

Zoning Ordinance



Village of Grass Lake Jackson County, Michigan





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ARTICLE 1
ENACTING CLAUSE TITLE AND PURPOSE

SECTION 1.1 -- ENACTING CLAUSE

An Ordinance adopted under the authority of, and in accordance with the provisions of the City and Village Zoning Act 207 of the 1921 Public Acts of Michigan, to establish comprehensive zoning regulations for the Village of Grass Lake, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 -- TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Village of Grass Lake." The Zoning Map referred to herein is entitled "Zoning Map, Village of Grass Lake."

SECTION 1.3 -- PURPOSES

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces, surrounding buildings, and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission and the Village of Grass Lake;
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning districts;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people; and
- J. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE 2

GENERAL PROVISIONS

SECTION 2.1 -- SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Article 3 of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Article 3 of this Ordinance.

SECTION 2.2 -- DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; the words used in the singular number includes the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely suggestive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied. Any words not herein defined shall be construed as defined in the Housing Code of Michigan, being Act 167 of the Public Acts of 1917, as amended. Definitions are as follows:

1. Definitions beginning with "A" shall be as follows:
 - a. **Accessory Structure:** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
 - b. **Accessory Use:** A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and e) is located on the same lot as the principal building or use served.
 - c. **Adult Uses:** The definition of adult uses specifies the following types of establishments:

- 1) Adult bookstore: An establishment that has as a substantial portion of its stock and trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- 2) Adult Cabaret: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- 3) Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- 4) Adult Theater: A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified sexual activities or specified anatomical areas.
- 5) Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as a secondary or accessory service.
- 6) Specified Anatomical Areas: As used herein, specified anatomical areas means and includes any of the following:
 - a) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
 - b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 7) Specified Sexual Activities: As herein, specified sexual activities means and includes any of the following:
 - a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

- b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.
- d. **Alley:** A public or private way permanently reserved as a secondary means of access to abutting property. Alley is not included within "highway" as herein defined.
- e. **Alteration:** Any change, addition, or modification in construction or occupancy of an existing structure such as walls, partitions, columns, beams or girders.
- f. **Amusement Arcade:** A building or part of a building in which ten (10) or more pinball machines, video games, or other similar coin-operated devices are maintained, unless such premises are licensed to serve alcohol.
- h. **Automobile Repair Garage:** Any premises used for storage of motor vehicles, or where such vehicles are repaired, rebuilt, sold or kept for sale or hire.
- i. **Auto Washing Station:** An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. For purposes of this Ordinance, auto washing stations shall be considered under the same regulations as for drive-in and drive-thru businesses.
- j. **Automobile Wrecking Yard:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard.

2. Definitions beginning with "B" shall be as follows:

- a. **Bed and Breakfast Establishment:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the bed and breakfast establishment shall live on the premises.
- b. **Buffer Area:** A landscaped area intended to separate and partially or totally obstruct the view of two adjacent land uses or properties from one another.
- c. **Building:** An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

3. Definitions beginning with "C" shall be as follows:

- a. **Clinic:** A building designed for the diagnosis and treatment of human patients that does not include overnight care facilities.
- b. **Commercial Use:** The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services and the maintenance or operation thereon of offices or recreation or amusement enterprises.

- c. **Communications Tower:** A radio, telephone, cellular telephone, or television relay structure or skeleton framework, or monopole attached directly to the ground or another structure, used for transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. This definition shall *not* include dishes, antennas, aerials, or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premise, such as amateur radio or two-way communication and/or dispatch systems for internal business or family use, and that does not exceed the height limitations for the appropriate zoning district. {Effective, January 17, 2000}.
 - d. **Conditional Use:** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.
4. Definitions beginning with “D” shall be as follows:
- a. **Day Care Facility:** A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the state under Act Number 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358 (11) et seq.), as amended, and the associated rules of the state department of social services. Such organizations are further defined as follows:
 - 1) *Family child day care home* means a private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
 - 2) *Group child day care home* means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
 - 3) *Child care center* means a facility, other than a private residence, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. “Child care center” does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. (Effective September 27, 1999.)

- b. **Dead Storage:** Goods not in use and not associated with any office, retail, or other business use on the premises. (Effective October 6, 1994, renumbered September 27, 1999).
- c. **Directional Sign:** An on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g. parking or exit and entrance signs (see Figure 5). (Effective September 27, 1999.)
- d. **Drive-In/Drive-Thru Business:** An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.
- e. **Dwelling:** A building, including a mobile or modular home, or portion thereof that provides living facilities for one or more families. Garage space, whether in an attached or detached garage shall not be deemed a part of a dwelling in the calculation of floor area. In no case shall a tent, recreational vehicle, camper trailer, or any similar structures be considered a dwelling.
 - 1) *Apartment:* An apartment is an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by a common stair landing or walkway. Apartments are typically rented by the occupants, but may be condominiums. Apartment buildings often may have a central heating system and other central utility connections. Apartments are also commonly known as garden apartments or flats.
 - 2) *Dwelling Unit:* One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and separate facilities for cooking and sleeping.
 - 3) *Efficiency Apartment:* A unit within a multiple-family structure which contains no space specially set aside to accommodate sleeping quarters. Sleeping quarters shall not include storage closets, kitchens, laundry rooms, living rooms, or any other areas not commonly associated with bedroom facilities.
 - 4) *Live-Work:* A building unit that contains a dwelling unit on the upper floor above a first floor space under the same ownership that can be used for a retail, service or office use. Livework units may be attached to other similar units.
 - 5) *Manufactured Home:* A dwelling which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.
 - 6) *Multiple-Family Building:* A building, or portion thereof, used or designed as residences for three (3) or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided. This definition includes three-family houses, four-family houses, and apartment houses.
 - 7) *Single Family:* A detached building or manufactured home designed exclusively for the complete living accommodations of one (1) family, and containing one (1) dwelling unit only.

