pews in the main unit of worship, provided that the number may be reduced proportionately one space for each one available on-street parking space within 300 feet of the facility except in residential areas.
II.	Hospitals	One space for each two beds, plus one space for each doctor assigned to staff and one space for each two employees in the largest working shift other than doctors.
III.	Convalescent or nursing home	One space for each six beds, plus one space for each employee in the largest working shift, plus one space for each staff member and visiting doctor.
IV.	Elementary and junior high schools	One space for each one teacher, employee, and administrator, in addition to the requirements of the auditorium.

Use		Required Parking Spaces
V.	Senior high school	One space for each teacher, employee, or administrator and one space for each three students, in addition to the requirements of the auditorium.
VI.	Private clubs or lodge halls	One space for each 50 square feet of assembly area.
VII.	Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One space for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
VIII.	Golf courses open to the general public, except miniature or par 3 courses	Four spaces for each green, 50 percent of the requirements for any other accessory use such as a restaurant or bar, plus one space for each employee.
IX.	Fraternity or sorority	Two spaces for each bedroom, plus one space for each five active members.
X.	Stadium, sports arena, or similar place of outdoor assembly	One space for each three seats or six feet of benches.
XI.	Theaters and auditoriums	One space for each three seats, plus one space for each two employees in the largest working shift.
XII.	Nursery school, day nurseries, or child care center	Two spaces, plus one space for each employee on the maximum shift, plus a paved unobstructed pickup space with an adequate stacking area, and one space for each six students.
XIII.	Library	One space for each 150 square feet of floor area devoted for public use, plus one space for each employee in the largest working shift.
c. Business and commercial uses		
I.	Planned commercial or shopping center	One space for each 150 square feet of usable floor area for the first 15,000 square feet, plus one space for each 200 square feet of usable floor area for the next 15,001 square feet to 150,000 square feet of usable floor area, plus one space for each 250 square feet for that area in excess of 150,000 square feet of usable floor area.
II.	Autowash (automatic)	One space for each one employee. In addition, reservoir parking spaces equal in number to five times the maximum capacity of the autowash. Maximum capacity of the autowash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.



Use		Required Parking Spaces
III.	Autowash (self-service or coin operated)	Five stacking spaces for each washing bay.
IV.	Beauty parlor or barber shop	Three spaces for each of the first two beauty or barber chairs, and 1½ spaces for each additional chair.
V.	Bowling alleys	Four and one-half spaces for each lane, plus one space for each employee in the largest working shift, plus 50 percent of the spaces otherwise required for accessory uses (e.g., bars, restaurants, game rooms, etc.).
VI.	Dance halls and assembly halls	Thirty spaces for each 1,000 square feet of usable floor area.
VII.	Skating rinks	One space for each two seats or six feet of benches or one space for each 150 square feet of skating area, whichever is greater.
VIII.	Pool or billiard parlors	Two spaces per table plus one space for each three seats and one space for each employee in the largest working shift.
IX.	Establishment for sale and consumption on the premises of beverages, food, or refreshments	One space for each three seats for the first 150 seats, plus one space for each two seats over 150 seats, plus one space for each two employees in the largest working shift.
X.	Furniture and appliance, household equipment, repair shops, showroom or a plumber, decorator, electrical, or similar trade, shoe repair and other similar uses	One space for each 1,000 square feet of usable floor area plus one space for each employee in the largest working shift and one space for each company vehicle.
XI.	Gasoline service station, full service	Two spaces for each lubrication stall, rack, or bay, and one space for each employee in the largest working shift.
XII.	Gasoline service station, self-service	One space for each 150 square feet of usable floor area in the cashier's and office area and in any convenience retail area. In no instance shall any required parking or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
XIII.	Quick oil change facility	Three stacking spaces for each oil change bay or rack plus one space for each employee in the largest working shift.
XIV.	Laundromats and coin-operated dry cleaners	One space for each two washing and dry cleaning machines.

Use		Required Parking Spaces
XV.	Miniature or par 3 golf courses	Three spaces for each hole plus one space for each employee in the largest working shift.
XVI.	Mortuary establishments	One space for each 50 square feet of slumber or viewing rooms, plus one space for each employee and each mortuary vehicle.
XVII.	Motel, hotel, or other commercial lodge	Nine-tenths of one space for each room to be rented, plus one space for each employee, plus parking figured separately at 75 percent of the requirement for banquet rooms, meeting rooms, restaurants and lounges/bars.
XVIII.	Motor vehicle sales and service establishments	One space for each 250 square feet of enclosed floor space for a sales room, plus one space for each 2,500 square feet of open sales/display area, plus two spaces for each auto service stall in the service room, plus one space for each employee in the largest working shift.
XIX.	Retail stores except as otherwise specified in this section	One space for each 150 square feet of usable floor area for buildings with 25,000 square feet or less; one space for each 200 square feet of usable floor area for buildings between 25,001 and 50,000 square feet; one space for each 300 square feet of usable floor area for buildings with 50,001 square feet or more.
XX.	Establishments offering carryout service, being establishments primarily serving customers over a counter or through a window, i.e., food carryout, dry cleaner pickup, meat markets, bakers, shoe repair, etc.	One space for each 30 square feet of usable floor area devoted to customer assembly and/or waiting area. Parking needs devoted to areas for the consumption of food on the premises shall be computed separately for such seating areas; see §5.6.B.1.c.IX .
XXI.	Drive-in/through restaurant	One parking space for each employee in the largest working shift; one space for each two seats provided; and one space for each 30 square feet of usable floor area devoted to customer waiting area.



Use	Required Parking Spaces
XXII. Mini-warehouse facility	At a minimum, two parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two spaces for the resident manager and one additional space for each additional employee in the largest working shift shall be provided adjacent to the rental office.
XXIII. Nail salon	One space for every service chair.
XXIV. Dance schools/dance studios	Six spaces for every 1,000 square feet of gross leasable area.
d. Office uses	
I. Banks	One space for each 200 square feet of usable floor area, plus eight stacking spaces for the first drive-in window and six stacking spaces for each additional window.
II. Business offices or professional offices except as otherwise specified in this section	One space for each 250 square feet of usable floor area.
III. Professional offices of doctors, dentists, or similar professions	Two spaces for each examination or treatment room or dental chair, plus one space for each doctor, dentist, and other employees in the largest working shift
IV. Real estate offices	One space for each 100 square feet of usable floor area.
e. Industrial uses	
I. Industrial or research establishments, and related accessory offices	Three spaces plus one space for every employee in the largest working shift, or three spaces plus one space for every 550 square feet of usable floor area, whichever is greater.
II. Warehouses and wholesale establishments and related accessory offices	Three spaces plus one space for every one employee in the largest working shift, or three spaces for every 1,700 square feet of usable floor area, whichever is greater. Space on-site shall also be provided for all construction workers during periods of plant construction.

2. **Accessible parking spaces:** Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above-grade signs as reserved for physically handicapped persons. Barrier-free spaces shall be provided as required by state and federal law. At least one of every 6 accessible spaces, or fraction of 6, in each parking facility must be sized to accommodate vans.

Table 5.6.B.2	
Total and Accessible Parking Spaces	
Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up 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	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall have a minimum of 96 width inches (eight feet) with an adjacent access aisle of 60 inches (five feet) minimum width. Parking must be located on the shortest possible route from parking facilities to an accessible building entrance. Parking spaces must meet all other applicable requirements as set forth in the building code.

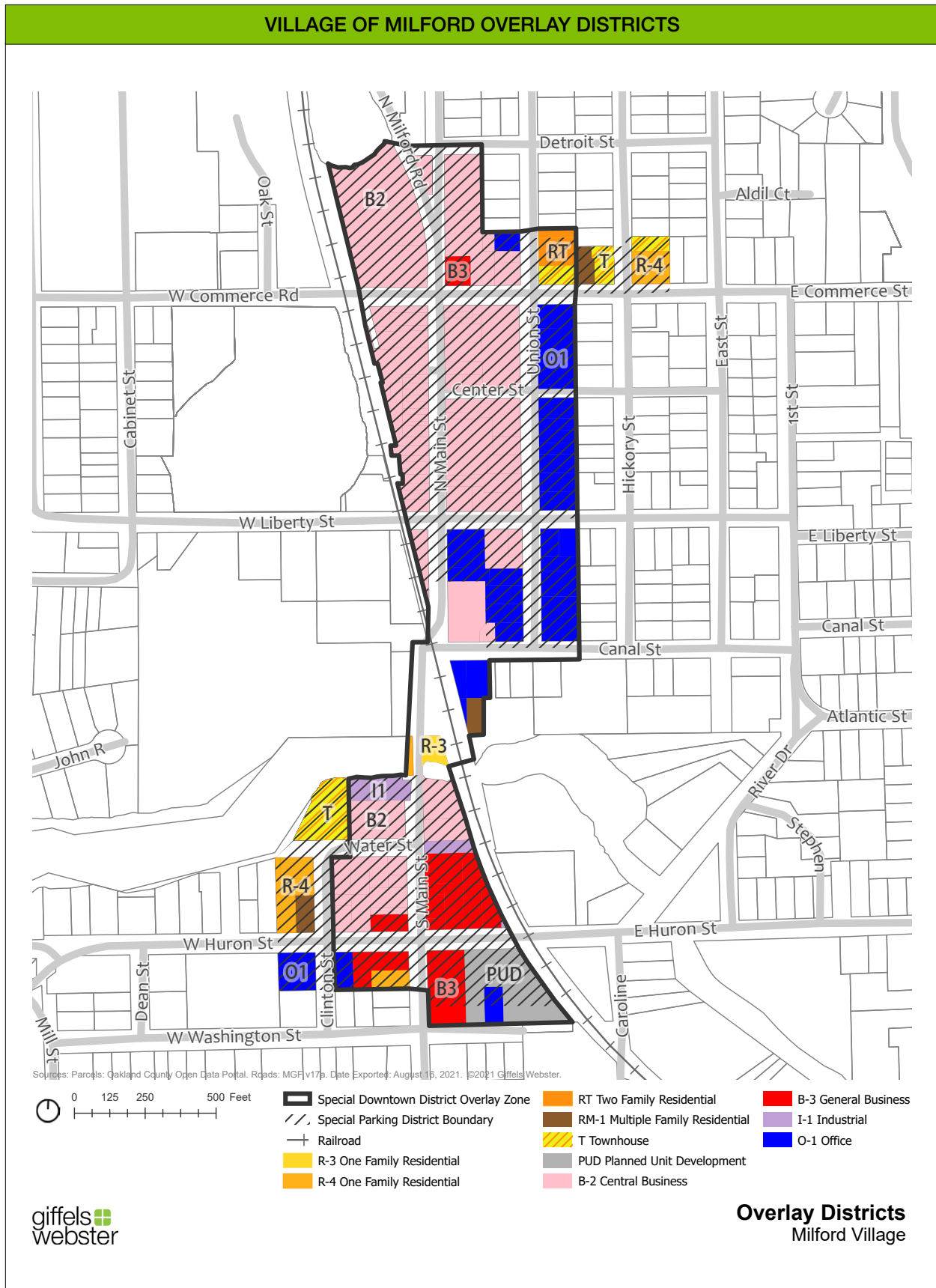
3. **Parking set aside (landbanking) provision (a special conditional use).** An applicant, in lieu of providing all of a project's required off-street parking, may request, as a special conditional use, a provision to set aside or landbank up to 20 percent of a project's required off-street parking for projects having 50 or more required parking spaces, provided that the area required for such parking is left as open space. Such open space shall be capable of being developed into the required off-street parking if so deemed necessary by the planning commission and/or the village zoning administrator based on complaints or observed parking problems due to a shortage of available parking spaces at any time during the life of the conditional use permit. Should a set aside area be required to be developed for required off-street parking, the conditional use permit shall become null and void.

The village council shall have the authority to approve a conditional use permit under this subsection upon receipt of a recommendation from the planning commission, subject to all the requirements in [Special land uses §6.3](#). Should a conditional use permit be granted for a parking set aside area, the permit shall be conditioned that should the open space provided under this set aside provision ever be deemed necessary to revert to the required off-street parking spaces by the planning commission and/or the village zoning administrator, the applicant and/or the current property owner shall fulfill the requirement for the number of off-street parking spaces as originally required. The required off-street parking spaces shall be developed and contain the balance of off-street parking spaces required for the project.

- C. **Off-site parking facilities.** Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the requirements of this section.
 1. **Residential uses.** Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings, such as churches, may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served; but in no case at a distance in excess of 300 feet from such zoning lot.
 2. **Nonresidential uses.** Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served (off-site). All required parking spaces shall be within 300 feet of such zoning lot. No parking spaces accessory to a use in a business or industrial district shall be located in a residential district, unless authorized by the planning commission.
 3. **Agreement required.** A written agreement shall be drawn to the satisfaction of the village attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

D. Special parking district.

1. **Intent.** The provisions and requirements as set forth in [Off-street parking and loading §5.6](#) shall apply to all areas within the village except as modified by this section. The village recognizes that special provisions should be considered for the downtown area, including the reduction of required parking spaces due to the availability of public parking.
 - a. **Area of application.** Portions of the village shall be contained within areas described as special parking districts as established by the village council with recommendation from the planning commission. The boundaries of areas classified as special parking districts are hereby established as shown on the zoning districts map. Where uncertainty exists with respect to the boundaries of the special parking districts as shown on the zoning districts map, the rules as set forth in [Interpretation of district boundaries §1.5](#) shall apply. See " [Village of Milford Overlay Districts](#)." ✍
2. **Required off-street parking and off-street loading.** The number of off-street parking spaces and the size of loading and unloading areas required for any new use, expanded or intensified use of property located within, or partially within, a special parking district shall be determined as set forth in [Off-street parking and loading §5.6](#), except as provided for in this subsection.
 - a. **Off-street parking.** The determination of parking needs within a special parking district shall be based upon the standards specified in this subsection. For those uses not specified, an adjustment may be made by the village council, following planning commission recommendation, when it is found that a reduction from the standards set forth in [Off-street parking and loading §5.6](#) would not adversely affect the retail, office, and ancillary service facilities forming the commercial nucleus of these older core business areas. In this latter regard, primary consideration shall be given to uses which are generally the object of special purpose trips and, thereby, have little or no interrelation with those business activities in the core business areas. The following standards reflect the gross floor areas actively used in day-to-day operations and shall exclude only vacant space and storage areas.
 - I. **Retail stores except as otherwise specified:** One space for 400 square feet of usable floor area.
 - II. **Furniture and appliance stores:** One space for each 1,800 square feet of usable floor area.
 - III. **Business and professional offices except for otherwise specified:** One space for each 500 square feet of usable floor area.
 - IV. **Real estate offices:** One space for each 150 square feet of usable floor area.
 - V. **Medical and dental offices:** One space for each employee plus one space for each examining or treatment room.
 - VI. **Banks:** One space for each 150 square feet of floor area devoted for public use, plus one space for each 300 square feet devoted to office use. The number of required stacking spaces to service drive-up window stations shall be documented by current professional traffic engineering studies for that particular use.
 - VII. **Establishments offering food, beverages, or refreshments for sale and consumption on the premises:** One space for each four seats of dining and/or drinking area.
 - VIII. **Apartments:** One space for any dwelling unit containing more than one bedroom.



1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

- IX. **Nail salon:** One and one-half parking spaces for every two service chairs.
- X. **Dance schools/dance studios:** One space for every 250 square feet of gross leasable area.
- XI. **Garden center or plant materials nursery:** One space for every 400 square feet of usable floor area, and one space for every 600 square feet of outdoor sales or display areas.

- b. **Off-street loading.** The planning commission shall have the right to modify or waive the requirement for off-street loading areas as specified in [Off-street parking and loading §5.6F](#). Any such modification or waiver shall be based upon a review of a site plan and/or the surrounding area and a determination that there is satisfactory loading space serving the building or that the provision of such loading space is physically and/or functionally impractical to provide.

- 3. **Payment in lieu providing off-street parking or loading.** The owner or owners of such new or expanded use may make application to the village zoning administrator for the option of paying a dollar amount established by resolution of the village council per required parking space and loading and unloading space in lieu of providing such required spaces as per the provisions and requirements set forth in [Off-street parking and loading §5.6](#). These monies would be paid into the special parking district fund established by the village council specifically for the purpose of constructing and improving off-street parking areas to serve uses located within the special parking districts. The timing of parking spaces provided and their location shall be at the sole discretion of the village council. The amount paid into the parking fund described above shall not apply against any present or future special assessments levied by the village for parking improvements.

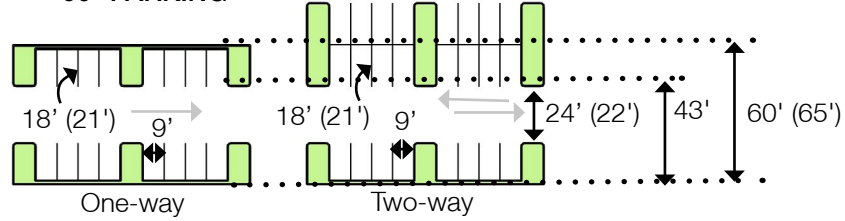
- a. **Exception criterion.** The exception authorized by this section may only be granted by the village council. Granting of such exception shall be based upon evidence presented by the property owner or owners showing that the reasonable ability to provide any or all of the required parking spaces and/or loading and unloading areas as required in [subsection D.2](#) does not exist.
- b. **Payment required prior to occupancy.** A property owner or owners granted the exception of contributing to the parking fund will not receive an occupancy permit until such monies have been paid into such fund in full.
- c. **Application to change in use.** The provisions of [subsection D.3](#) above shall also apply to any change in use of property located within a special parking district that would require parking spaces in excess of those required by the previous use.

- E. **Parking construction, layout and maintenance standards.** Whenever the off-street parking requirements in [Off-street parking and loading §5.6](#) require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the standards and regulations set out in this section.
1. No parking lot shall be constructed unless and until a permit therefor is issued by the zoning administrator. Applications for a permit shall be submitted to the building department in such form as may be determined by the zoning administrator and shall be accompanied by two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
 2. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the village engineer. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area and in such a way as to preclude drainage of water onto adjacent property or toward buildings.
 3. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements (see also figure for "[Parking Layouts](#)"):

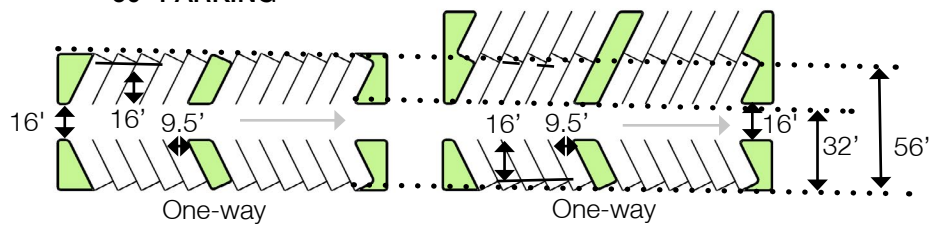
Table 5.6.E.3						
Minimum Requirements for the Layout of Off-Street Parking Facilities						
Parking Pattern	Maneuvering lane width (in feet)		Parking stall width (in feet)	Parking stall depth (90° measure) (in feet)	Total depth of one tier of space plus maneuvering lane (in feet)	Total depth of two tiers of spaces plus maneuvering lane (in feet)
	Two-Way Movement	One-way Movement				
0° (parallel parking)	24	12	8.0	22	20	40
45°	23	12	9.5	13	25	49
60°	24	16	9.5	16	32	56
90°	24 (22)	N/A	9 (9)	18 (21)	43	60 (65)
*Dimensions in parentheses may be utilized as an alternate design configuration.						

PARKING LAYOUTS

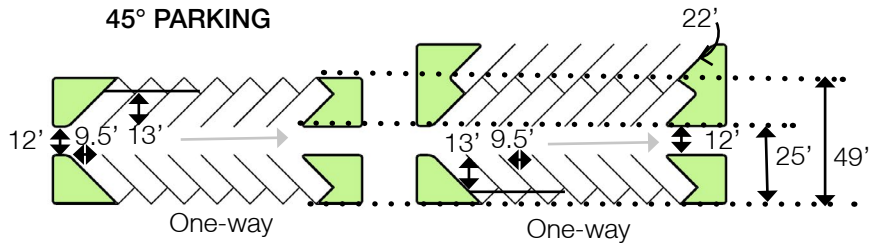
90° PARKING



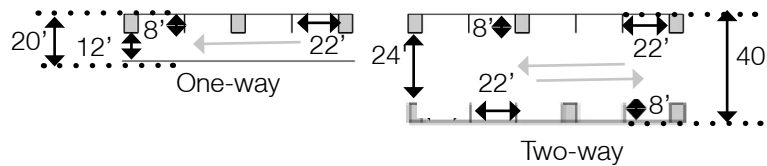
60° PARKING



45° PARKING



PARALLEL

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4. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern shall permit two-way movement.
5. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
6. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be permitted to traverse land zoned for single-family residential use.
7. Off street parking may be located in a rear or side yard setback; however, no less than a five-foot setback shall be provided between the nearest point of the parking area or drive and the side or rear lot line in all districts, with the following exceptions:
 - a. In the special downtown district there shall be no required side or rear setback distance for off-street parking.
 - b. In the R-3, R-3.5, or R-4 zoning district, residential uses may reduce the required setback for off-street parking to 3' when the lot or drive is being used to service a single-family residential use.
8. Off-street parking shall be permitted to occupy a portion of the required front yard in the RM-1, O-1, B-2 and B-3 districts, provided that there shall be maintained a minimum unobstructed landscaped greenbelt buffer in accordance with [Landscaping §5.8](#), pertaining to greenbelt buffer, of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the front lot line. No off street parking may be permitted within a front yard in any other zoning district unless otherwise permitted in this chapter.
9. Off-street parking for visitors, over and above the number of spaces required by [Off-street parking and loading §5.6](#), may be permitted within the required front yard provided that such off-street parking is not located within 20 feet of the front lot line, and provided further that there shall be maintained a minimum unobstructed greenbelt buffer of ten feet between the nearest point of the visitor parking area, exclusive of access driveways, and the front lot line.
10. Each entrance and exit from any off-street parking lot accessory to any land use other than single-family residential shall be at least 25 feet distant from adjacent property located in any single-family residential district. An applicant, in lieu of meeting this requirement, may request, as a special condition use, a lesser distance or waiver from the requirement entirely where it is determined that minimum use of the driveway can be expected and no feasible alternative means of site ingress or egress exists on the site. The village council shall have the authority to approve a conditional use permit under this subsection upon receipt of a recommendation from the planning commission, subject to the public hearing and processing requirements of [Special land uses §6.3](#), review and approval of conditional uses.

11. An obscuring wall shall be provided on rear and side property lines of the off-street parking area abutting or adjacent to a residential district. The obscuring wall shall not be less than four feet six inches in height measured from the surface of the parking area. In instances where an obscuring wall is required on a corner lot, the wall height shall be reduced to two feet in accordance with [Landscaping §5.8](#).

All land between the required obscuring wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

12. The planning commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The planning commission may also waive the wall requirement in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this section.
13. All lighting used to illuminate any off-street parking area shall be installed in accordance with [Lighting §5.7](#).
14. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
15. Parking aisles shall not exceed 300 feet without a break in circulation.
16. Except for those lots serving single-family and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian-ways. The planning commission may waive or modify this requirement by approving either a concrete curb, a man-made ornamental barrier, or curbing integral with an adjacent sidewalk having a width of not less than seven feet. The planning commission may also waive the requirement in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this section.
17. No parking lot shall have more than one attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which they are located.
18. Off-street parking areas shall be landscaped in accordance with [subsection C.2 of Landscaping §5.8](#).

- F. **Off-street loading and unloading.** On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows in the table below:

Table 5.6.F	
Requirements for Standing, Loading and Unloading	
Total Floor Area of the Building	Off-Street Loading Space Requirements
Office Uses	
0 - 10,000 sq. ft.	One usable loading space, 8 by 22 ft. or 9 by 18 ft.
10,001 - 50,000 sq. ft.	One usable loading space, 10 by 50 ft. in area
Over 50,000 sq. ft.	Two usable loading spaces, 10 by 50 ft. in area
Commercial and Industrial Uses	
0 - 1,400 sq. ft.	One usable loading space, 10 by 25 ft. in area
1,401 - 20,000 sq. ft.	One usable loading space, 10 by 50 ft. in area
20,001 - 50,000 sq. ft.	Two usable loading spaces, each 10 by 50 ft. in area
Over 50,000 sq. ft.	Three usable loading spaces, plus one space for each 50,000 sq. ft. in excess of 50,000 sq. ft., each 10 by 50 ft. in area
*Dimensions in parentheses may be utilized as an alternate design configuration.	

- All loading spaces shall be in addition to the off-street parking area access drive and maneuvering lane requirements.
 - Off-street loading space shall have a clearance of 14 feet in height.
 - Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, such space shall be screened in accordance with [Screening walls §5.10](#).
 - All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in such exterior side yard when the setback is equal to at least 50 feet.
- G. **Commercial vehicle parking in residential areas.** The parking of commercial vehicles having a gross vehicle weight rating of 16,000 lbs. or less (more commonly known as either class 1-4 trucks or light-duty to medium-duty trucks) on private property shall be considered a legal accessory use in a residential district provided the off-site use of such vehicles by a householder is a permitted circumstance of their employment. The overnight parking of such commercial vehicles outfitted with equipment and/or trailers intended primarily for commercial applications is expressly prohibited.

Δ Ord. No. 231-249

5.7 Lighting

- A. **Purpose.** The purpose of this Chapter is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the Village through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this Section to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community.
- B. **Applicability.**
 1. **Existing Buildings and Uses.**
 - a. Any new outdoor lighting installed on a building or parcel shall meet the requirements of this Section with regard to shielding and lamp types.
 - b. Any existing lighting fixture(s) that presents a nuisance or hazard shall be updated to meet the requirements of this ordinance
 2. **Site Plans.**
 - a. Whenever a site plan is required, the applicant shall submit an inventory and photometric plan detailing outdoor lighting. If no changes to lighting are proposed, the photometric plan and inventory are not required.
 - b. Where a site plan proposes a new use, a new building, or an addition or change of use leading to an increase of 50 percent or more in terms of additional dwelling units, total gross ground floor area of an entire building, indoor seating capacity, or parking spaces, all outdoor lighting on the site shall be brought into compliance with this Chapter. Photometric details and a lighting inventory shall be provided for the entire site, including all new and existing lighting.
 - c. Where a site plan proposes to increase the number of dwelling units, total gross ground floor area of an entire building, indoor seating capacity, or parking spaces by less than 50 percent, only new or modified outdoor lighting is required to be compliant with this chapter. Photometric details and a lighting inventory are only required for new or modified outdoor lighting.
- C. **General Provisions.** The design and illumination standards of this Chapter shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement, or adjacent parcels, except where specifically exempted herein.
 1. **Shielding.** Exterior lighting shall be fully shielded and directed downward at a 90-degree angle. All fixtures shall incorporate full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution. Only flat lenses are permitted on light fixtures; sag or protruding lenses are prohibited.
 2. **Glare.** Exterior lighting sources in all districts shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or street rights-of-way. Except as otherwise permitted, the light emitting element of any light fixture shall not be directly visible from a neighboring property, as this is the primary cause of glare. The light emitting element of any light fixture that exceeds 400 lumens shall be fully shielded.

3. **Light trespass.** Light levels shall not exceed 0.1 footcandles at the property line where the site abuts a public right-of way or a lot with a residential use or zoning. Where the site abuts a non-residential use, light levels at the property line shall not exceed 0.3 footcandles.
4. **Required illumination.**
 - a. **Uniformity.** Lighting shall be even throughout and shall not exceed an average illumination to minimum illumination ratio of 4:1.
 - b. Specific areas on a site shall be illuminated in accordance with the following table:

Table 5.7.C.4.b		
Wall Uses and Heights		
Site/Building Feature	Minimum Footcandles	Maximum Footcandles
Pedestrian areas / sidewalks	0.2	1.0
Primary building entrances	1.0	5.0
Loading areas	0.4	2.0
Driveway lighting	0.2	1.0
Parking areas	0.2	2.0
Parking areas or maneuvering lanes within 25 feet of the building	2.0	4.0
Under gas station canopies/structures, outdoor sales areas, immediate vicinity of an ATM	3.0	20

- c. **Outdoor Sport Facilities.** In addition to the illumination requirements above, the following requirements shall apply to outdoor sport facilities:
 - I. The main lighting of the facility (spotlighting or floodlighting, etc.) shall be turned off no later than 45 minutes after the end of the day's activities or event. A low-level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low-level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 1.0 footcandle.
 - II. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
5. **Hours of operation.** All exterior lighting in nonresidential districts shall incorporate automatic timers and shall be turned off between the hours of midnight and sunrise, except for lighting necessary for security purposes or accessory to a use that continues after midnight. Security lighting shall, to the extent practical, use sensors and dim or turn off when there is no activity on site.
6. **Measurement.** Light intensity shall be measured in footcandles. Light intensity shall be measured along a 10'x10' illuminance grid with a point-by-point plot of footcandles on the horizontal plane at grade level within the site.

7. **Maintenance.** Bulbs and fixtures shall be replaced as needed to always meet the requirements of this section
8. **Color Temperature and Color Rendering.** All fixtures shall have a correlated color temperature that does not exceed 3500K and a Color Rendering Index of 70 or greater. All fixtures shall comply with Illuminating Engineering Society of North America standards.

D. **Standards by Type of Fixture.**

1. **Edison bulbs.** Edison bulbs, as defined in this ordinance, may be used outdoors individually or on strings to provide atmospheric lighting for outdoor dining areas, gathering spaces, alleys, and other similar spaces. Such lighting shall be turned off outside of business hours and screened from abutting residential properties.
2. **Architectural lighting.** Where lighting illuminates features on an above grade or vertical target, including but not limited to architectural features, flags, signs, landscaping, fountains, and sculptures, the light source shall have a beam spread no greater than necessary to illuminate the feature and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles. Such lighting sources shall not illuminate any vertical surface greater than 5 footcandles.
3. **Canopy lighting.** All canopy lighting shall be flush-mounted with fully shielded luminaires aimed straight down.
4. **Signs.** Signs shall be lit in accordance with the standards of Section [subsection B\(2\) of Signs §5.13](#) of the Village of Milford Zoning Ordinance.
5. **Indoor lighting.** Indoor lighting shall not be a source of glare or light trespass as regulated in [subsection C\(2\)](#) and [subsection C\(3\)](#) above. Indoor lights visible from outdoors shall not flash.
6. **Wall mounted lighting.** Wall mounted lighting may be used to illuminate pedestrian entrances and loading areas; fixtures must be shielded, fully cutoff, and illumination may not exceed the required illumination in [subsection C\(4\)](#) of this ordinance.

E. **Exempt Lighting.**

1. The following exterior lighting types are exempt from the requirements of this Article, except that the building official may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:
 - a. Instances where federal or state laws, rules or regulations take precedence over the provisions of this Chapter.
 - b. Temporary emergency lighting.
 - c. Streetlights or traffic lights illuminating public rights-of-way.
 - d. Single- and two-family homes.
 - e. String lighting.

F. **Prohibited Lighting.**

1. The following types of outdoor lighting are specifically prohibited.
 - a. Lighting that could be confused for a traffic control device
 - b. Searchlights, beacons, and laser source light fixtures.
 - c. Lights that blink, flash, move, revolve, flicker, change intensity, or change color.
 - d. Strip lighting.

Δ Ord. No. 231-251

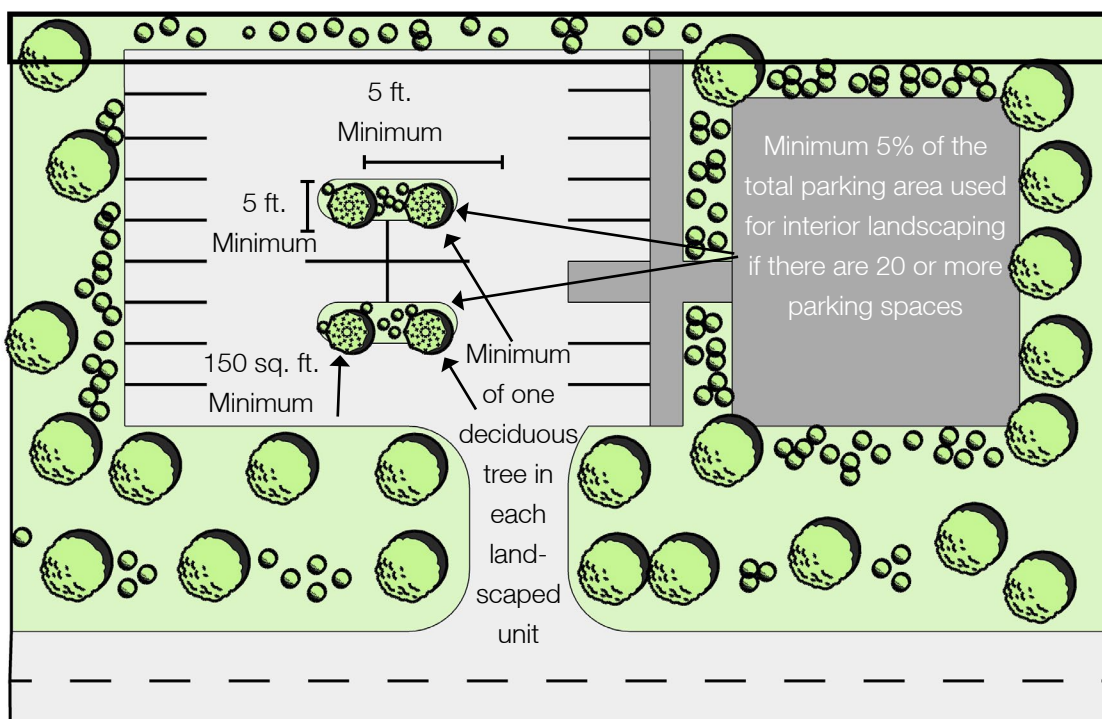
5.8 Landscaping

- A. **Findings and purpose.** Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the village. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts and screening.
- B. **Scope of application.**
 1. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this chapter. No site plan shall be approved unless such site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in [subsection G of Site plan review §6.1](#).
 2. In cases where the use of an existing building changes and requires administrative or planning commission site plan review, all of the standards set forth in this section shall be met.
 3. The requirements of this section are minimum requirements, and nothing in this section shall preclude a developer and the village from agreeing to additional plantings.
- C. **Landscaping design standards.** Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:
 1. **General landscaping.** All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces shall be landscaped with vegetative ground cover and other ornamental materials as required in this subsection, except where specific landscape elements, such as greenbelt, berm or screening are required:
 - a. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with planning commission approval.
 - b. A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 1,000 square feet or portion thereof of landscaped open space area.
 - c. On sites which are two acres or larger in size, the landscaped area shall include a greenbelt of a minimum ten-foot width, located and continually maintained along a public right-of-way.
 - d. The planning commission may reduce or waive the requirements outlined in this section provided that any such adjustment is in keeping with the intent of this chapter, and more specifically, with the intent of [subsection A](#) of this section.
 - e. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks or other site features.