- 8) *Two-Family:* A detached building, designed for or occupied exclusively by two (2) families living independently of each other. May also be termed as a duplex.
- 9) *Townhouse:* A self-contained dwelling unit attached to a dwelling unit with party or common walls, designed as part of a series of three or more dwelling units, each with:
 - a) A separate entryway with direct access to the outdoors at ground level;
 - e) Defined front and rear yards;
 - b) Each dwelling shall comprise of a single unit from the lowest floor to the highest floor between the common walls;
 - c) A separate basement, if applicable, and;
 - d) A separate utility connections. (Amended, effective May 20, 2009.)

5. Definitions beginning with “E” shall be as follows:

- a. **Erected:** Includes built, constructed, reconstructed, moved upon, and physical operations on the land required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.
- b. **Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

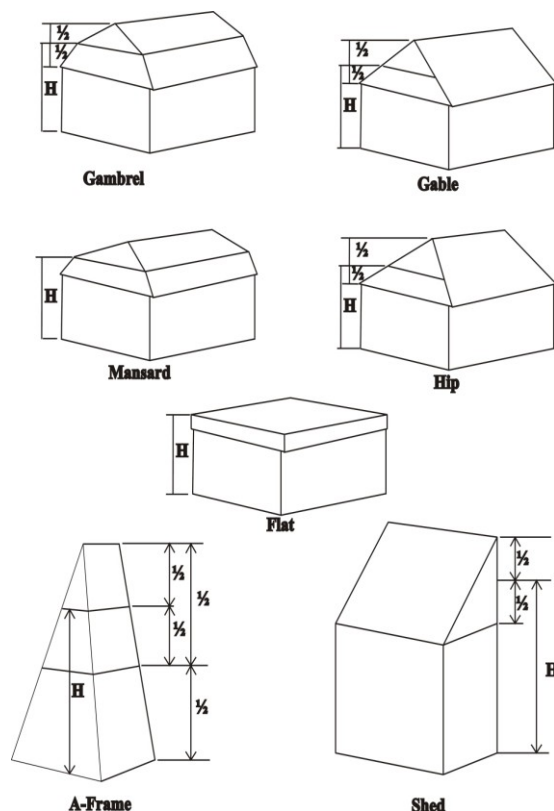
6. Definitions beginning with “F” shall be as follows:

- a. **Family:** One or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit. Further, a family is defined as a collective number of individuals living in one house and under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort seasonal in character or nature.
- b. **Fence:** Any artificially-constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- c. **Flag Lot:** A lot with access provided to the bulk of the lot by means of a narrow corridor (see Figure 2). (Effective September 27, 1999.)
- d. **Floor Area, Gross:** The sum of the areas of the several floor of a building, including areas used for human occupancy as measured from the exterior faces of the walls. It does not include cellars, basements, unenclosed porches, or attics or any floor space in accessory buildings or in the main building intended and designed for the parking of

motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

- e. **Frontage:** The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way or any private road used for street purposes (see Figure 3). (Amended, effective January 7, 1994, amended, effective September 7, 1995, and amended, effective September 27, 1999.)
7. Definitions beginning with “G” shall be as follows:
 - a. Reserved for future use.
 8. Definitions beginning with “H” shall be as follows:
 - a. **Height, Building:** The vertical distance measured from the elevation of the average grade around the building to the roof as follows:
 - 1) To the average height between eaves and ridge for gable, hip, and gambrel roofs;
 - 2) To the highest point of the roof surface for flat roofs;
 - 3) To the deck line of mansard roofs; and
 - 4) To the average height between the lowest point and the highest point on a shed roof (see Figure 1). (Amended, effective May 20, 2009.)