2. **Parking lot landscaping.** Off-street parking areas shall be landscaped as follows:

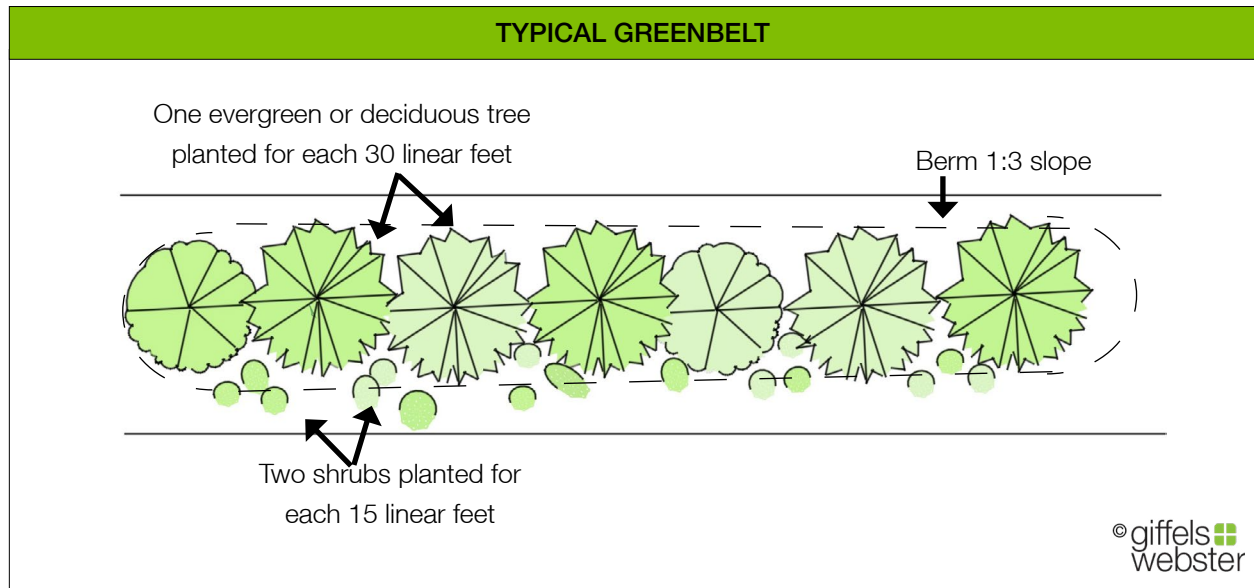
- In off-street parking areas containing 20 or more parking spaces, an area equal to at least five percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.
- Parking lot landscaping shall be in units not less than five feet in any single dimension and not less than 150 square feet in any single island area. Not more than two landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements.
- The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
- Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- A minimum of one deciduous tree shall be planted in each landscaped unit. ✍

PARKING LOT LANDSCAPING REQUIREMENTS

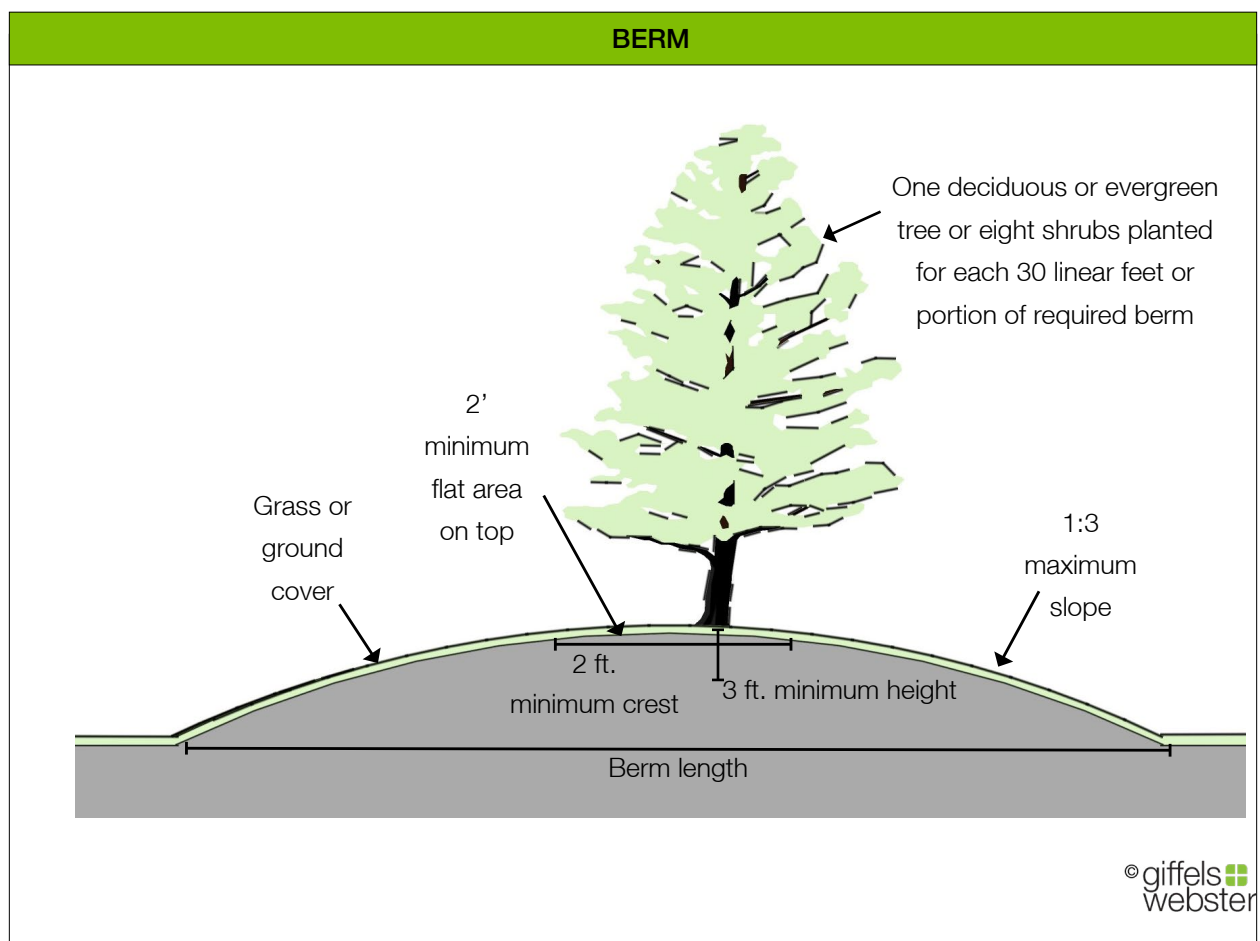


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3. **Greenbelt buffer.** Where required, greenbelts and greenbelt buffers shall conform to the following standards:
- A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular or pedestrian access.
 - Grass, vegetative ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
 - A minimum of one deciduous tree or evergreen tree shall be planted for each 30 linear feet or portion thereof of required greenbelt length.
 - Two shrubs shall be required for each 15 linear feet of greenbelt area.
 - For the purpose of determining required plant material, required greenbelt area length shall be measured along the lot lines adjacent to the greenbelt area inclusive of all driveways. ✍

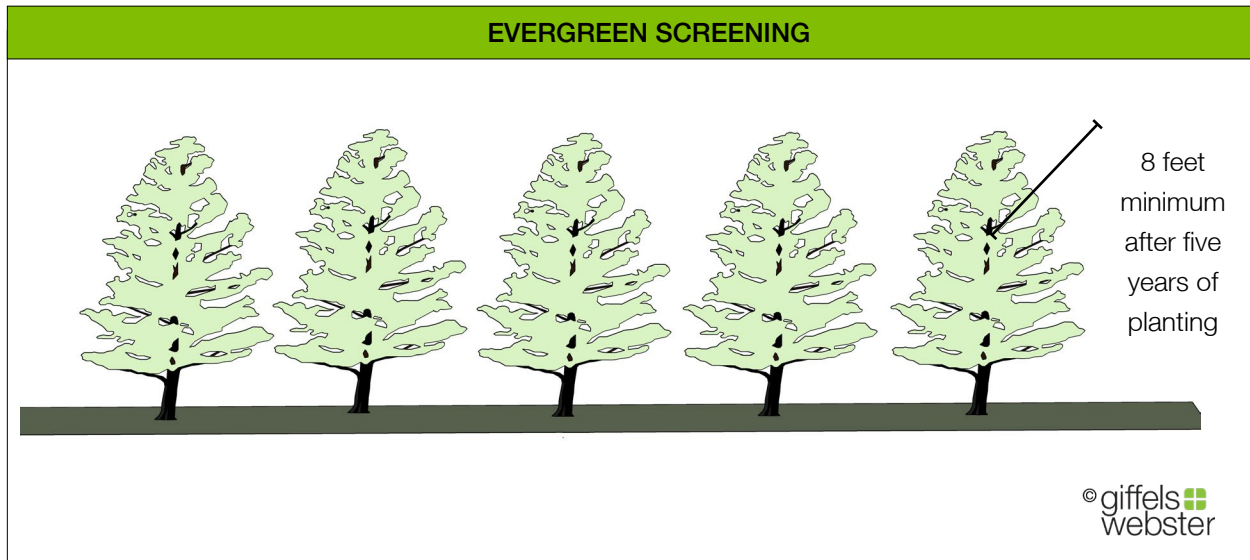


4. **Berms.** Where required, earth berms or landscaped berms shall conform to the following standards:
- The berm shall be at least three feet above the grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal, and shall provide a two-foot minimum crest. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
 - The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
 - A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet or portion of required berm.
 - Eight shrubs per tree may be planted as substitute for trees (see [subsection C.3.c](#) of this section).
 - For the purpose of determining required plant material, required berm length shall be measured along the length of the berm.
 - The planning commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of this chapter, and more specifically, with the intent of [subsection A](#) of this section. ✍



5. Evergreen screening. ✍

- a. Where required, evergreen screening shall consist of closely spaced plantings which form a visual barrier that is at least eight feet above ground level within five years of planting. ✍
- b. The planning commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of this chapter, and more specifically, with the intent of [subsection A](#) of this section.



6. Landscaping of rights-of-way and other adjacent public open space areas. Public rights-of-way and other public open space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

7. Regulations pertaining to landscaping areas used for sight distance.

- a. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than two feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of two feet above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three feet from the edge of a driveway.
- b. The triangular areas referred to in [subsection C.7.a](#) of this section are defined as:
 - I. The area formed at the corner intersection of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
 - II. The area formed at a corner intersection of two public right-of-way lines, the two sides of the triangular area being 25 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides. ✂ (See graphic in [Corner vision clearance §5.5](#))

8. Maintenance of landscaping.

- a. All required landscape areas shall be planted and maintained with living plant materials. All landscaping which is located more than 50 feet from a building site shall have an irrigation (water sprinkler) system installed to assist in maintaining plant materials in a healthy condition.
- b. Upon completion of the installation of the landscaping, the owner shall implement a seasonal maintenance program to replace all diseased, dead or damaged plants, replenish mulch, control weeds, and fertilize and prune all plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this chapter.

9. Existing plant material.

- a. In instances where healthy plant material exists on a site prior to its development, the planning commission may adjust the application of the standards of this section to allow credit for such plant material if such an adjustment is in keeping with, and will preserve the intent of, this chapter, more specifically [subsection A](#) of this section. All such material to be saved pursuant to this subsection shall be so indicated on the landscape plan.
- b. All existing plant materials must first be verified by the zoning official, prior to issuance of a building permit, to determine the health and desirability of such materials. The property owner or the applicant may enlist the services of a registered landscape architect or registered forester to verify existing plant materials and may submit a site plan and/or report. The planning commission may require the above information when deemed necessary.
- c. If such existing plant material is labeled “to be saved” on site plans, protective techniques, such as, but not limited to, fencing placed at the dripline around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved.



- d. In the event that healthy trees labeled as to be saved on the approved site plan are destroyed or damaged, as determined by the zoning official, such trees shall be replaced with trees of comparable type, prior to issuance of a certificate of occupancy.

5.9 Plant materials

Whenever in this chapter planting is required, it shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this chapter.

- A. **Plant material spacing.** Trees shall not be planted closer than four feet from the fence line or property line and shrubs shall not be planted closer than two feet from the fence or property line.
- B. **Suggested plant materials.** The following tree and shrub species are recommended for compliance with the planting requirements of this chapter, with minimum sizes specified:
 - 1. Deciduous trees, minimum two-inch caliper and ten feet in height:
 - a. Oaks.
 - b. Hard maple.
 - c. Hackberry.
 - d. Birch.
 - e. Planetree (sycamore).
 - f. Ginkgo (male).
 - g. Beech.
 - h. Sweet-gum.
 - i. Honeylocust.
 - j. Hop hornbeam.
 - k. Linden.
 - l. Bradford pear.
 - 2. Ornamental trees, minimum 1½-inch caliper and five feet in height:
 - a. Flowering crab.
 - b. Russian olive.
 - c. Mountain ash.
 - d. Dogwood.
 - e. Redbud.
 - f. Rose of Sharon.
 - g. Hornbeam.
 - h. Hawthorn.
 - i. Magnolia.
 - 3. Evergreen trees, minimum five feet in height:
 - a. Hemlock.
 - b. Fir.
 - c. Pine.
 - d. Spruce.
 - e. Douglas fir.

4. Narrow upright evergreens, minimum four feet in height:
 - a. Column honoki cypress.
 - b. Blue columnar chinese juniper.
 - c. Pyramidal red cedar.
 - d. Irish yew.
 - e. Douglas arborvitae.
 - f. Columnar giant arborvitae.
5. Ornamental shrubs, minimum 24 inches in height or width:
 - a. Honeysuckle.
 - b. Viburnum.
 - c. Mock-orange.
 - d. Forsythia.
 - e. Lilac.
 - f. Cottoneaster.
 - g. Hazelnut.
 - h. Euonymus.
 - i. Privet.
 - j. Buckthorn.
 - k. Sumac.
6. Evergreen shrubs, minimum 24 inches in height or width:
 - a. Globe arborvitae.
 - b. Dwarf mugo pine.
 - c. Andorra juniper.
 - d. Broadmoor juniper.
 - e. Tamarix juniper.
7. Trees not permitted. The following tree species and types are expressly prohibited:
 - a. Box elder.
 - b. Soft maples (red, silver).
 - c. Slippery elms.
 - d. Poplars.
 - e. Willows.
 - f. Horse chestnut (nut bearing).
 - g. Tree of heaven.
 - h. Catalpa.
 - i. Ginkgo (female).
 - j. Basswood.
 - k. Chinese elm.
 - l. Cottonwood.

8. **Existing plant materials.** In instances where healthy plant material exists on a site prior to its development, the planning commission may adjust the application of the standards of this section to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this section.
 - a. All existing plant materials must first be verified by the zoning official, prior to issuance of a building permit, to determine the health and desirability of such materials. The property owner or applicant may enlist the services of a registered landscape architect or registered forester to verify existing plant materials and may submit a site plan and/or report. The planning commission may require such information where it is deemed necessary.
 - b. If such existing plant material is labeled as to be saved on site plans, protective techniques, such as, but not limited to, fencing placed at the dripline around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved.
 - c. In the event that healthy trees labeled as to be saved on the approved site plan are destroyed or damaged, as determined by the zoning official, such trees shall be replaced with trees of comparable type, prior to issuance of a certificate of occupancy.

5.10 Screening walls


- A. For the use districts and uses listed in this subsection, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall. The height of the wall shall be constructed and measured from the surface of the parking area or land on the nonresidential side of the wall.

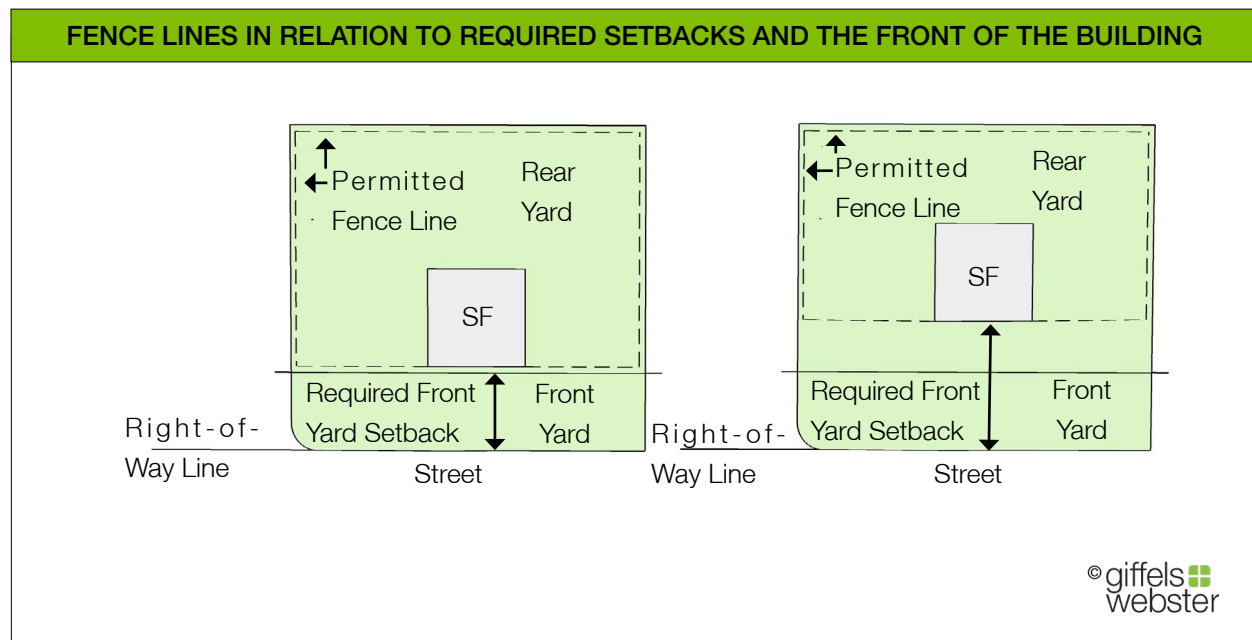
Table 5.10.A		
Wall Uses and Heights		
	Use	Minimum Height Requirements
1.	Off-street parking area	4 ft. 6 in. wall (see also subsection E of Off-street parking and loading §5.6)
2.	B-2, B-3, and O-1 districts	4 ft 6 in wall
3.	I district	4 ft. 6 in. wall
4.	Open storage areas and loading and unloading zones	4 ft. 6 in. to 8 ft. wall or fence (see also Industrial district standards §3.8 and Off-street parking and loading §5.6)
5.	Trash receptacles	6 ft. wall (see also Outdoor trash storage areas §5.12)
6.	Utility buildings, stations, and substations	6 ft. wall or fence

- In the case of the variable wall height requirement in [subsection A.4](#), the extent of obscuring wall shall be determined by the planning commission on the basis of land usage; provided, that no wall or fence shall be less than the above required minimum nor greater than the above required maximum height.
- B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with yard setback lines. Upon review of the site plan, the planning commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in accordance with [subsection C.4](#) or [subsection C.5 of Landscaping §5.8](#). The planning commission may also waive the wall requirement if in specific cases cause can be shown that no good purpose would be served by the screening requirement.
- C. Required walls shall have no openings for vehicular traffic except as may be approved by the planning commission. All walls required in this chapter shall be constructed of materials approved by the zoning administrator to be durable, weather resistant, and easily maintained.
- D. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than 200 feet distant from abutting residential districts.

5.11 Fences

All fences in the village shall conform to the following regulations:

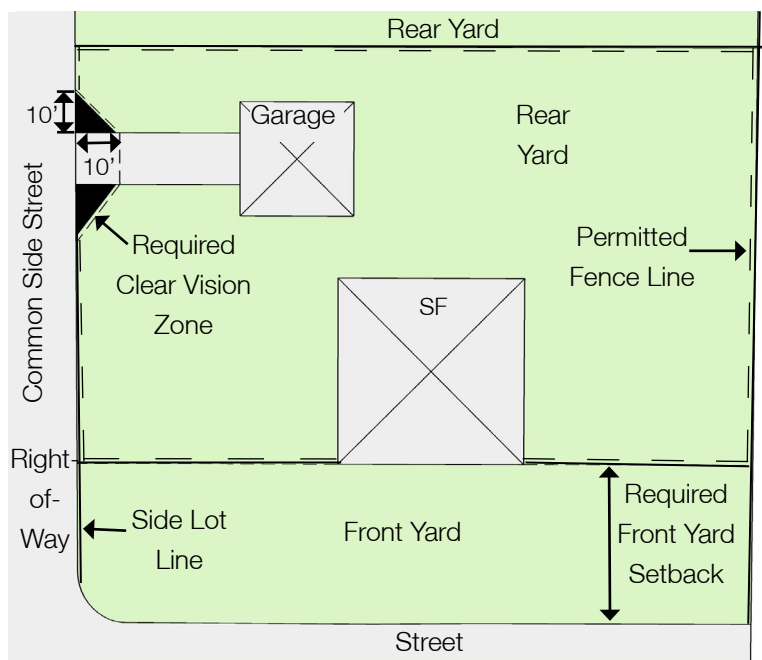
- A. Fences on all lots or parcels of record in all residential districts which are within a required side or rear yard shall meet the following requirements:
 1. Except as provided below, the fence shall not exceed a height of six feet, measured from grade.
 2. Chain link fencing shall not exceed a height of four feet, measured from grade.
 3. The fence shall not extend toward the front lot line nearer than the front of the house, or the required front yard setback, whichever is greater (see Fence Lines in Relation to Required Setbacks and the Front of the Building Figure below). 



4. All fences shall be constructed in such a manner that all structural members including braces, posts, poles, and other similar projections, will be on the interior side of the fence. The finished side of the fence shall face the adjacent property owner.
5. The use of material inserts interwoven with chain link fencing is expressly prohibited.
6. No fence shall contain sharp nails, spikes, barbed wire, or any sharp object on the top of the fence. This section shall not prevent fences containing finials used as architectural accents, or the placement of barbed/razor wire on top of fences at least six feet in height to protect public infrastructure sites or other facilities requiring a secured site on residentially zoned land in accordance with [subsection C.1](#) requirements.
7. Only one fence shall be located along a common property line.
8. In no instance shall a fence be allowed in a side yard which is immediately adjacent to, or which abuts, a driveway on an adjoining residential lot which may restrict access or escape from a motor vehicle.
9. Fences shall not contain any electrical current or any charge of electricity. This section shall not prevent the use of a mechanical gate control apparatus.

10. An arbor, trellis, or other similar open framework intended to support climbing plants may be made a part of the fence structure to mark a point of passage or to serve as an architectural accent. Such framework shall not exceed a height of ten feet and be not more than ten feet in width. In addition, only one arbor, trellis, or other similar open framework shall be installed for every 50 feet of fence length.
11. On corner lots with a rear yard to rear yard relationship, a fence may be placed on the common property line and extend to and along the side street lot line provided it does not obstruct the vision of a driveway providing access to the property from the common side street. In such instance, a minimum ten-foot clear vision zone shall be maintained. For purposes of this section, the clear vision zone shall be defined as the triangular area formed at the corner intersection of a public right-of-way line and driveway edge, with two sides of the triangular area being a distance of ten feet measured from their point of intersection along such driveway and right-of-way line, with the third line connecting these two sides (see Fence Lines for Corner Lots with a Rear to Rear Yard Relationship Figure).

FENCE LINES FOR CORNER LOTS WITH A REAR TO REAR YARD RELATIONSHIP



12. Fences which enclose public or institutional parks, playgrounds or public landscaped areas shall be permitted on residentially zoned land in accordance with [subsection C.2](#) requirements.

- B. Decorative fences are permitted in the front yard of all residential districts subject to the following conditions:
 - 1. A decorative fence shall not exceed a height of three feet.
 - 2. A decorative fence shall not be located closer than one foot to any public sidewalk.
 - 3. A decorative fence shall provide openings representing not less than 50 percent of its surface area for any five-foot horizontal section of fencing for the free passage of light and air.
 - 4. No decorative fence shall contain sharp nails, spikes, barbed wire, or any sharp object on the top of the fence. This section shall not prevent fences containing finials used as architectural accents.
 - 5. Fences shall not contain any electrical current or any charge of electricity. This section shall not prevent the use of a mechanical gate control apparatus.
- C. Fences in nonresidential districts shall be subject to the following conditions:
 - 1. Fences on lots or parcels of record shall not contain barbed wire, electric current or any charge of electricity, except that barbed/razor wire may be placed on top of fences at least six feet in height to protect public infrastructure sites or other facilities determined by the planning commission to require a secured site by reason of: equipment; materials; or products used, produced, or stored on the premises. Barbed/razor wire cradles shall consist of no more than three strands of wire and shall project outward or toward the interior of the site as may be determined by the planning commission based upon the nature of the site to be secured and the relationship of the site to neighboring properties. In no instance shall such barbed/razor wire extend over a property line or public right-of-way. (Refer also to [subsection A.6](#) permitting the use of razor/barbed wire on top of fences on residentially zoned land.)
 - 2. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of the total area.
 - 3. The height of fences in the P&R, Parks and Recreation district that comprise part of a guard or shield (i.e., backstops, tennis court barriers, etc.) and are placed at least 20 feet from a property line shall not be limited.
 - 4. Fences in all other zoning districts shall be subject to [Industrial district standards §3.8](#) for the I, industrial district; [SDD Special Downtown District Overlay §3.1.15](#) for the special downtown district overlay zone; and [Screening walls §5.10](#) pertaining to screening wall requirements.

5.12 Outdoor trash storage areas

In all O-1, B-2, and B-3 districts, there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The requirement for such a trash storage area may be waived by the planning commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.

- A. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The planning commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
- B. A screening wall in accordance with [Screening walls §5.10](#) of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
- C. In no instance shall any such refuse be visible above the required screening.

5.13 Signs

- A. **Intent.** The purpose of this chapter is to permit and regulate signs and to minimize outdoor advertising within the Village so as to protect public safety, health and welfare; to minimize the abundance, nature, type and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; to promote public convenience; to preserve property values; to support and complement the land use objectives set forth in the Village's Master Plan and Zoning Ordinance; and to enhance the aesthetic appearance and quality of life within the Village. The standards contained herein are intended to be content-neutral. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.
- B. **General conditions.** Except as otherwise provided in this section, the following conditions shall apply in all districts:
 1. Except as otherwise provided, prior to the erection or structural alteration of a sign, a building permit shall be secured from the zoning administrator. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the zoning administrator so that he may ensure that the provisions of this chapter are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the zoning administrator.
 2. Sign illumination. When permitted, signs may be illuminated as follows:
 - a. The source of the light shall not be exposed except for lighting that is integral for the use of an electronic message sign, which is regulated herein.
 - b. Glare control for sign lighting shall be achieved through the use of full cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
 - c. Mounting of external sign lights. Lighting fixtures used to externally illuminate an outdoor sign shall be mounted on the top of the sign structure.
 - d. Signs of the following types do not require shielding: 1) signs constructed of translucent materials and wholly illuminated from within, 2) signs with a halo-type design, where the lighting source is blocked by the opaque letters or other sign content. For signs with translucent panels, dark backgrounds with light lettering or symbols are preferred to minimize glare and excessive light output.
 - e. Regardless of any other requirement, all illuminated signs shall not project light that exceeds 0.10 of a foot candle above the ambient light at any property line bordering any single-family residential district.
 - f. Sign illumination shall be extinguished after 10 p.m. or one hour after the close of business.
 - g. Temporary signs shall not be illuminated.
 - h. The illumination of halo or backlit signs shall only be illuminated with white light and shall spread their illumination a maximum of four inches beyond the sign elements.

3. No sign, except those maintained by the village, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement unless approved by the building official.
4. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal, or with a driver's vision of any access point to a street or street intersection, or to otherwise constitute a visual obstruction to motorists traveling along, entering or leaving streets.
5. No sign shall be erected, relocated or maintained so as to hinder ingress to or egress from any door, window or fire escape or prevent ventilation.
6. Signs shall be designed to be compatible with the building and landscaping used on the property to promote an overall unified and aesthetic effect in accordance with the standards set forth in the zoning ordinance and shall be constructed, reconstructed, altered or moved in such a manner and of such materials so that they meet the applicable State of Michigan Building Code requirements.

C. **Measurement of sign area.**

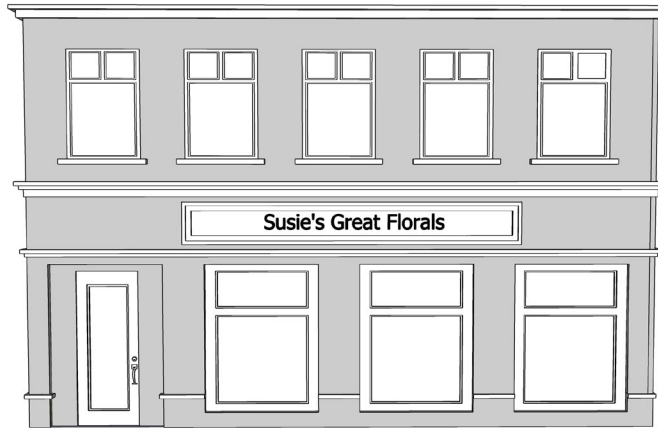
1. For all signs, except projecting and hanging signs, sign area shall constitute the entire area within a rectangle or the sum of rectangles enclosing the extreme limits of writing, representation, emblem or any figure of similar character, regardless of opacity or missing space within the "extreme limits." Any single row of text shall be grouped into one continuous rectangle.
2. When an internally illuminated sign has a non-reflective, matte black background, the area that is outside the "extreme limits" described above shall not count towards sign area. Otherwise, the entire illuminated background shall be included in the sign area calculation.

D. **Permitted signs in residential districts.** The following types of signs shall be permitted in residential districts, under the conditions specified in this subsection:

1. **Signs for single-family residential uses.** One sign not to exceed three square feet in area. The sign shall be attached flat against the front wall of the building. Such sign shall not be illuminated. A permit is not required.
2. **Entryway signs for residential uses.**
 - a. Up to to monument entryway signs are permitted for each major point of vehicular access to development.
 - b. Such signs shall not exceed 50 square feet in area and six feet in height and placed outside of the road right-of-way.
3. **Signs for permitted non-single-family residential uses.** Two wall signs or two monument signs, or combination thereof, not to exceed two total signs, each not to exceed 32 square feet. Monument signs shall be placed no closer to the street right-of-way line than one-third the minimum authorized front yard depth and shall not exceed six feet in height. Wall signs may not project above the roof or parapet line and may not project more than one foot beyond the face of the wall of the building. Wall signs shall be attached to, and parallel to, the wall of the building.

- E. **Permitted signs in nonresidential districts.** Signs permitted in nonresidential districts shall be limited to one wall sign and one freestanding sign on the premises of a business establishment or composite of businesses under a single ownership by an individual, firm or corporation, subject to the following conditions: ✍
1. **Wall signs.**
 - a. Wall signs may not project above the roof or parapet line and may not project more than one foot beyond the face of the wall of the building. Wall signs shall be attached to, and be parallel to, the wall of the building.
 - b. Wall signs shall be limited in number to one wall sign per business on each wall having an exterior individual means of access. The maximum size of any such sign shall not exceed ten percent of the building facade where so provided; however, no such sign shall exceed 100 square feet in area.
 - c. In the instance of several tenants utilizing a common public entranceway, one sign up to 100 square feet in area is permitted.
 2. **Freestanding signs.**
 - a. A maximum of one freestanding sign, installed on a permanent foundation, or one such sign for each front lot line on parcels with a minimum of three acres or more, shall be permitted per structure or planned grouping of structures where a building does not cover the full area of the property. Signs may be freestanding supported anywhere back of the property line, provided, however, that such signs shall not be placed closer than 50 feet to any residential district, or closer than a distance equal to its height to a public right-of-way or adjacent nonresidential properties.
 - b. The allowable height for such signs shall not be over 20 feet.
 - c. The maximum sign area shall be 50 square feet.
 - d. Freestanding signs shall have two sides or less.
 - e. Lots having frontage on two major thoroughfares or collector streets shall be permitted a second freestanding sign.
 3. **Freestanding signs for shopping centers.**
 - a. One freestanding sign, installed on a permanent foundation, may be erected for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings, provided that such centers have multiple tenants and/or uses, and further provided that the site contains a minimum of three acres of land and is not located in the special downtown district as defined by [SDD Special Downtown District Overlay §3.1.15](#).
 - b. The allowable height for such signs shall not be over 25 feet.
 - c. The maximum sign area shall be 150 square feet per side.
 - d. Freestanding signs shall have two sides or less.
 - e. Business centers having frontage on two major thoroughfares or collector streets shall be permitted on a second freestanding sign.