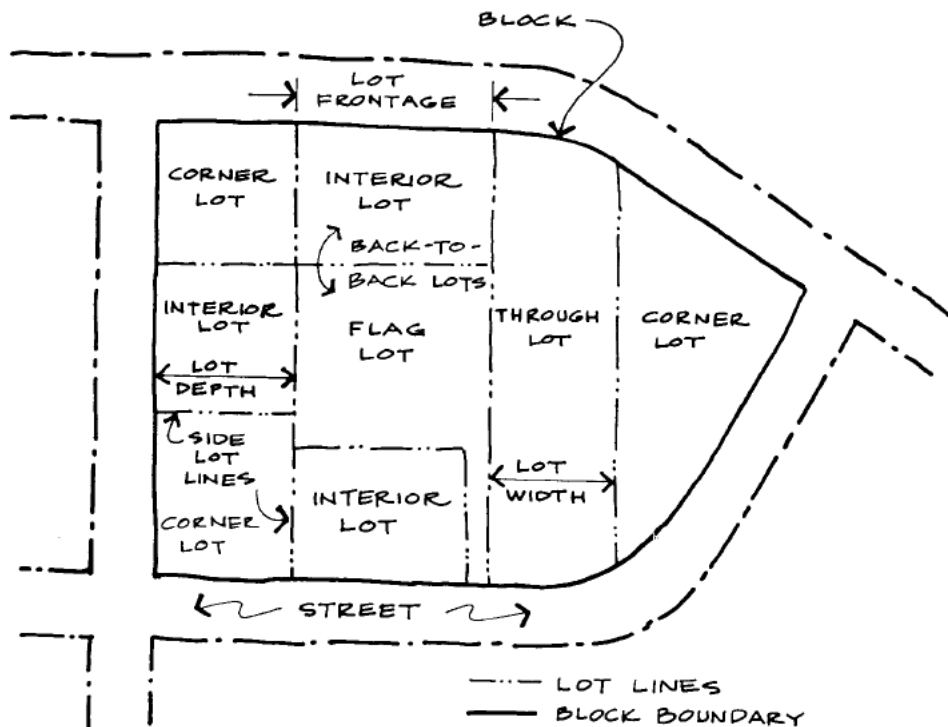
Figure 1 – Building Height



- b. **Highway:** Any public thoroughfare or street except alleys, including Federal, State, or County roads and those appearing on recorded plats.
 - c. **Home Business:** An incidental and secondary use of a residence for business purposes. It is a permitted use in all residential zoning districts when it meets the standards listed in Section 5.8 of this Ordinance. Examples of home businesses include, but are not limited to, the following: dressmaking, handicrafts, secretarial services, tutoring (limited to six (6) students), a consultant's office, and the office facility of a sales representative provided that no transactions are made in person on the premises. (Amended, effective September 27, 1999.)
9. Definitions beginning with "I" shall be as follows:
- a. Reserved for future use.
10. Definitions beginning with "J" shall be as follows:
- a. Reserved for future use.
11. Definitions beginning with "K" shall be as follows:
- a. **Kennel:** Any facility, except a duly licensed pet shop, where three (3) or more dogs are kept for breeding, sale, sporting, boarding, or training purposes, for remuneration. (Effective September 27, 1999.)
12. Definitions beginning with "L" shall be as follows:
- a. **Landscaping Terms:**
 - 1) **Berm** - a planted earthen mound for the purpose of providing screening between conflicting land uses.
 - 2) **Landscaped strip** - a strip of land of definite width and location reserved for building a berm and/or the planting of shrubs and/or trees to serve as an obscuring screen in carrying out the requirements of this Ordinance.
 - 3) **Screening** - the method by which a view or sound of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.(Effective September 27, 1999.)
 - b. **Lot:** A piece or parcel of land occupied by a building and its accessory buildings, or by any other activity permitted thereon and including the open spaces required by this Ordinance and having its frontage upon a public street or any private road used for street purposes. A lot may or may not be specifically designated as such on public records. This definition shall not apply to condominium projects as regulated in Section 5.17. (Amended, effective January 7, 1994 and amended, effective December 8, 1994).
 - c. **Lot, Corner:** A lot abutting on and at the intersection of two or more streets or highways (see Figure 2). (Amended, effective September 27, 1999.)

- d. **Lot Coverage:** Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.
- e. **Lot Depth:** The average horizontal distance between the front and rear lot lines (see Figure 2). (Amended, effective September 27, 1999.)
- f. **Lot, Interior:** A lot other than a corner lot (see Figure 2). (Amended, effective September 27, 1999.)
- g. **Lot Line, Front:** On an interior lot, the lot line abutting a street; or, on a corner lot, both lot lines abutting streets; or, on a through lot, the lot line abutting the street providing primary access to the lot (see Figure 3). This definition shall not apply to condominium projects as regulated in Section 5.17 (Amended, effective January 4, 1994 and amended, effective September 27, 1999.)

Figure 2 - Lot Definitions

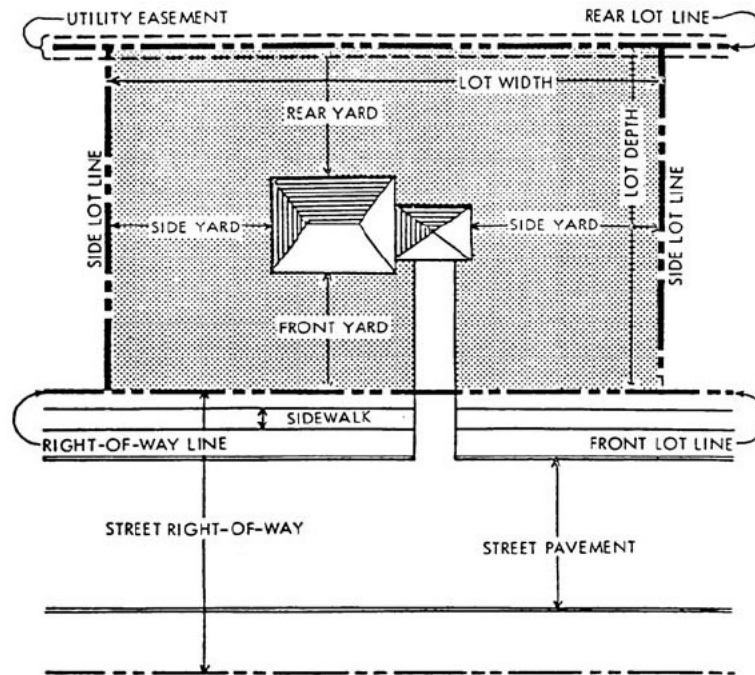


(Chart Effective September, 27, 1999)

- h. **Lot Line, Rear:** The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line (see Figure 3). This definition shall not apply to condominium projects as regulated in Section 5.17 (Amended, effective January 4, 1994 and amended, effective September 27, 1999.)
- i. **Lot Line, Side:** Any boundary of a lot that is not a front or rear lot line (see Figure 3). This definition shall not apply to condominium projects as regulated in Section 5.17 (Amended, effective January 7, 1994 and amended, effective September 27, 1999.)