SIGN TYPES AND HEIGHT REQUIREMENTS

**WALL SIGNS**

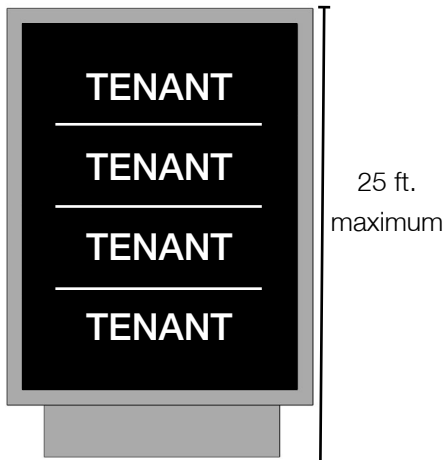
Attached and parallel to building; projects not more than one foot from the face of the wall of the building

Sign area is less than ten percent of building facade

**FREESTANDING SIGNS**

One freestanding sign permitted on parcels three acres or larger

50 sq. ft. maximum area

**FREESTANDING SIGNS FOR SHOPPING CENTERS**

150 sq. ft. maximum area per side



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webster

4. **Monument signs.** Monument signs may be substituted for an equal number of freestanding signs. They shall not exceed a height of eight feet. They shall not be closer than three feet to any lot line. Such signs shall be situated in a manner that allows adequate sight distances for motorists entering or exiting the site. Such signs may not encroach into clear vision sight triangles, as defined in [Corner vision clearance §5.5](#). The area of the monument sign may be increased by ten percent over that allowed for freestanding signs, as specified in [subsection E.2](#) and [subsection E.3](#), respectively. Monument signs may be illuminated from a external light source.
5. One pedestrian blade or shingle sign not exceeding two square feet per face for each business in a planned shopping area.
6. Window signs shall be permitted on the ground floor of a building, provided that they do not occupy more than 25 percent of the total window area of any facade. In case of a structure occupied by multiple tenants who each have an individual, exterior public entrance, the total window area shall be calculated by the window area located within the lineal frontage of the respective tenant. One window sign up to one square foot in size may be illuminated.
7. Electronic changeable copy signs located outside of the special downtown district overlay zone which are electronically or manually changed only by operator input on an as-needed basis subject to the approval of the planning commission after its review of a plot plan and sign permit application demonstrating compliance with the following conditions:
 - a. An electronic changeable copy sign shall only be permitted as part of an approved wall sign or freestanding sign provided the changeable copy area does not exceed 20 percent of the total sign area of which it is a part. Notwithstanding the above, an electronic changeable copy sign may also be permitted as a part of a monument sign. In such instances, the changeable copy area shall not exceed 50 percent of the total sign area allowed for a monument sign under [subsection E.4](#).
 - b. Sign displays shall contain static messages only, changed through dissolve or fade transitions or the use of other suitable transitions and frame effects that do not otherwise have the appearance of moving text and images caused by flashing, scrolling, or varying light intensity levels. Full animation or video broadcasting is expressly prohibited.
 - c. Each message of the sign must be displayed for a minimum of 60 seconds, with no more than one second of message change interval or “off-time” between messages.
 - d. The nighttime level of illumination produced by an electronic changeable copy sign shall not exceed 0.3 footcandles over ambient (i.e., naturally illuminated environment) lighting conditions. Measurement of sign brightness shall be in accordance with the then-current methodology, sign area, and measurement distances recommended by the International Sign Association.
 - e. The sign shall be equipped with, and shall use, photocell technology, a programmable dimmer or a similar mechanism to automatically adjust brightness and contrast based on ambient light conditions. The sign shall also incorporate security technology or devices to prevent the unintended changed to sign messages or images by other than the sign operator.

- f. Any sign permit application shall include a certification from either the owner, operator and/or manufacturer of the sign stating that the sign shall at all times be operated in accordance with the operational and performance requirements of this section. Any electronic changeable copy sign found to be in violation of the operational and performance requirements shall be turned off until such time as the building official determines the sign is in full compliance with such requirements.
- g. All electronic changeable copy signs shall be designed to achieve a default status during periods of sign malfunction that will turn off the sign entirely.
- h. Electronic changeable copy signs shall be installed in a manner that does not unreasonably interfere with the use and enjoyment of neighboring residentially zoned property. No electronic changeable copy sign shall be located closer than 100 feet to any residentially zoned property; however, the planning commission may increase this setback distance by up to an additional 100 feet to minimize any potential nuisance effects deemed caused by the unique attributes of the sign installation in relationship to abutting residential property. These characteristics include, but are not necessarily limited to, the height and/or size of the proposed electronic changeable copy sign, severe changes in area topography, the adequacy of existing or proposed buffers, or the orientation of residential sleeping quarters found in neighboring homes.
- i. To avoid traffic hazards, no electronic changeable copy sign shall be located in demanding driver environments. For purposes of this section, a demanding driver environment shall be defined as a public right-of-way available for travel by motorized vehicles found to be operating at a level of service (LOS) D or worse during peak hours of travel (as defined by the transportation research board's then-current Highway Capacity Manual), or which in the opinion of the planning commission exhibits complex driving conditions such as, but not necessarily limited to: visual obstructions or distractions; a high proportion of commercial or non-motorized traffic; the presence of on-street parking; inadequate street offsets; or, a high concentration of curb-cuts or driveways.
- j. Messages shall only relate to the location where the sign is erected.



- F. **Other permitted signs.** The following types of signs are permitted as specified in this subsection:
1. Highway signs erected by the U.S. government, the state, the county or the village.
 2. Public signs of a public nature, as administratively approved by the Village Manager, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, signs indicating civic events, memorial plaques, and the like, and all signs erected by or on order of a public officer in the performance of a public duty.
 3. Signs for non-single-family residential uses in conjunction with drives or off-street parking areas, provided any such sign does not exceed four square feet in area and does not obstruct traffic vision.
- G. **Temporary signs.** The following temporary signs are permitted, subject to the conditions specified in this subsection:
1. **Residential districts.** Such signs in residential districts do not require a permit.
 - a. Wall signs. One non-illuminated wall sign is permitted up to 3 square feet per building in single-family residential districts; and up to 12 square feet per building in multiple-family districts.
 - b. Freestanding signs.
 - I. One non-illuminated sign is permitted up to 6 square feet in area and shall be no more than 5 feet high.
 - II. Such signs shall be set back at least 5 feet from all property lines.
 2. **Non-residential districts.** Such signs shall require a permit.
 - a. Wall Signs. One non-illuminated wall sign is permitted up to 32 square feet per building for a period not exceeding 14 days. Only four 14-day periods are permitted per calendar year.
 - b. Freestanding signs. One non-illuminated sign is permitted up to 32 square feet per building for a period not exceeding 14 days. Only four 14-day periods are permitted per calendar year.
 3. Notwithstanding the above, 3 square feet of temporary freestanding or temporary wall sign area is allowed on each zoning lot at any time and without expiration of display time. The area of this sign is counted towards the area maximum noted above.
 4. When all or a portion of a building or land area on a zoning lot is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed or advertised for sale or lease. Once a building unit is leased or sold, the sign shall be removed if it has been displayed for more than 65 days. In such case, the sign area limits noted above shall apply.
 5. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display; provided, however, that each zoning lot may have one temporary freestanding sign up to three square feet constructed of any non-illuminated material. All temporary freestanding signs larger than three square feet shall have a frame or rigid border.
 6. In all cases, temporary signs shall be subject to the maintenance standards of this section.

- H. **Prohibited signs.** The following signs are expressly prohibited:
1. Canopy signs except as permitted in the Special Downtown Overlay District.
 2. Inflatable signs.
 3. Except as is otherwise for electronic changeable copy signs, (see [subsection E.7](#)), signs which incorporate in any manner, or are illuminated by, any flashing or moving lights or which display any message by electronic means on a pre-programmed cyclical basis. This does not include the conveyance of noncommercial information which requires periodic change, such as the time, temperature, stock market averages or date.
 4. Exterior banners, pennants, spinners, balloons and streamers, other than a sign permitted as a temporary sign.
 5. Any sign which is structurally or electrically unsafe.
 6. Signs displaying moving or animated parts or images.
 7. Abandoned signs.
- I. **Nonconforming signs.** Nonconforming signs shall not:
1. Be reestablished after the activity, business, or use to which it relates has been discontinued for 90 days or longer.
 2. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign in a way which releases its nonconforming status.
 3. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the replacement cost as determined by the zoning administrator. Reasonable repair and maintenance of nonconforming signs, including change of advertising message, is permitted and is not a change which would terminate the nonconforming status. Reasonable repair and maintenance means the work necessary to keep the sign structure in a state of good repair, including the replacement in kind of materials in the sign structure. Where the replacement of materials is involved, such replacement may not exceed 50 percent of the structural materials in the sign within any 24-month period. "Structural materials" are all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, and brackets. Structural materials do not include the sign face, any skirt, any electrical service, or electrical lighting, except in cases where such items have been incorporated into sign as load-bearing parts.



J. Signs permitted in the Special Downtown District Overlay zone.

1. **Wall signs.** Wall signs shall be permitted subject to the following conditions:
 - a. Flat wall signs may not project more than one foot beyond the wall of the building. Wall signs shall be attached to, and parallel to, the wall of the building. No business sign shall be allowed on a building face that is less than 15 feet in total width.
 - b. One wall sign for each business shall be allowed on each building face. The maximum amount of sign area allowed on each building face shall not exceed ten percent of the building facade where so provided; however, no individual business sign area shall exceed 100 square feet in area.
 - c. The wall sign may alternately be illuminated from a freestanding light source. Halo-type lighting of individual lettering is encouraged. Internally illuminated wall signs may be translucent up to 30 percent of the sign area, including the background. Panel box signs are prohibited. All sign illumination shall be external, provided, however, that back-lit halo lighting of individual letters shall be permitted.
 - d. Wall signs shall not project above the roof or parapet line in single-story buildings. For multi-story buildings, wall signs shall fit within the historic sign board, a horizontal spandrel panel located between the top of the storefront and the sill of second story windows. In the absence of second story windows, the sign shall fit within a horizontal spandrel panel located between the top of the storefront and the finished floor elevation of the second floor, or 20 feet from grade, whichever is lower. If a story is served by an elevated walkway or promenade that is used to reach the primary means of public access for a business, the sign height shall be measured from the top of such elevated walkway or promenade and shall not exceed a height of 14 feet.
 - e. Signs should complement the visual continuity of adjacent buildings, where practicable, and be designed to be an integral design of the building's architecture to which it is attached. Signs shall not obscure architectural details of the building, nor cover doors, windows, or other integral elements of the facade. Signs shall be placed on the building in accordance with [subsection d](#), and be in proportion with other components of the facade to which it is attached. In no instance shall the vertical dimension of wall signs exceed three feet.
2. **Awning or canopy signs.** The canopy or awning shall be constructed of durable material and maintained in such a manner so as to continue its original appearance and to provide safety to the persons and property it may affect. No canopy or awning sign shall contain back lighting or be illuminated for purposes of drawing attention to, or enhancing the visibility of, the canopy or canopy sign during its use. This restriction shall not be construed to preclude the use of site lighting principally used to illuminate adjacent sidewalks, parking lots, loading and unloading zones and similar use areas. The area of signage on a canopy or awning shall be limited to the name of the business and/or property owner, and the address.
 - a. **Location.**
 - I. A canopy or awning sign shall be restricted to the canopy valance, consisting of short strips or bands of material hung at the lower edge of the canopy or awning.
 - II. Canopy or awning signs shall be restricted to only the valance of canopies/awnings at the first story.

- III. Any such canopy structure shall be at least two feet from any vehicular parking space or maneuvering lane.
- IV. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
- V. No sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape.
- b. **Area.**
 - I. The sign shall not be greater than eight inches in height and occupy no more than 33 percent of the total valance area. The sign shall be restricted to the valance area which is directed to the adjacent right-of-way.
 - II. Only the copy area of the canopy should be identified as sign area used for calculation purposes.
- c. **Height.**
 - I. A minimum under-clearance of eight feet shall be maintained by all canopy structures, as measured from the bottom edge of canopy to grade immediately beneath the canopy.
 - II. Canopies hereafter erected shall, whenever practical, match the established under-clearance height and projection of canopies which exist on abutting parcels and/or businesses.
- d. **Number.** One per each canopy so provided.
- e. **Under-canopy sign.** A suspended sign, perpendicular to the building facade and not greater than two square feet in area shall be permitted under the canopy and which shall also not hang below the lowest part of the canopy.
- 3. **Projecting signs.** The projecting sign shall be constructed of durable material and maintained in such a manner so as to continue its original appearance and to provide proper safety to the persons and property it may affect. Identifying symbology is encouraged on all projecting signs.
 - a. **Location.**
 - I. Projecting signs shall extend no more than four feet from the building, or one-third of the sidewalk width, whichever is less. In measuring the sign projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
 - II. Projecting signs shall not extend vertically beyond the windowsill of the second story.
 - III. Projecting signs shall have a minimum six-inch separation between the sign and the wall face.
 - IV. Projecting signs shall project from the wall at an angle of 90 degrees.
 - V. No sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape.
 - VI. Angular projection at the corner of a building is prohibited.

- b. **Area.** Projecting signs shall not exceed a display area of ten square feet per face.
 - c. **Height.** Projecting signs shall clear grade level below the sign by a minimum of eight feet.
 - d. **Number.** There may be one individual projecting sign on each side of the building offering customer access, provided that such signs are spaced not less than 20 feet apart horizontally.
 - e. The projecting sign shall not be translucent to an extent greater than 30 percent of any one face and, further, any resultant internal illumination shall be restricted to highlight only the individual lettering or logo used in the composition of the sign message. The projecting sign may alternately be illuminated from a freestanding light source.
- 4. **Monument sign.** One monument sign may be permitted in lieu of a wall sign on sites having a front-yard setback of not less than ten feet, subject to the following conditions:
 - a. The monument sign shall be located on private property, outside of the public right-of-way, within the front yard setback. The monument sign shall not be closer than three feet to any lot line.
 - b. The monument sign shall contain not more than two sides.
 - c. The monument sign shall not exceed a height of four feet or a sign area of 20 square feet for each face.
 - d. The monument sign shall not be translucent to an extent greater than 30 percent of any one face and, further, any resultant internal illumination shall be restricted to highlight only the individual lettering or logo used in the composition of the sign message. The monument sign may also instead be illuminated from a freestanding light source. (Refer also to [subsection B.2](#) of this section.)
 - e. The monument sign shall be situated in a manner that allows adequate sight distance for motorists entering or exiting the site. It may not encroach into a clear vision sight triangle as defined in [Corner vision clearance §5.5](#).
- 5. **Temporary signs.** See [subsection G](#) for applicable regulations.
- 6. **Other permitted signs.** See [subsection F](#) for applicable regulations.

K. **Maintenance of signs.** The following regulations shall govern the maintenance of signs:

1. All signs and sign components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
2. If the building department shall find that any sign is unsafe or insecure, or is a menace to the public, written notice shall be given to the owner, agent or person having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition which caused the building department to give such notice shall be effected within ten days after receipt of the notice. If such condition is not corrected after the conclusion of such ten-day period, the building department is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding the foregoing provision, the building official is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever he/she determines that such sign is an immediate peril to persons or property.
3. If the message portion of the sign is removed, leaving only the supporting “shell” of a sign, the owner of the property where the sign is located, or other person having control over such sign shall, within 14 days of the removal of the message portion of the sign, either replace the entire message portion of the sign, install a blank insert, or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of [subsection I of Signs §5.13](#), which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

Δ [Ord. No. 231-251](#)

5.14 Canopies and awnings

Canopies and awnings offering partial protection from the weather, but not fully enclosed, and which extend into a public right-of-way or required yard setback, may be considered for approval subject to obtaining a permit and the following conditions:

- A. Canopies and awnings extending into a public right-of-way are subject to the following requirements:
 1. Such approval shall only be granted by the village council following planning commission recommendation.
 2. Any such structure shall not extend closer than 24 inches to any vehicular parking space or moving vehicle lane.
 3. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
 4. Any such structure shall not conflict with any existing or proposed landscape features, traffic control device, adjacent properties and signs and pedestrian movements.
 5. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval by the village council.
 6. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.
 7. The village, its officials, employees and any of its representatives shall be guaranteed full protection against any liability or damages resulting from the construction and existence of any such structure. The nature of such protection and its continuous effect shall be subject to village council determination.
- B. Canopies and awnings extending into a required yard setback are subject to the following conditions:
 1. Review and approval by the zoning administrator.
 2. Any such structure shall not extend closer than the height of the structure to any property line adjacent to a residential district.
 3. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
 4. Any such structure shall not conflict with any existing or potential development on adjacent property.
 5. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval.
 6. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

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6.1 Site plan review

- A. **Application.** Prior to the establishment of a new use, change of use, addition to or expansion of an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the village planning commission in accordance with the requirements of this article.
1. Site plan reviews are required for all permitted principal uses and structures in all zoning districts, except for single-family detached and two-family dwellings and their accessory uses, and for all conditional approval uses in all zoning districts. Refer to [Special land uses §6.3](#).
 2. When the proposed new construction or remodeling constitutes an addition to or expansion of an existing building or use, site plan review procedures may be modified, at the discretion of the zoning administrator, to provide for an administrative review by the zoning administrator in lieu of a more formal review by the village planning commission. The zoning administrator may conduct an administrative review provided both of the following are true:
 - a. No variances to this chapter are required.
 - b. The proposed new construction would not increase the total square footage of the building greater than 25 percent or 1,000 square feet, whichever is less.
 3. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the zoning administrator, to provide for an administrative review by the zoning administrator in lieu of a more formal review by the village planning commission. The zoning administrator may conduct an administrative review provided all of the following are true:
 - a. Such use is conducted within a completely enclosed building.
 - b. Reoccupancy does not create additional parking demands beyond 25 percent of that which existed prior thereto.
 - c. Reoccupancy does not substantially alter the character of the site.
 4. Every site plan submitted for review shall be in accordance with the requirements of this chapter. Administrative review procedures are not intended to modify any ordinance, regulation or development standard.
- B. **Copies required.** Every site plan submitted to the planning commission shall be in accordance with the requirements of this chapter. Eighteen complete copies of all site plans shall be filed with the zoning administrator, who shall place the request on the next planning commission agenda.
- C. **Information required.** The following information shall be included on the site plan:
1. A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
 2. Date, north point and scale.
 3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within 50 feet.
 4. Legal description of parcel.

5. Existing and proposed topography with contours at two-foot intervals, based on USGS datum, extending a minimum of 50 feet beyond site boundaries. This requirement may be waived when no significant grade changes are proposed for existing uses.
6. An inventory of existing vegetation on the site and an indication of any alterations.
7. The location and nature of any streams, drains, swamps, marshes, and/or unstable soils.
8. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins and fencing which are proposed. The applicant shall contact the village and the village engineer to determine the adequacy of utility and stormwater proposals, slope and sod erosion requirements, to determine if any such requirements will adversely affect the site plan.
9. A schedule of off-street parking requirements and basis for calculation.
10. A detailed landscaping plan and schedule of plant materials and sizes.
11. Cross section drawings of any retaining or screen walls, berms, etc.
12. The location and width of all existing and proposed sidewalks on or bordering the subject site. Where the subject site borders a public right-of-way, a concrete sidewalk five feet in width shall be provided within the public right-of-way one foot from the subjects site's property line.
13. The location of all existing and proposed structures of the subject property and all existing structures within 50 feet of the subject property. The setbacks to all existing and proposed structures to be retained or constructed on the site shall be indicated; this includes buildings, signs, trash storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
14. The location of all existing and proposed drives and parking areas.
15. The location and right-of-way widths of all abutting streets and alleys.
16. The names, addresses, and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
17. The names, addresses and telephone numbers of the owners and developers.
18. In addition to the above information, the applicant shall submit a supplementary explanation as to the specific type(s) of activities proposed. Such information shall include, but not be limited to:
 - a. Estimated number of employees.
 - b. Hours of operation.
 - c. Any changes anticipated in terms of dust, odor, smoke, fumes, noise, lights, etc.
 - d. Modifications to vegetative cover, drainage patterns, earth work, problem areas.
 - e. Any ancillary improvements that the applicant proposes to remedy or prevent problems created by the development.
 - f. Estimated costs of proposed landscaping berms, walls, acceleration-deceleration lanes, bypass lanes or any other required site improvement not covered in the building permit cost estimates shall be provided.
19. Proposed building floor plans and elevations including overall dimensions and building heights shall be submitted. Content of site plan file. The site plan(s), all supplementary data, together with minutes of any meetings and hearings related to the proposed site plan, shall become part of the official site plan file.



20. Where a site plan proposes a new use, a new building, or an addition or change of use, and new lighting is proposed, a photometric plan and lighting details shall be included as a part of the site plan submission as outlined in [subsection B of Lighting §5.7](#). The plans shall include the following information:
- a. A site plan showing the location of all existing and proposed buildings, landscaping, streets, drives, parking areas, and exterior light fixtures.
 - b. Building elevation indicating the location of all existing and proposed fixtures.
 - c. A photometric plan documenting the illuminance on the site and on all building façades with measurements as described in [subsection C\(6\) of Lighting §5.7](#).
 - d. If lighting is proposed after business hours, the applicant shall include an alternative photometric plan and narrative demonstrating and explaining the need for such lighting.
 - e. The color temperature value and color rendering index of all proposed fixtures.
 - f. Plan notes that state:
 - I. Any alterations to the approved plan shall be submitted to the Village for review and approval prior to installation.
 - II. The Village reserves the right to conduct post-installation inspections to verify compliance with the Ordinance requirements.
 - III. All exterior lighting shall be fully shielded, unless otherwise specifically approved by the Planning Commission.
- D. **Content of site plan file.** The site plan(s), all supplementary data, together with minutes of any meetings and hearings related to the proposed site plan, shall become part of the official site plan file.
- E. **Standards for approval.** In the process of reviewing the site plan, the planning commission shall consider:
1. Specific development requirements set forth in the zoning ordinance.
 2. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 3. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. Accessibility afforded to emergency vehicles.
 4. The arrangement of use areas on the site in relation to functional, efficient and compatible arrangements within the site and also to adjacent uses.
 5. The planning commission may further require landscaping, fences, screening walls and retaining walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant. The planning commission may require a 36-inch-high barrier, guard, or fence at vertical grade changes over 30 inches in height.

6. In those instances wherein the planning commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the planning commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the planning commission may recommend that money be placed in escrow with the village so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the village clerk.
7. The cost estimates as required in this section shall be reviewed by the appropriate village official, i.e., zoning administrator, engineer or planner, for their compliance with current cost estimates. These reviews and recommendations shall be forwarded to the planning commission for inclusion in any approved site plan.
8. The planning commission may waive site plan information for topography, vegetation, problem soils, landscaping, employment data, environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development. The zoning official may waive these requirements for plans administratively reviewed ([subsection A.2](#) and [subsection A.3](#) of this section).

F. **Planning commission action.** The planning commission, upon reviewing a site plan, shall take one of the following actions:

1. Approval. If the site plan meets all zoning ordinance and related development requirements and standards, the planning commission shall record such approval and the chairman shall sign three copies of the site plan, filing one in the official site plan file, forwarding one to the zoning administrator, and returning one to the applicant.
2. Disapproval. If the site plan does not meet zoning ordinance and related development requirements and standards, the planning commission shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures as required for the initial submission.
3. Conditional approval. If minor corrections to the site are necessary, which can be clearly noted, then the planning commission shall so note such conditions and the chairman shall sign three site plans as conditionally approved and stating the necessary conditions. One copy shall be retained in the official site plan file, one forwarded to the zoning administrator, and one returned to the applicant.
4. Table. If the site plan is found to be in violation of the requirements or incomplete with respect to necessary information, the planning commission may table action on the site plan until ordinance compliance is shown or required additional information is provided.

- G. **Site plan completion and performance guarantees.** To ensure compliance with the zoning ordinance and any condition imposed thereunder, the planning commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the village covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the village to ensure faithful completion of the improvements and also be subject to the following:
1. The performance guarantee shall be deposited prior to the issuance of a temporary certificate of occupancy. The village shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Any partial release of funds shall be less than ten percent with the remainder retained by the village until all work has been completed and subsequently inspected and approved by the zoning administrator. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of such public improvements.
 2. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended (the Subdivision Control Act).
 3. As used in this section, “improvements” shall mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the village and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.
- H. **Period of project completion.** An approved site plan shall remain valid for a period of one year from the date of approval. Projects requiring phased construction shall receive separate approvals for each phase prior to commencing construction. Each approval so granted shall be treated as an original approval date for purposes of computing the period of completion. All improvements shall be completed within one year from the date of site plan approval. For purposes of this section, improvements shall be as defined in [subsection G.3](#) above. Any improvement not installed by that deadline shall be completed no later than July 1 of the following construction season.
- I. **One-year extension of project completion deadline.** The zoning administrator may grant a one-year extension of completion for due cause. The extension must be requested in writing by the owner/developer.

- J. **Subsequent extension of project completion deadline.** The planning commission may, at its discretion, provide successive extensions of the required period of project completion beyond the one year granted by the zoning administrator. Such extensions are subject to the following requirements and conditions:
1. Time extensions shall only be granted by the planning commission upon a finding of just cause outside of the ordinary control of the owner and/or developer. Such cause shall include, but not necessarily be limited to: unexpected delays in securing public agency approvals and permits; declining market demand; and, accidents produced by any force of nature which is irresistible such as lightning, fires, flooding, tornadoes, or earthquakes. In no instance, however, shall time extensions be granted by the planning commission for projects where no substantial physical construction work for the facilities needed for the use have begun (i.e., prior to the establishment of vested interests) or owing solely to the economic hardship of the developer.
 2. Periods of extension granted by the planning commission shall be commensurate with the cause of action; however, no single extension granted by the planning commission shall exceed two years.
 3. A request to extend a project completion deadline for cause shown shall be made in writing by the property owner prior to the projected completion expiration date. This application shall include specific reason(s) believed to justify the time extension and detailed information on how and when the applicant/developer proposes to complete the project.
 4. A complete application shall entitle the applicant to make a formal presentation to the planning commission and simultaneously extend the period of project completion until the date acted upon by the planning commission in accordance with [subsection J of Site plan review §6.1](#).
 5. The planning commission shall act upon a request to extend a project completion deadline within 90 days of receipt of a complete application. In consideration of such a request, the planning commission may convene a public hearing notice in accordance with [subsection C of Special land uses §6.3](#)
 6. The planning commission may approve, deny, or conditionally approve a request to extend a project completion deadline. Any decision on such a request shall state the findings of fact and any conditions imposed thereon. All conditions imposed shall remain unchanged except upon the mutual consent of the applicant and planning commission.
 7. The planning commission's denial to extend a project completion deadline shall not prevent the applicant from submitting a new site plan for review and approval in accordance with submittal and processing requirements of [Site plan review §6.1](#).

△ [Ord. No. 231-255](#)



6.2 Condominium development

The following regulations shall apply to all condominium developments within the village.

- A. **Initial information.** Concurrently with notice required to be given the village pursuant to section 71 of Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended (the Condominium Act), a person intending to develop a condominium development shall provide the following information:
 1. The name, address, and telephone number of:
 - a. All persons or entities with an ownership interest in the land on which the condominium development will be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium development.
 2. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 3. The acreage content of the land on which the condominium development will be developed.
 4. The purpose of the development (for example, residential, commercial, industrial, etc.).
 5. Approximate number of condominium units to be developed on the subject parcel.
 6. Whether or not a community water system is contemplated.
 7. Whether or not a community sanitary sewer system is contemplated.
- B. **Information to be kept current.** The information shall be furnished to the village zoning administrator and shall be updated as necessary.
- C. **Site plans for new projects.** Prior to recording of the master deed required by section 72 of Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended, the condominium development shall undergo site plan review and approval pursuant to [Site plan review §6.1](#). In addition, the village shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.
- D. **Site plans for expandable or convertible projects.** Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to [Site plan review §6.1](#).
- E. **Master deed, restrictive covenants and as-built surveys to be furnished.** The condominium development developer or proprietor shall furnish the zoning administrator with the following: One copy of recorded master deed, one copy of all restrictive covenants and two copies of an as-built survey. The as-built survey shall be reviewed by the village engineer for compliance with village ordinances. Fees for this review shall be established by resolution of the village council.
- F. **Monuments required.** All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
 1. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.

2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development, and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line. It is not intended nor required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
 3. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.
 4. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
 5. All required monuments shall be placed flush with the ground where practicable.
 6. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter, or other approved markers.
 7. The village council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the village cash or a certified check, or irrevocable bank letter of credit to the village, whichever the proprietor selects, in an amount to be established by the council by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- G. **Compliance with federal, state, and local law.** All condominium developments shall comply with federal and state statutes and local ordinances.
- H. **Occupancy prior to installation of improvements.** The zoning administrator may allow occupancy of the condominium development before all improvements required by this chapter are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the village.
- I. **Single-family detached condominiums.**
1. Single-family detached condominium projects shall be subject to all requirements and standards of the applicable R-1 through R-4, one-family residential districts.
 2. The design of a single-family detached condominium project shall be subject to the design layout standards of the village, as provided by chapter 38, as amended, except as may otherwise be provided by this chapter.
 3. The construction of a single-family detached condominium project shall be subject to the engineering design standards of the village, as provided by chapter 38 of this Code, as amended, except as may otherwise be provided by this chapter.

4. Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five feet in width and shall be constructed of concrete four inches thick. In addition, walkways shall be located on both sides of all interior roadways and so located as to provide access to all general common areas. Upon review of the site plan, the planning commission may approve alternative locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.
 5. The natural features and character of the lands shall be preserved wherever practicable. In addition, street trees shall be provided in the ratio of at least one per dwelling unit. All unimproved surface area on the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape material, except that patios, terraces, decks, and similar site features may be allowed.
- J. **Final documents to be provided.** After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the village a copy of the site plan on a Mylar sheet of at least 13 by 16 inches with an image not to exceed 10½ by 14 inches.

6.3 Special land uses

- A. **Application.**
1. The uses identified as special condition uses are recognized as possessing characteristics of such unique and special nature, relative to location, design, size, public utilities needs, and other similar characteristics, as to necessitate individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
 2. The village council, as provided in this section, shall have the authority to approve conditional use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the village may require for any special conditional use included in the various provisions of this zoning ordinance.
- B. **Data required.**
1. Application for any conditional use permit as provided under the provisions of this chapter shall be made to the zoning administrator by filing an official special conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the village council, as may be amended from time to time. No portion of such fee shall be reimbursable to the applicant.
 2. An application for a conditional use permit shall contain the following:
 - a. Applicant's name, address and telephone number.
 - b. Address and tax description number of the subject parcel.
 - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - d. A certified survey drawing of the subject parcel.
 - e. A complete site plan containing all of the applicable data outlined in [Site plan review §6.1](#), review and approval of site plans.
 - f. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special conditional use permit applications outlined in [subsection D](#) of this section.

- C. **Public hearing requirements.** Upon receipt of an application for a use requiring conditional approval, the planning commission shall hold a public hearing, one notice of which shall be published not less than five days nor more than 15 days prior to the public hearing date in a newspaper of general circulation in the village and sent by first class mail to the owners of the property for which special condition approval is being considered, to the owners of record of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question. The notice shall:
1. Describe the nature of the special condition use request.
 2. Adequately describe the property in question.
 3. State the date, time, and place of the public hearing.
 4. Indicate when and where written comments concerning the request will be received.
- D. **Standards for approval.**
1. The planning commission shall review the particular circumstances and facts applicable to each proposed special condition use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - a. Will be harmonious with and in accordance with the general objective of the future land use plan.
 - b. Will be designed, constructed, operated and maintained in harmony with the existing and intended character of the general vicinity and so that such use will not change the essential character of such area.
 - c. Will not be hazardous or detrimental to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and general benefit to the community as a whole.
 - e. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal; or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare of the community by reason of excessive smoke, fumes, glare, noise, vibration or odors.
 - h. Will be consistent with the intent and purposes of this chapter.

2. If the facts regarding the special condition use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this zoning ordinance will be met by the proposed use, the planning commission shall not recommend special condition approval to the village council.
 - a. In recommending approval of a special condition use permit to the village council, the planning commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the village and the general vicinity, to achieve the objectives of this chapter and to assure that the general public health, safety, and welfare will not be infringed upon.
 - b. The planning commission may recommend denial, approval, or approval with conditions on a request for special condition use approval. The recommendation on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration, which specifies the basis for the decision and any conditions recommended.
 - c. Upon holding a public hearing and review of the special conditional use request, the planning commission shall within 30 days forward to the village council its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The village council, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions any request for a special conditional use approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the village council and the landowner, and the village council shall maintain a record of all conditions that are changed. All records of proceedings under this section shall be kept and made available to the public.
 - d. The conditional use review and site plan review may occur concurrently at the discretion of the village planning commission.