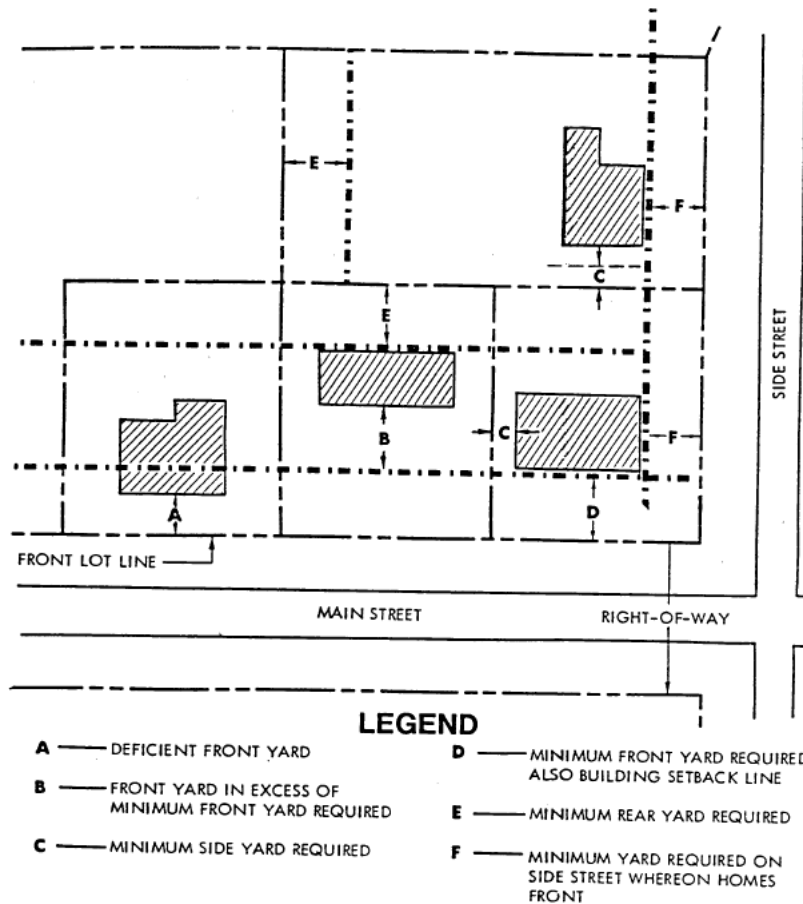
- j. **Lot of Record:** A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or in a plat.
- k. **Lot, Through:** A lot having its front and rear yards each abutting a street (see Figure 2). (Amended, effective September 27, 1999.)
- l. **Lot Width:** The width of a lot shall be the horizontal distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the required front setback line. The following provision shall also apply: the width between the side lot lines measured at the street right-of-way or private road shall not be less than eighty (80) percent of the required lot width or, forty (40) percent in the case of lots located on the turning circle of a cul-de-sac. (Amended, effective September 27, 1999 and amended, effective August 18, 2002)

Figure 3 - Lot Terms



(Chart Effective September 27, 1999)

Figure 4 - Yard Requirements



(Chart Effective September 27, 1999)

13. Definitions beginning with “M” shall be as follows:

- a. **Major Street:** Any street within the Village of Grass Lake designated as a Major Street pursuant to P.A. 51 of Michigan, of 1951 and amendments thereto.
- b. **Mini-Storage Warehousing:** A building or a group of buildings used primarily for the temporary dead storage of residential goods and wares as a result of their transfer from one point to another and/or the dead storage of residential goods and wares; commercial goods and wares; and industrial goods, wares, and commodities. (Effective October 6, 1994).
- c. **Mobile Home:** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include recreational vehicle.
- d. **Mobile Home Park:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made

therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

- e. **Mobile Home Subdivision:** A legally platted residential subdivision accommodating mobile homes.
- f. **Modular Home:** A pre-manufactured dwelling designed for permanent attachment to sanitary facilities in a residential district.
- g. **Monument or Ground Sign:** A sign supported by uprights or braces in or upon the ground surface (see Figure 5). (Effective September 27, 1999.)

14. Definitions beginning with “N” shall be as follows:

- a. **Non-Conforming Structure:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of this Ordinance in the zoning district in which it is located.
- b. **Non-Conforming Use:** A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

15. Definitions beginning with “O” shall be as follows:

- a. **Outdoor Storage of Material:** The keeping, in an area outside of any building, any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

16. Definitions beginning with “P” shall be as follows:

- a. **Planned Unit Development (PUD):** A form of development usually characterized by the flexible application of zoning district regulations and a unified site design for a number of housing units, clustering buildings, providing common open space. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site plan review, in which the Village will have considerable involvement in determining the nature of the development. (Effective September 27, 1999.)
- b. **Planning Commission:** Whenever in this Ordinance appear the words "Planning Commission" it shall mean the Planning Commission of the Village of Grass Lake, Michigan.
- c. **Primary Residence:** The place of residence of a person or family for at least one hundred (180) days out of a single calendar year.
- d. **Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.
- e. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.
- f. **Private Road:** An area of land which is privately owned, provides vehicular to more than one (1) lot and has not been dedicated to public use other than access by emergency and

public safety vehicles, and is maintained by its private owners. (Effective December 8, 1994).

17. Definitions beginning with “Q” shall be as follows:

- a. Reserved for future use.

18. Definitions beginning with “R” shall be as follows:

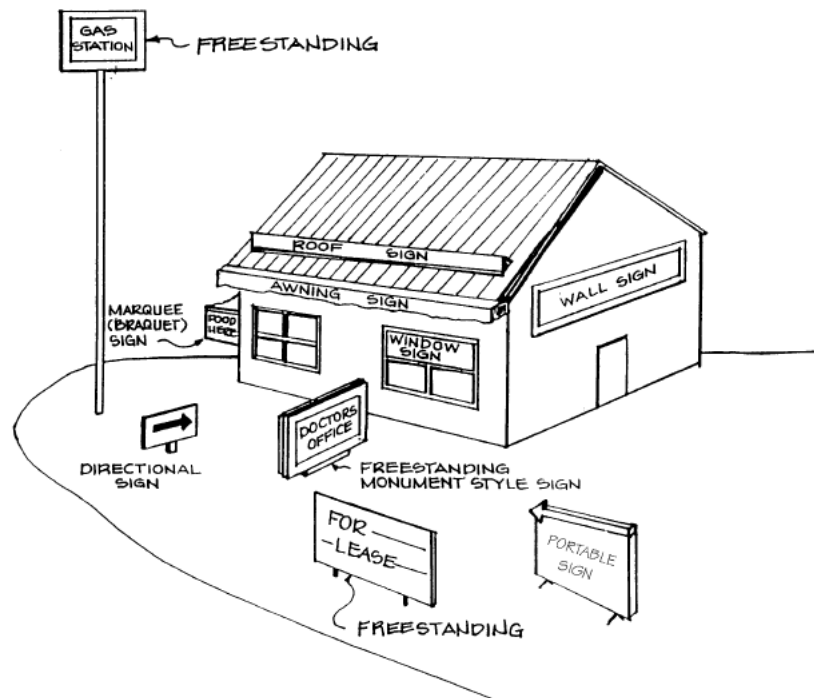
- a. **Recycling Collection Center:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.
- b. **Resource Center:** A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

19. Definitions beginning with “S” shall be as follows:

- b. **Service Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.
- c. **Setback:** The required minimum horizontal distance between the front, side, or rear property line and the portion of the structure closest to the property line. This definition shall not apply to condominium projects as regulated in Section 5.17 (Amended, effective January 7, 1994 and amended, effective September 27, 1999).
- d. **Sign:** A structure or device designed or intended to convey information to the public in written or pictorial form (See Figure 5). (Amended, effective September 27, 1999.)
- e. **Sign, Awning, Canopy, or Marquee:** A sign painted, stamped, perforated, or stitched, or otherwise applied on an awning (See Figure 5). (Amended, effective September 27, 1999.)
- f. **Sign, Flashing:** Any sign, which, by method or manner of illumination, flashes on or off, winks or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
- g. **Sign, Free Standing:** A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure (See Figure 5). (Amended, effective September 27, 1999.)
- h. **Sign, Illuminated:** A sign illuminated in any manner by an artificial light source.
- i. **Sign, Portable:** Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic (See Figure 5). (Amended, effective September 27, 1999.)

- j. **Sign, Projecting:** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/marquee sign.
- k. **Sign, Roof:** Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave (See Figure 5). (Amended, effective September 27, 1999.)
- l. **Sign, Temporary:** A sign intended for use for a period no greater than twenty-four (24) hours.
- m. **Sign, Wall:** A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building (See Figure 5). (Amended, effective September 27, 1999.)
- n. **Sign, Window:** A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way (See Figure 5). (Amended, effective September 27, 1999.)

Figure 5 - Various Signs



(Chart effective September 27, 1999)

- o. **Site Plan:** A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.
 - p. **Street:** A public thoroughfare, sixty-six (66) feet in width, being a portion of any of the recognized State, County, or Township highway systems.
20. Definitions beginning with "T" shall be as follows:

- a. **Tourist Home:** A building where lodging is provided by a resident family in its home for compensation, mainly for transients. A tourist home may be called a "bed and breakfast establishment". A tourist home is not a hotel, motel, or a boarding house."
21. Definitions beginning with "U" shall be as follows:
- a. Reserved for future use.
22. Definitions beginning with "V" shall be as follows:
- a. **Variance:** A relaxation by the Zoning Board of Appeals of the dimensional regulations of the code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.
 - b. **Village Council:** Whenever in this Ordinance appear the words "Village Council" it shall mean the Village Council of the Village of Grass Lake, Michigan.
23. Definitions beginning with "W" shall be as follows:
- a. Reserved for future use.
24. Definitions beginning with "X" shall be as follows:
- a. Reserved for future use.
25. Definitions beginning with "Y" shall be as follows:
- a. **Yard:** A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Ordinance.
 - b. **Yard, Front:** A clear, unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front lot line of the building and the front line of the lot (see Figures 3 and 4). (Amended, effective September 27, 1999.)
 - c. **Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot (see Figures 3 and 4). (Amended, effective September 27, 1999.)
 - d. **Yard, Side:** A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side-yard widths shall be measured at right angles to side lines of the lot (see Figures 3 and 4). (Amended, effective September 27, 1999.)
26. Definitions beginning with "Z" shall be as follows:
- a. **Zoning Board of Appeals:** Whenever in this Ordinance appear the words "Zoning Board of Appeals" it shall mean the Zoning Board of Appeals of the Village of Grass Lake, Michigan.

- b. **Zoning Map:** A map showing the location and placement of the various zoning districts within the Village of Grass Lake. The Zoning Map is composed of two portions. These are the underlying portion and overlying portion.
- c. **Zoning Map, Wetland Overly:** That portion of the Village of Grass Lake Zoning Map containing the OS-W zoning district. This zoning map reflects the presence of wetlands as defined by the Michigan Department of Environmental Quality. The effect of the overlying map is to supersede the underlying map unless and until the necessary wetland permits are secured from the Michigan Department of Environmental Quality for the area in which OS-W zoning exists.
- d. **Zoning Map, Underlying:** That portion of the Village of Grass Lake Zoning Ordinance containing the various zoning districts, including the conventional zoning districts and the form-based code districts. Land uses within these districts are regulated herein unless superseded by the overlying map. (Amended, effective January 17, 2000.)

ARTICLE 3

NON-CONFORMITIES

SECTION 3.1 -- GENERAL PROVISIONS

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendments; it is the intent of this Ordinance to permit these non-conformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These non-conformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such non-conformities shall not be enlarged, expanded, or extended except as provided herein; nor to be used as grounds for adding other lots, structures, or uses prohibited elsewhere in the same district.

SECTION 3.2 -- NONCONFORMING USES OF LAND

Where, on the date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
2. No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date of adoption or amendment of this Ordinance.
3. If such nonconforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

SECTION 3.3 -- NONCONFORMING STRUCTURES:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, setback, open spaces or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such structure shall be enlarged, expanded, extended, or altered in any way which increases its nonconformance. Expansions and improvements shall be allowed where there will not be an increase in nonconformity - for example, a building with a nonconforming front yard setback may be expanded to the rear, provided the setbacks for the rear portion of the building comply.
2. Should any such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in

conformity with the provisions of this Ordinance. Any reconstruction of a building damaged less than fifty (50) percent of its replacement cost may be reconstructed within the existing building footprint; provided reasonable upgrades to the building and site may be required to bring the building and site closer to compliance with the ordinance.

3. Should any such structure be moved for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
4. Repairs and modernization to nonconforming structures containing a use allowed in the district shall be permitted, provided the total cost of construction does not exceed fifty (50) percent of the structure's replacement cost. Reasonable upgrades to the building and site may be required to bring the building and site closer to compliance with the ordinance. (Amended, effective May 20, 2009.)