6.4 Community impact studies

- A. **Application.** Where specified in the zoning ordinance, a community impact study shall be submitted for a review and finding by the village planning commission in accordance with the requirements of this section.
- B. **Information required.** A community impact study shall include, but not be limited to, the following information:
 - 1. A detailed description of the proposed use, compared against those permitted uses allowed under current zoning.
 - 2. An analysis of the effect of site generated traffic on adjacent roadways and intersection level of service and the safety and operation of the public street system in the immediate vicinity;
 - 3. An analysis of the effect on public sanitary sewer and water systems in terms of consumption or capacity utilized, and consequences of such use to the utility or adjacent land uses;
 - 4. An assessment of the activities, processes, materials, equipment and conditions of operation that may result, including lighting limits, noise, odor, smoke, trash and debris and vibration;
 - 5. An evaluation of the effect on existing natural features, including wetlands, floodplains, ponds, lakes, drainageways, steep slopes, endangered species, wildlife habitat or woodlots.
- C. **Public hearing.** The planning commission may convene a public hearing in accordance with section 4a of Act 207 of the Public Acts of Michigan of 1921, as amended, as part of its review of a community impact study.
- D. **Standards for approval.** If the facts regarding the community impact study being reviewed do not establish by the preponderance of the evidence that the proposed use is no more detrimental than uses permitted by right in the zoning district in which it is located, the planning commission shall deny the petition. The planning commission may approve the proposed use upon the imposition of such reasonable conditions of use as it deems necessary to remediate identified negative consequences of development, to protect the best interests of the village and the general vicinity and to assure that the general public health, safety and welfare will not be infringed upon.
- E. **Concurrent review.** A community impact study review may be considered concurrently with a review of a rezoning request or site plan review request.



Chapter 94 | Article 7

Administrative & Enforcement

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement



Article 7 - Administrative & Enforcement

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7.1 Enforcement; penalties and other remedies

- A. **Penalty for violation.** Any person violating any of the provisions of this chapter shall be deemed responsible for committing a municipal civil infraction. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- B. **Public nuisance per se; abatement.** Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the adoption of this chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- C. **Rights and remedies cumulative.** The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.

7.2 Amendments

The village council may, from time to time, on recommendation from the planning commission or on petition, amend, supplement or change the district boundaries or the regulations in this chapter, or subsequently established in this chapter, pursuant to the authority and procedure established in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

7.3 Building regulations

- A. **Temporary building or structure.**
 - 1. No temporary building or structure shall be erected, or placed upon, the property unless a valid permit exists for a permanent building or new use of land on the same site. Any temporary building or structure shall be removed from the site within 30 days of issuance of a certificate of occupancy. The approval of a temporary building or structure may not exceed one year; however, the zoning board of appeals may grant multiple extensions up to six months each for good cause shown, when approval is due to expire.
 - 2. Temporary accessory buildings may also be allowed by permit from the building department for temporary storage when good cause can be shown for such purposes as, but not necessarily limited to, remodeling, renovation, repair, or to facilitate the storage and shipping of personal goods off-site.
 - 3. The building department may approve the placement and duration of such temporary accessory building or structure, including in a required yard setback due to practicality or necessity.
- B. **Building occupancy.** No basement shall be used or occupied as a dwelling unit unless it complies with the building code.
- C. **Frontage on a street.** No building shall be erected on a lot unless such lot fronts no less than 80 percent its full width, as required by [Article 3 - Zoning Districts](#) and [District Summary Table](#), upon a public or private street. Mobile home parks, multifamily developments, or commercial, office, or industrial centers need not front each such structure within the development upon publicly dedicated streets, provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the village.
- D. **Single-family districts, one lot, one building.** In all single-family districts, only one principal building shall be placed on a single lot of record, except as provided by [subsection C](#) of this section.

7.4 Nonconforming uses and buildings

- A. **Intent.** It is the intent of this section to provide for the regulation of legally nonconforming structures, lots of record, uses and signs, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this chapter that those nonconformities which adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.
- The zoning regulations established by this chapter are designed to guide the future use of land by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes of which such regulations are established, and thus the gradual elimination of such nonconformities is generally desirable. The regulations of this section permit such nonconformities to continue without specific limitation of time but are intended to restrict further investments which would make them more permanent.
- B. **Authority to continue.** Except as otherwise provided in this section, any nonconforming lot, use, sign, or structure lawfully existing on the effective date of this chapter or subsequent amendment thereto may be continued so long as it remains otherwise lawful. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structure and land in combination. All nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this section.
- C. **Minor nonconforming uses or structures.** A minor nonconforming use or structure is considered to be any B-2 or B-3 use or structure in the O-1 or I district; any O-1 use or structure in the I district; and RT or RM-1 use or structure in the R-1 through R-4 districts; and any RT, RM-1 or residential use or structure at grade in the B-2, B-3 or O-1 district.
1. Termination by damage or destruction. If any minor nonconforming structure or use is destroyed by any means to the extent of more than 50 percent of the cost of replacement of such structure or use, as determined by the zoning administrator, such structure or use shall not be rebuilt, restored or reoccupied for any purpose unless it shall thereafter conform to all regulations of this chapter. When such a nonconforming structure or use is damaged or destroyed to the extent of 50 percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with [subsection B](#) of this section and other applicable regulations of this chapter. Nonconforming single-family residential structures are exempt from this section; however, application for rebuilding shall be made within one year from the date of the damage or destruction.
 2. Changing nonconformity. If no structural alterations are made, any minor nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification.
 3. Discontinuance. When a minor nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six consecutive months, or for 18 months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.



4. Establishment of conforming use. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. **Enlarging a minor nonconformity.** A minor nonconforming use may be expanded or enlarged as follows:
 - a. A minor nonconforming structure may be enlarged by a maximum of 20 percent of the total existing structure size at the time of adoption of this chapter. Such expansion shall meet all other requirements of this chapter.
 - b. Nothing in this section shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces in conformance with other applicable provisions and involving no structural alteration or enlargement of such structure.
 - c. Nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed structures or signs.
 - d. No nonconforming use or structure shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
 - e. Notwithstanding any other provision of this section to the contrary, no use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this chapter.
- D. **Major nonconforming uses or structures.** A major nonconforming use or structure is considered to be any O-1, B-2, B-3 or I use or structure in the R-1 through R-4, RT or RM-1 district; all residential uses or structures in the I district; and any I use or structure in the B-2, B-3 or O-1 district.
 1. Termination by damage or destruction. If a nonconforming structure or use is destroyed by any means to the extent of more than 50 percent of the cost of replacement of such structure or use, as determined by the zoning administrator, such structure or use shall not be rebuilt, restored or reoccupied for any purpose unless it shall thereafter conform to all regulations of this chapter. When such a nonconforming structure or use is damaged or destroyed to the extent of 50 percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with [subsection B](#) of this section and other applicable regulations of this chapter. Nonconforming single-family residential structures are exempt from this section; however, application for rebuilding shall be made within one year from the date of the damage or destruction.
 2. Changing nonconforming uses. No structure or use shall be changed unless the new structure or use conforms to the regulations for the district in which such structure or use is located.

3. Discontinuance of use. When a major nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for six consecutive months, or for 18 months during any three-year period, the structure, or structures and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
4. Enlarging a major nonconforming use.
 - a. No major nonconforming use or structure shall be enlarged upon, expanded, or extended, including extension of hours of operation. Normal maintenance and incidental repair of a major nonconforming use shall be permitted, provided that this does not violate any other section of this chapter.
 - b. A major nonconforming residence may construct an accessory building in accordance with [Accessory buildings and structures §5.1](#)
 - c. Nothing in this section shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces in accordance with other applicable provisions, and involving no structural alteration or enlargement of such structure.
 - d. No major nonconforming use or structure shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
 - e. Notwithstanding any other provision of this section to the contrary, no use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this chapter.
- E. **Nonconforming lots.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be requested of the board of appeals.

- F. **Nonconforming site requirements.** Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on lot area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. Expansion. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
 2. Termination. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement costs, exclusive of the foundation, it shall be reconstructed in the absence of a prior variance only in conformity with the provisions of this chapter and with the requirements of the prevailing structural building codes.
 3. Relocation. Should such structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- G. **Conditional use interpretation.** Any conditional use as provided for in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

7.5 Board of Appeals

- A. **Established; purpose.** In order that the objectives of this chapter may be fully and equitably achieved, that a means shall be provided for competent interpretation of this chapter, that adequate but controlled flexibility be provided in the application of this chapter, that the health, safety, and welfare of the public is secured, and that justice be done, there is hereby established a zoning board of appeals (ZBA).
- B. **Composition; term of office; filling of vacancies; alternate members.**
1. The zoning board of appeals shall perform its duties and exercise its powers as provided in section 5 of Act No. 207 of the Public Acts of Michigan of 1921 (Michigan Zoning Enabling Act, PA 110 of 2006), as amended. The ZBA shall consist of seven members, nominated by and with the consent of the village council.
 - a. The first member of the ZBA shall be a member of the planning commission.
 - b. The remaining six members shall be residents of the village and shall be qualified and registered electors of the village at the time of appointment and throughout their tenure of office.
 - c. An employee or contractor of the village may not serve as a member of the ZBA.
 - d. Term of appointments shall be as follows: three members appointed for a period of one year; two members appointed for a period of two years; and two members appointed for a period of three years, respectively. Thereafter, each member is to hold office for a full three-year term.
 - e. Any appointive vacancies in the ZBA shall be filled by the village council for the remainder of the unexpired term.

2. The village council shall appoint two alternate members to the ZBA. Such appointments shall be as follows: One alternate member shall be appointed for a period of two years and the second alternate shall be appointed for a period of three years; thereafter, each alternate member shall hold office for a full three-year term. Any vacancies in the alternative membership of the board shall be filled by appointment by the village council for the remainder of the unexpired term. The alternate members shall:
 - a. Sit as regular members of the ZBA in the absence of a regular member if a regular member is absent from, or unable to, attend two or more consecutive meetings of the ZBA, or for a period of more than 30 consecutive days.
 - b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest, or due to an immediate, unnotified absence of a regular member. The alternate member having been appointed shall serve in the case until a final decision has been made.

Alternate members shall have the same voting rights as a regular member of the ZBA. Whenever possible, these two alternates should be provided the opportunity to rotate as members of the ZBA.

- C. **Removal of members.** Appointed members of the zoning board of appeals may be removed for nonperformance of duty or misconduct in office by the village council only after consideration of written charges and a public hearing. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.
- D. **Officers; meetings; hearings; quorum; subpoena powers.**
 1. The zoning board of appeals shall annually elect its own chairperson and vice-chairperson.
 2. All meetings of the zoning board of appeals shall be held at the call of the chairman and at such times as the board may determine.
 3. All hearings conducted by the ZBA shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member in question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the village clerk, which shall be a public record.
 4. The ZBA shall not conduct business unless a majority (four) of the members are present.
 - a. The concurring vote of a majority (four) of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance.
 - b. A concurring vote of two-thirds, or five, of the board members shall be necessary in order to grant a variance from uses of land permitted by this chapter.
 5. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

E. **Appeal and notice requirements.**

1. An appeal from the application or enforcement of this Chapter may be taken to the zoning board of appeals by any person, or by any officer, department, board, or bureau affected by a decision of the zoning administrator or public body charged with enforcement. Such appeal shall be taken within such time as shall be prescribed by the ZBA by general rule, by filing with the zoning administrator and with the ZBA a notice of appeal, specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.
2. The zoning board of appeals shall select a reasonable time and place for the hearing of the appeal and give due notice of the appeal to the parties, and to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single-family and two-family dwellings within 300 feet, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment role. The ZBA shall decide the appeal within a reasonable time. If the tenant's name is unknown, the term occupant may be used. Public notice of the time, date, and place of the hearing shall also be given in the manner required by Act No. 267 of the Public Acts of Michigan of 1976 (MCL 15.261 et seq.), as amended, and by insertion in a newspaper of general circulation in the village 15 days prior to such hearing date. Such notice shall contain the address, if available, and the location of the property for which the ruling of the ZBA is sought, as well as a brief description of the nature of the appeal. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. Written comments submitted to the chairperson shall become part of the public record.
3. No appeal of special conditions shall be taken to the ZBA from a decision of the planning commission and village council in connection with a special condition use or planned unit development.
4. For projects requiring site plan review, as required by [Site plan review §6.1](#), no appeal shall be taken to the ZBA for a dimensional variance of the Zoning Ordinance until the Planning Commission has reviewed the site plan.

- F. **Jurisdiction.** The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or public body from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the ZBA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done. Nothing contained in this article shall be construed to give or grant to the zoning board of appeals the authority to make changes in the zoning ordinance or the zoning map, such power and authority being reserved to the village council in the manner provided by law.

- G. **Powers and duties.** The zoning board of appeals shall have the following specified powers and duties:
1. **General Appeal.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by any administrative official or public body in carrying out or enforcing any provisions of this chapter.
 2. **Interpretation.** To hear and decide in accordance with the provisions of this chapter:
 - a. Appeals for the interpretation of the provisions of this chapter.
 - b. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject.
 3. **Variances; dimensional, use.**
 - a. **Dimensional.** The ZBA shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, sign regulations, and other similar requirements as specified in this chapter. To obtain a variance, the applicant must show practical difficulty by demonstrating:
 - I. Whether strict compliance with area, setbacks, frontage, height, bulk, or density requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
 - II. Whether a variance would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 - III. Whether the plight of the owner is due to the unique circumstances of the property; and
 - IV. Whether the problem is self-created.
 - b. **Use.** A grant by the board of zoning appeals for the permission to use property for a use not otherwise permitted in the zoning district in which the property is located. In making a decision on a use variance request, the board of zoning appeals must ensure that the spirit of this chapter is observed, public safety secured, and substantial justice done. In granting such use variances, the board of zoning appeals shall require the petitioner to show that a hardship exists by demonstrating that all four of the following circumstances exist:
 - I. That the property cannot be used for any of the uses permitted in the district in which it is located. This means that none of the uses (by right of special use permit) allow a reasonable economic return on the use of the property.
 - II. That the plight of the property owner is due to unique circumstances peculiar to the property, i.e., odd shape or a natural feature like a stream or wetland, and is not due to general neighborhood conditions.
 - III. That the proposed use would not alter the essential character of the area.
 - IV. That the problem was not self-created.

4. **Approval of temporary buildings and uses.** The ZBA shall have the power to grant permits authorizing temporary building or land uses for:
 - a. Seasonal sales of produce, firewood or Christmas trees, and similar uses, under the following conditions:
 - I. Zoning districts where permitted. Temporary uses shall be restricted to nonresidential zoning districts.
 - II. Application and submittal requirements. The application for a temporary use permit shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:
 - i. The shape, location, and dimensions of the lot, including the shape, size and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
 - ii. The materials to be utilized in and the shape, size and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands or display racks.
 - iii. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.
 - III. Time limitations.
 - i. A temporary use permit for the sale of Christmas trees shall by its terms be effective for no longer than 30 days. No more than one temporary use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.
 - ii. A temporary use permit for a vegetable, fruit or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than three months. No more than one temporary use permit for such uses shall be issued for any given location within a single calendar year.
 - b. The temporary location of a premanufactured building or sales trailer in new subdivisions for periods not to exceed six months, provided:
 - I. The use shall be only for offices for the specific purpose of selling lots or new homes to be erected in the subdivision;
 - II. All applicable building height, bulk, and area requirements of the district are met; and
 - III. The structure shall be removed from the subdivision upon completion of the first permanently built model home intended for display, but in no case shall the premanufactured dwelling remain beyond the time limitation specified above.
 - c. Location of temporary buildings and uses for periods not to exceed two years in undeveloped sections of the village, with the granting of 12-month extensions being permissible, provided the conditions set forth in this section are met. In no instance shall a permit be extended when the property surrounding the temporary use has developed during the life of the temporary permit.

- d. Uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not to exceed 12 months, provided the conditions set forth in [subsection G.5](#) of this section are met.
 - I. In classifying uses as not requiring capital improvement, the zoning board of appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to, golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.
 - II. This subsection does not apply to uses on private property in nonresidential zoning districts which do not exceed 72 hours in total duration. Such uses shall constitute temporary events and shall require the issuance of a permit by the zoning administrator or his/her designee. A temporary event permit may be issued for eight non-consecutive events per year, per location, and shall require the following information, terms and conditions prior to issuance and approval:
 - i. A detailed description of the proposed event shall be provided which includes the date and time period of the event, and the signature of the property owner authorizing the temporary event.
 - ii. A detailed plot plan must be provided indicating the location, size and construction material of any temporary structures (such as tents, canopies, tables, booths).
 - iii. A detailed description of proposed parking for the temporary event, ensuring that traffic and pedestrian safety will be maintained.
 - iv. The temporary event and any corresponding temporary structures must be restricted to private property and shall not interfere with other neighboring uses.
 - v. Temporary signage for the event must comply with the provisions contained in [subsection G of Signs §5.13](#).
- 5. **Standards for approval for temporary uses.** A temporary use permit shall only be granted if the ZBA determines that the proposed use, including the erection of any temporary building or structure, will:
 - a. Provide adequate light and ventilation between buildings and structures.
 - b. Provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking.
 - c. Provide adequate lot access for fire protection purposes.
 - d. Not adversely affect the stability and integrity of the zoning plan prescribed by this chapter or otherwise interfere with the protection of public health, safety and general welfare.
 - e. Not be incompatible with or otherwise adversely affect the physical character of the community.
 - f. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking.