SECTION 3.4 -- NONCONFORMING USES OF STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
2. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
3. Any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not to exceed ten (10) per cent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
4. Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
5. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at the time of destruction, it shall not be reconstructed and again devoted to any use except in conformity with the regulations of the district in which it is located.

SECTION 3.5 -- CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

SECTION 3.6 -- NONCONFORMING LOTS

The following regulations shall apply to any non-conforming lot of record or non-conforming lot described in a deed or land contract executed and delivered prior to the effective date of this Article or Amendment thereto:

1. **USE OF NON-CONFORMING LOTS.** Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this article. 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 the lot is in conformity with all other applicable yard setback, minimum area, and any other dimensional requirements which apply to the district in which the lot is located (see Subsection 3 below).
2. **VARIANCE REQUIREMENTS.** If the proposed use of non-conforming lot would not be in conformity with the minimum set back and other applicable dimensional requirements set forth in this ordinance, then such proposed use shall be permitted only if a variance is granted by the Zoning Board of Appeals (see Subsection 3 below).
3. To develop a non-conforming lot(s) under the provisions of Subsections 1 and/or 2 of this section, the applicant is required to submit evidence that ownership of the lot was not, at the time of adoption or amendment of this Article, under contiguous single ownership with other lots which could have been combined into a conforming or more conforming lot. For purposes of this Article, the term “develop” shall be defined to mean a change in use of, or location, modification, or construction of any structure on such lot.”
4. **NON-CONFORMING CONTIGUOUS LOTS UNDER THE SAME OWNERSHIP.** The following regulations shall apply to non-conforming contiguous lots under the same ownership:
 - A. If two or more lots, or combinations of lots with contiguous frontage are under single ownership, and are of record at the time of adoption or amendment of this article, and if all or part of the individual lots do not meet the requirements established for lot width and area, the parcels involved shall be considered to be an individual parcel for purposes of this article. Any alteration of lot lines, or combinations of lots, shall result in lots which more closely conform to the requirements of this article.
 - B. No portion of any such parcel shall be used, occupied, or sold such that the same would diminish compliance with the minimum lot width and area requirements set forth in this ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the minimum requirements set forth in this ordinance.
 - C. Once any combination which creates a conforming lot occurs, the resulting lot shall not retain non-conforming lot of record status, may not be re-divided, and will thereafter be required to comply with the lot requirements of this ordinance. (Amended, effective March 1, 2004)

SECTION 3.7 -- DISTRICT BOUNDARY CHANGES

When district boundaries shall hereafter be changed, any nonconforming use may still be continued but subject to all other provisions of this ordinance.

ARTICLE 4
ZONING DISTRICTS

Section 4.1.1 -- ZONING DISTRICTS: The Village of Grass Lake is hereby divided into zones or districts as shown on the Official Zoning Map and shall include the following zoning districts:

1. Traditional Zoning Districts

- A. R-1 Single-Family Residential District
- B. R-2 Two-Family Residential District
- C. RM-1 Multiple-Family Residential District
- D. OS-1 Open Space District
- E. OS-W Wetlands District
- F. MU-1 Municipal Utilities District (effective January 17, 2000.)

2. Form-Based Code Districts

- A. LS - Lakeshore District
- B. CM - Church/Maple Street District
- C. MA - Michigan Avenue District
- D. WS - Water Street District
- E. GC - General Commercial District
- F. USG – Union Street Gateway District
- G. CBD - Central Business District
- H. LI – Light Industrial (Amended, effective May 20, 2009.)

Section 4.1.2 -- MAPS: The boundaries of these districts are shown upon the Official Zoning Map of the Village of Grass Lake and made a part of this Ordinance. The Official Zoning Map shall be maintained and kept on file with the Village Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.

The Zoning Map is contained within two distinct maps - an underlying and an overlying map. The underlying map represents the zoning districts listed above in Section 4.1.1 above which are regulated strictly under the provisions of this Ordinance. The overlying map shows the OS-W Zoning District - the presence of the OS-W District reflects the presence of wetlands as defined by the Michigan Department of Environmental Quality (MDEQ), which are regulated by said Agency. (Amended, effective January 17, 2000.)

Section 4.1.3 -- INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other similar bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

SECTION 4.2 – RESIDENTIAL ZONING DISTRICTS

SECTION 4.2.1 --STATEMENT OF PURPOSE

1. **R-1, Single-Family Residential District:** The (R-1) Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings. The R-1 District is intended for the retention of existing single-family neighborhoods and the protection of these neighborhoods from conflicting and higher-intensity uses.
2. **R-2, Two-Family Residential District:** The (R-2) Two-Family Residential District is established as a district intended to serve as a mixed low-density residential and office district. The R-2 District is also intended to act as a buffer between the Single-Family Residential District and higher-intensity districts.
3. **RM-1, Multiple-Family Residential District:** The (RM-1) Multiple-Family Residential District is established as a district in which the principal use of land is for both lower- and higher-density residential uses and office uses. As such, the RM-1 district is intended to act as both a mixed-density office/residential district and as a buffer between R-1 and R-2 districts and non-residential zoning districts.
4. **OS-1, Open Space District:** The OS-1 (Open Space) District is established as a district intended to serve the low-density residential and recreational needs of the Village of Grass Lake. As such, the OS-1 District shall have larger lot areas than other districts and shall include residential and recreational uses as permitted uses.

SECTION 4.2.2 - TABLE OF USES:

Uses shall be permitted based upon the district. Each use is listed by district in the table below as one of the following:

P: Principal permitted use

C: Conditional use

--: Not allowed (includes uses not specifically listed)

Use	Districts				Use Standards
	R-1	R-2	RM-1	OS-1	
Residential Uses					
Single-family detached dwellings	P	P	P	P	4.7.1.1
Two-family dwellings and conversions of single family to two-family units	C	P	P	--	
Multiple-family residential developments	--	--	P	--	
Mobile home parks or subdivisions in accordance with P.A. 96 of 1987, Mobile Home Commission Act, and amendments thereto	--	--	P	--	4.7.1.2
Services					
Home businesses	P	P	P	P	4.7.1.3
Kennels	--	--	--	C	
Lodging and Restaurants					
Owner-occupied bed and breakfasts, tourist homes	C	C	C	--	4.7.4.2
Office and Financial					
Offices	--	P	--	--	
Medical and Care Facilities					
Child care centers	C	C	C	C	4.7.6.1
Family child day care homes	P	P	P	P	

Funeral homes and mortuaries	--	C	C	--	4.7.6.2
Group child day care homes	C	C	C	--	4.7.6.3
Recreation and Entertainment					
Golf Courses and customary accessory uses	--	--	--	C	4.7.7.3
Public parks and/or playgrounds	P	P	P	P	
Civic					
Churches, synagogues, temples	C	C	C	--	4.7.8.1
Elementary schools	C	C	C	--	4.7.8.2
Public libraries and museums	P	P	P	--	
Public and private cemeteries	P	P	P	--	
Secondary schools and colleges	P	P	P	--	
Other					
Accessory uses and buildings customarily incidental to the above permitted principal uses and structures.	P	P	P	P	

SECTION 4.2.3 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

- Area, yard, height, and bulk requirements unless otherwise specified shall follow the Schedule of Regulations below:

TABLE 4.2.3
District Area, Yard, Height, and Bulk Requirements

Zoning District	Lot Requirements			Min. Setbacks (ft.)			Min. Floor Area	Max. Building Height (F)	
	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Lot Coverage	Front	Side	Rear	(Sq. Ft.)	Principal Buildings	Accessory Buildings (G)
R-1 Single-Family Residential	10,000	80	30%	30	8	45	1,000	35 ft. or 2 ½ stories	16 ft.
R-2 Two-Family Residential	8,000	60	30%	25	8 (C)	25 (C)	(A)	35 ft. or 2 ½ stories	16 ft.
RM-1 Multiple-Family Residential	87,120 (B)	120	30%	25 (D)	20 (B, D)	25 (B, D)	(B, D)	35 ft.	16 ft.
OS-1 Open Space	43,560	100	N/A	N/A (E)	N/A (E)	N/A (E)	N/A	35 ft. or 2 ½ stories	16 ft.

2. Footnotes to Schedule of Regulations

- The minimum square footage of residential units in the R-2 zoning district shall be as follows:

One-Family Residential -- 1,000 square feet

Duplexes and conversions -- 650 square feet per living unit

- Multiple-family developments shall follow the following guidelines:

- Where a multiple-family development is adjacent to an R-1 or R-2 District, a 60 foot setback shall be required from all R-1 and R-2 zoning district boundary lines.
- Minimum square footage for apartment units shall be as follows:

Efficiency	550 square feet
1 Bedroom	650 square feet
2 Bedrooms	750 square feet

3 Bedrooms	900 square feet
4 Bedrooms	1,050 square feet

- 3) On a site that contains multiple apartment buildings, there shall be a minimum 35-foot spacing between all buildings.
- 4) A minimum land area of four thousand two hundred (4,200) square feet shall be required for each dwelling unit in the RM-1 District.
- 5) The maximum number of living units in each building shall be sixteen (16).
- 6) When a multiple-family development lies adjacent to any R-1, R-2, or OS-1 district, a minimum 10-foot wide landscaped strip shall be provided. This strip shall contain a hedge at least 3 feet in height, a berm 4 feet in height, or a combination thereof. The strip shall contain one (1) tree for each 35 feet, or fraction thereof, of its length. Trees shall be minimum 6-foot tall evergreen trees and shall be of a coniferous species which provides sufficient screening to neighboring areas.

As an alternative screening measure, a 6 foot to 8 foot tall masonry wall or decorative screening fence may be substituted for the landscaping requirement.

- c. When offices in the R-2 district abut an R-1 or R-2 residential property, the following landscape shall be provided:

- 1) A landscaped strip not less than 10 feet wide with one (1) tree for each 35feet, or fraction thereof, of the common boundary of abutting residential property, and a continuous screen at least 3 feet high measured from the surface of the ground consisting of either a hedge, berm, or combination thereof.
- 2) Parking lots that are visible from the public right-of-way must include the following between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across the public alley):
 - a) A landscaped strip at least 5 feet in width;
 - b) One (1) tree for every 35 feet, or fraction thereof, of street frontage of the parking lot;
 - c) A hedge forming a continuous screen at least 3 feet above the street grade, or a berm, wall, fence, or combination forming a continuous screen at least 30 inches above the street grade, and located in the buffer area to provide maximum screening of the parking lot.

- D. One-family dwellings in the RM-1 district shall follow the area, yard, and bulk requirements as set forth in the R-1 district and two-family dwellings shall follow the area, yard, and bulk requirements as set forth in the R-2 district. R-1 and R-2 uses shall not be required to provide landscaping, parking, open space, and other requirements as required for multiple- family developments as shown in appropriate sections of this ordinance.

- E. Single-family residences in the OS-1 district are subject to the same setbacks as required for the R-1 District.

F. Building height for both principal and accessory buildings shall be measured as the vertical distance measured from the elevation of the average grade around the building to the roof as follows:

- 1) To the average height between eaves and ridge for gable, hip, and gambrel roofs;
- 2) To the highest point of the roof surface for flat roofs;
- 3) To the deck line of mansard roofs; and
- 4) To the average height between the lowest point and the highest point on a shed roof.