- g. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of such temporary permit.
 - h. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this chapter. Further, the board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.
- H. **Attachment of conditions.** The zoning board of appeals may impose conditions upon an affirmative decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
- 1. Be designed to protect natural resources, the public health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 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 regulations; be related to the standards established in this chapter for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 - 4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.
- I. **Fees.** The village council may from time to time prescribe and amend, by resolution, a reasonable schedule of fees to be charged to applicants for zoning board of appeals proceedings. At the time an application is filed, such fee shall be paid to the village.
- J. **Rehearings.**
- 1. The zoning board of appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason which produced and supported it, and no vested rights have intervened.
 - 2. The decision of the ZBA shall be final. However, a person having an interest affected by the zoning ordinance may appeal to circuit court.

K. Invalidation of variance.

1. No order of the zoning board of appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
2. No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided however, that where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Δ [Ord. No. 231-261](#)

7.6 Enforcement

The provisions of this chapter shall be administered and enforced by the zoning administrator or by such deputies of his department as the zoning administrator may delegate to enforce the provisions of this chapter.

7.7 Duties of zoning administrator

- A. The zoning administrator shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the zoning administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until such plans have been inspected in detail and found to conform with this chapter.
- B. Under no circumstances is the zoning administrator permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out his duties as zoning administrator.
- C. The zoning administrator shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant, despite violations of contracts, such as covenants or private agreements which may occur upon the granting of such permit.

7.8 Plot plan

The zoning administrator shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- A. The actual shape, location, and dimensions of the lot.
- B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.



7.9 Permit requirements

The following shall apply in the issuance of any permit:

- A. Permits not to be issued. No building permit shall be issued for the erection, alteration or use of any building, structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.
- B. Permits for new use of land. No land heretofore vacant shall hereafter be used or an existing use of land be changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- C. Permits for new use of buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- D. Permits required.
 1. No building or structure, or part thereof, shall be erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms altered and repaired shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the village building code, housing law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
 2. No signs, parking lots, swimming pools or canopy/awnings shall be constructed, altered, erected or enlarged until a permit has been secured from the building department.
- E. Approval of temporary buildings and uses. The Zoning Administrator shall have the power to grant permits authorizing temporary building or land uses for:
 1. Seasonal sales of produce, firewood or Christmas trees, and similar uses, under the following conditions
 - a. Zoning districts where permitted. Temporary uses shall be restricted to nonresidential zoning districts.
 - b. Application and submittal requirements. The application for a temporary use permit shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:
 - I. The shape, location, and dimensions of the lot, including the shape, size and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
 - II. The materials to be utilized in and the shape, size and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands or display racks.
 - III. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

- c. Time limitations.
 - I. No more than one temporary use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.
 - II. A temporary use permit for a vegetable, fruit or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than three months. No more than one temporary use permit for such uses shall be issued for any given location within a single calendar year.
- 2. The temporary location of a premanufactured building or sales trailer in new subdivisions for periods not to exceed six months, provided.
 - a. The use shall be only for offices for the specific purpose of selling lots or new homes to be erected in the subdivision;
 - b. All applicable building height, bulk, and area requirements of the district are met; and
 - c. The structure shall be removed from the subdivision upon completion of the first permanently built model home intended for display, but in no case shall the premanufactured dwelling remain beyond the time limitation specified above.
- 3. Location of temporary buildings and uses for periods not to exceed two years in undeveloped sections of the village, with the granting of 12-month extensions being permissible, provided the conditions set forth in this section are met. In no instance shall a permit be extended when the property surrounding the temporary use has developed during the life of the temporary permit.
- 4. Uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not to exceed 12 months, provided the conditions set forth in [subsection F](#) of this section are met.
 - a. In classifying uses as not requiring capital improvement, the Zoning Administrator shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to, golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.
 - b. This subsection does not apply to uses on private property in nonresidential zoning districts which do not exceed 72 hours in total duration. Such uses shall constitute temporary events and shall require the issuance of a permit by the Zoning Administrator or his/her designee. A temporary event permit may be issued for eight non-consecutive events per year, per location, and shall require the following information, terms and conditions prior to issuance and approval:
 - I. A detailed description of the proposed event shall be provided which includes the date and time period of the event, and the signature of the property owner authorizing the temporary event.
 - II. A detailed plot plan must be provided indicating the location, size and construction material of any temporary structures (such as tents, canopies, tables, booths).

- III. A detailed description of proposed parking for the temporary event, ensuring that traffic and pedestrian safety will be maintained.
 - IV. The temporary event and any corresponding temporary structures must be restricted to private property and shall not interfere with other neighboring uses.
 - V. Temporary signage for the event must comply with the provisions contained in [subsection G of Signs §5.13](#).
- F. Standards for approval for temporary uses. A temporary use permit shall only be granted if the Zoning Administrator determines that the proposed use, including the erection of any temporary building or structure, will:
 - 1. Provide adequate light and ventilation between buildings and structures.
 - 2. Provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking.
 - 3. Provide adequate lot access for fire protection purposes.
 - 4. Not adversely affect the stability and integrity of the zoning plan prescribed by this chapter or otherwise interfere with the protection of public health, safety and general welfare.
 - 5. Not be incompatible with or otherwise adversely affect the physical character of the community.
 - 6. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking.
 - 7. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of such temporary permit.

Δ [Ord. No. 231-260](#)

7.10 Final inspection

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof shall notify the zoning administrator immediately upon the completion of the work authorized by such permit for a final inspection.

7.11 Fees

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this chapter may be collected by the zoning administrator in advance of issuance. The amount of such fees shall be established by resolution of the village council and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

7.12 Planning commission

- A. **Authority.** The planning commission is hereby designated as the commission specified in section 4 of Act No. 207 of the Public Acts of Michigan of 1921 (Michigan Zoning Enabling Act, PA 110 of 2006), as amended, and shall perform the zoning duties of such commission as provided in the statute in connection with the amendment of this chapter.
- B. **Conditions for approval of use.** In cases where the planning commission is empowered to approve certain use of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the planning commission for the proper consideration of the matter. The planning commission shall investigate the circumstances of each such case and shall notify such parties who may in its opinion be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- C. **Rezoning criteria.** The planning commission shall consider not less than the following criteria in its evaluation of a petition to rezone property within the Village of Milford, prior to making its recommendation to the village council in accordance with section 4 of Act 207 of the Public Acts of Michigan of 1921, as amended.
 1. The planning commission should first consider whether or not the map change is appropriate; that is, whether the proposed use could be better accommodated by amending the zoning ordinance text itself to allow the use as permitted use or as a special condition land use.
 2. The applicant should demonstrate that there is evidence of a changed condition. This evidence can be provided in terms of an evaluation of land use trends in the vicinity or through the submittal of a marketing study.
 3. The rezoning request should be evaluated for consistency with the adopted master plan. This includes the future land use plan map, any adopted sub-area development plan, as well as for consistency with the master plan narrative.
 4. The proposed zoning should be evaluated for its compatibility with the existing land use pattern. The community should ask itself if uses in the proposed zone are equally, less, or better suited to the area.
 5. The evaluation of the rezoning should also consider if the proposed use could be built on the subject site if it were to be rezoned. Is the parcel size sufficient? Are there few environmental restrictions (i.e., soils, wetlands, floodplains, etc.) that would make the site buildable or are they showing that the property cannot be used as presently zoned due to these limitations?
 6. Is the site served by adequate public facilities or is the petitioner able to provide them?
 7. Are there sites nearby already properly zoned that can be used for the intended purposes?
 8. Is the proposal consistent with the established zoning pattern or does it represent spot zoning? For purposes of this ordinance, spot zoning shall be defined as the assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel, intended to benefit a particular property owner, which is incompatible with the surrounding area and is also in violation of the community's master plan.
 9. Would a lesser district classification be more appropriate; that is, the petitioner may want a B-3 district; however, a B-2 district may permit the proposed use.

10. The community should evaluate whether other local remedies are available which are better suited to the circumstances of the petition, such as the granting of a use variance (refer to [Board of Appeals §7.5.D.4.b](#)).
- D. **Unlisted Uses.** In order to ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission shall determine whether a use not specifically listed as a permitted, accessory or special use in a district shall be deemed a permitted, accessory or special use in one or more districts on the basis of similarity to uses specifically listed.
1. Qualification Criteria.
 - a. The Building Official shall only consider a request for similar use determination if the requested use is specifically not listed as a principal permitted use or permitted after special approval in the O-1, B-2, B-3, and I districts..
 - b. Uses that are not specifically listed in the O-1, B-2, B-3, and I districts either as a principal permitted use or permitted after special approval shall be considered for unlisted use determination by the Planning Commission subject to conditions listed in this section.
 2. Application Requirements. The request for any new or unlisted use shall be accompanied by the following:
 - a. A statement of facts listing the nature of the use, including, but not limited to, whether it involves dwelling activity, sales, processing, type of project, storage, enclosed or open storage, anticipated employment, and the amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
 - b. A site plan may be required by the Building Official, if necessary, for proper consideration of the factors listed in this section.
 3. Standards of Approval. In making such a determination, the Planning Commission shall hold a public hearing and consider the following before making a determination:
 - a. In the evaluation of proposed use, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, parking requirements, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics.
 - b. The Planning Commission shall consider whether the proposed use changes the character of the use district as contemplated by the terms of this Ordinance.
 - c. The Planning Commission shall consider whether the proposed use would adversely affect the public health, safety, and welfare of the community at large.
 4. Conditions of Approval. If the Planning Commission determines that the proposed use is similar to and compatible with permitted uses in the district, the commission shall then decide whether the proposed use shall be a permitted use, as a special land use, or as a permitted accessory use subject to the following conditions listed below:
 - a. The proposed use shall be subject to the dimensional standards for the district in which it is located.
 - b. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

- c. The proposed use shall be subject to the review and approval requirements for a site plan and/or a special land use approval whichever is applicable as determined by the Planning Commission.
5. Record of Action. A record shall be kept of all uses, conditions, and standards which are approved under the terms of this section. Once a specific use has been permitted, said type of use may be established within the district, subject to any pertinent conditions and standards without further recourse to the procedures of this section.

Δ [Ord. No. 231-243](#)

Appendix A - Schedule of Amendments

A.1 Zoning Map Amendments

This section includes amendments to the official zoning map of the village, which is not laid out herein, but has been included by reference in [District boundaries §1.4](#).

The amendments listed in this table that were made prior to the 2021 conversion should be confirmed with the Village.

Table A.1			
Zoning Map Amendments			
Date	Ordinance	Parcel No.	Description of Change
2-5-96	228-022, § 2	16-10-376-002	Changed from R-1, Single-Family Residential to O-1, Office
8-5-96	228-003, § 2	16-11-304-009	Changed from I-1, Light Industrial to O-1, Office
7-21-97	231-003, § 2	16-11-304-006	Changed from R-4, Single-Family Residential, to P-1, Vehicular Parking District
8-4-97	97-04, § 2	16-03-326-003	Changed from O-1, Office, to R-3.5, Single Family Residential
8-3-98	231-044, § 2	16-10-351-006, 007, 008, 009 and 010; 16-10-376-003, 004, 012, and 015; 16-15-101-020	Changed from R-1, Single-family Residential to R-3, Single-family Residential
3-1-99	231-019, § 2	16-10-451-011	Changed from B-2, Community Business District, to B-3, General Business District
6-21-99	231-018, § 2	16-10-151-002 and 16-10-301-005	Changed from R-2 (Single Family Residential) to PR (Parks and Recreation District)
6-21-99	231-018, § 2	16-10-301-007 and 16-10-301-004	Changed from R-1 (Single Family Residential) to PR (Parks and Recreation District)

Table A.1			
Zoning Map Amendments			
Date	Ordinance	Parcel No.	Description of Change
6-21-99	231-018, § 2	16-10-279-003, 16-10-279-004, 16-10-279-005, 16-10-279-006, 16-10-279-009 and 16-10-279-011	Changed from I-1 (Light Industrial) and R-3 (Single Family Residential) to PR (Parks and Recreation District)
6-21-99	231-021, § 2	16-10-351-005	Changed from R-1 to R-3, Single Family Residential
11-15-99	231-028, § 2	16-11-302-003	Changed from R-4 (Single-Family) to O-1 (Office)
11-1-99	231-029, § 2	16-11-377-002	Changed from R-3.5 (Single-Family) to RM-1 (Multiple Residential)
12-18-00	231-053, § 2	16-02-379-003	Changed from R-4 (Single-Family Residential) to RT (Two-Family Residential)
2-3-03	231-083, § 1	16-10-251-002—004, 006, 007; 16-10-252-005, 007—010, 012, 017, 019, 020—026; 16-10-276-002—006, 009, 011, 012, 015—019, 022—024; 16-10-277-017—021, 023, 024, 034	Changed from R-3 (Single-Family Residential) to R 3.5 (Single-Family Residential)
4-18-05	231-096, § 2	16-03-453-068	Changed from R-3.5, Single-Family Residential to O-1, Office and P-1 Parking
2-22-05	231-100, § 2	16-10-229-009	Changed from O-1, Office to B-2, Community Business
1-5-04	231-101, § 2	16-03-326-015	Changed from O-1, Office to RM-1, Multiple Family

Table A.1			
Zoning Map Amendments			
Date	Ordinance	Parcel No.	Description of Change
2-2-04	231-102, § 2	16-11-401-046	Changed from I-1, Light Industrial to R-3.5, Single-Family Residential
1-3-06	231-108, § 2	16-03-476-016	Changed from RM-1, Residential Multiple and I-1, Light Industrial to B-2, Community Business
4-13-06	231-112, § 2	16-10-426-001, 003, 004 and 005	Rezoned from R-4, Single-Family Residential to T-Townhouse Residential
9-4-07	231-124, § 2	16-11-204-028	Rezoned from R-4, Single-Family Residential to B-3, General Business
9-21-15	231-198, § 1	16-02-355-001 and 16-02-356-001	Rezoned from R-4, One-Family Residential District to PUD, Planned Unit Development
6-5-23	231-253, § 1	16-10-431-004	Rezoned from L-I, Light Industrial to B-2, Central Business District



A.2 Ordinances to Amend Chapter 94 of the Code of Ordinances of the Village of Milford

Ord. No. 231-242

Adopted August 1, 2022, Effective August 25, 2022

Section No.	Description
Section 2.2	Definitions, Wireless communications facilities * (amended)
Section 4.45	Wireless communication facilities (amended)

Ord. No. 231-243

Adopted August 1, 2022, Effective August 25, 2022

Section No.	Description
Section 7.12	Planning commission, subsection D Unlisted Uses (amended)

Ord. No. 231-246

Adopted February 21, 2023, Effective March 23, 2023

Section No.	Description
Section 2.2	Definitions, Porch (amended)
Section 2.2	Definitions, Balcony , Porch, covered , and Porch, enclosed (added)

Ord. No. 231-247

Adopted February 21, 2023, Effective March 23, 2023

Section No.	Description
Section 3.20	Porches (amended)

Ord. No. 231-248

Adopted February 21, 2023, Effective March 23, 2023

Section No.	Description
Section 3.2	Notes to schedule of regulations (repealed and replaced) - driveway spacing

Ord. No. 231-249

Adopted February 21, 2023, Effective March 23, 2023

Section No.	Description
Section 5.6	Off-street parking and loading (repealed and replaced) - driveway spacing

Ord. No. 231-250

Adopted February 21, 2023, Effective March 23, 2023

Section No.	Description
Section 2.2	Definitions, Sign * (repealed and replaced)

Ord. No. 231-251

Adopted February 21, 2023, Effective March 23, 2023

Section No.	Description
Section 5.13	Signs (repealed and replaced)

Ord. No. 231-254

Adopted September 5, 2023, Effective September 14, 2023

Section No.	Description
Section 5.7	Lighting (repealed "Exterior Lighting" and replaced)

Ord. No. 231-255

Adopted September 5, 2023, Effective September 14, 2023

Section No.	Description
Section 6.1	Site plan review (amended)

Ord. No. 231-256

Adopted September 5, 2023, Effective September 14, 2023

Section No.	Description
Section 2.2	Definitions, Canopy ; Lighting* ; Loading area (added)

Ord. No. 231-259

Adopted April 15, 2024, Effective April 25, 2024

Section No.	Description
Section 2.2	Definitions, Accessory use or accessory ; Principal use (amended)

Ord. No. 231-260

Adopted April 15, 2024, Effective April 25, 2024

Section No.	Description
Section 7.9	Permit requirements (amended)

Ord. No. 231-261

Adopted April 15, 2024, Effective April 25, 2024

Section No.	Description
Section 7.5	Board of Appeals (amended)