G. Accessory buildings shall be subject to the following regulations:

- 1) When the accessory building is structurally attached to the principal building, it shall be subject to all regulations applicable to the principal building.
- 2) Accessory buildings in the side yard shall meet both front and side yard setbacks for principal buildings. Accessory buildings in a rear yard must be setback at least three (3) feet from any side or rear lot line. Accessory buildings shall not be permitted in the front yard.
- 3) Accessory buildings shall be separated a minimum of ten (10) feet from any other building, including the principal building and any other buildings on adjacent lots.
- 4) Accessory building shall be constructed of materials similar to those of the principal building. Accessory building shall be compatible in design and appearance to principal and accessory buildings in the surrounding area.

(Amended, effective May 20, 2009.)

Section 4.3 - Village of Grass Lake Form-Based Code

Section 4.3.1 - Statement of Purpose

The purpose of the Grass Lake Village form-based code is to provide specific regulations to achieve the following:

1. Develop a fully integrated, mixed-use, pedestrian-oriented environment with historic residential neighborhoods and a traditional downtown with buildings that contain commercial, residential and office uses.
2. Create a synergy of uses within the downtown to support economic development and redevelopment.
3. Calm traffic traveling through the Village to create a more pedestrian-friendly environment. Prevent a clustering of auto-oriented uses, which could degrade the pedestrian-friendly environment.
4. Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition between the different areas of the Village.
5. Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.

Section 4.3.2 - Regulating plan and listing of districts

A form based code is established for the core area of the Village, which is divided into the following districts:

1. **LS - Lakeshore District.** The Lakeshore District is intended to provide a primarily residential setting along the lake while protecting waterfront and lake resources and preserving historic character of the neighborhood.
2. **CM - Church/Maple Street District.** The Church/Maple Street District is intended to provide a quiet single family residential setting, while preserving historic character of the neighborhood.
3. **MA - Michigan Avenue District.** The Michigan Avenue District is intended to provide a mixed-use district that is primarily residential in character, but allows other compatible uses. The intent of this district is to preserve the historic character and sense of arrival as a person travels into the Village. To achieve this, the regulations encourage maintaining the grand scale of larger buildings and lots along Michigan Avenue. It is also the intent of this district to calm traffic traveling through the Village.
4. **WS - Water Street District.** The Water Street District is intended to be a transitional district on the edge of downtown that is primarily residential, but also allows for infill development that would help support the downtown.
5. **GC - General Commercial District.** The General Commercial District is intended for commercial uses that provide convenience goods and services for residents of the Village and surrounding area. It is further the intent of this district that sites develop or redevelop in a manner that is consistent with the goal to maintain the historic character and enhance the walkability of the Village.
6. **USG – Union Street Gateway District.** The Union Street Gateway District is intended to provide a node of activity centered at the intersection of Union Street and Michigan Avenue. The intent of this district is to create a gateway district around the key Michigan Avenue/Union Street crossroad that is compatible with the surrounding residential character. This district is also intended to ensure that uses at this intersection will minimize impact to traffic operation and safety.
7. **CBD - Central Business District.** The Central Business District is intended to protect the historic, small town character of the downtown and enhance the traditional, pedestrian-oriented environment of the Village. The district provides for a mixture of retail stores, offices, entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of the community. The intent of this district is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented, unified setting with shared parking.
8. **LI – Light Industrial.** The Light Industrial District is intended to permit low impact manufacturing uses and certain heavy commercial uses that provide services to the community. Because of the small size of this district and the close proximity of other uses, this district is intended to redevelop with a mixture of uses that

will be compatible with other uses as opposed to heavier, high impact industrial uses.

Section 4.3.3 - Use Regulations

- Uses shall be permitted based upon the district. Each use is listed in the table below as one of the following by district:
P: Principal permitted use
C: Conditional use
--: Not allowed
- Uses must comply with the use standards of that are referenced in the right column.

- Uses shall be allowed in the following general building types indicated for the use in the table below. The building type shall meet the requirements of Section 4.3.5.

GC/MU: General commercial and mixed-use buildings

CBD: CBD storefront buildings

CS: Cottage shop building

APT: Apartment building

TH: Townhouses

SFR: Single and two family residential dwellings

AS: Auto service uses

DT: Accessory drive-through uses

IND: Industrial building

C/I: Civic/institutional buildings

List of Permitted and Conditional Uses by District and Building Type

Use	Districts								Building Type(s)	Use Standards
	LS	CM	MA	WS	GC	USG	CBD	LI		
Residential Uses										
Detached single family residential	P	P	P	P	--	P	--	--	SFR	4.7.1.1
Two family residential	P	P	P	P	--	P	--	--	SFR	
Townhouses (attached single family residential)	--	--	--	P	P	P	P	--	TH	
Multiple family residential (apartments)	--	--	--	C	C	P	P	--	GC/MU, CBD, APT, TH	
Residential dwellings on upper floors within mixed-use buildings	--	--	--	--	P	P	P	--	GC/MU, CBD	
Live/work units with a dwelling unit on the upper floor above a first floor commercial space under the same ownership	--	--	--	--	P	P	P	P	GC/MU, CBD	
Nursing homes and senior assisted living	C	C	C	C	--	C	--	--	GC/MU, MFR	
Home businesses	P	P	P	P	P	P	P	--	SFR, TH, APT	4.7.1.3
Retail and Services										
Retail establishments within an enclosed building	Floor area 30,000 sq. ft. or less	--	--	--		P	P	P	P	GC/MU, CBD, CS
	Floor area above 30,000 sq. ft.	--	--	--		C	C	C	C	GC/MU, CBD, CS
Drive-through service accessory to a retail use	--	--	--	--	C	--	--	--	GC/MU, CBD, DT	4.7.2.1
Bakeries, pastry and fudge shops	--	--	--	--	P	--	P	P	GC/MU, CBD, CS	
Building supplies sales, lumber yard, garden and lawn supply store and other similar retail uses with outdoor sales/storage	--	--	--	--	C	--	--	P	GC/MU, CBD, IND	4.7.2.2

List of Permitted and Conditional Uses by District and Building Type										
Use	Districts								Building Type(s)	Use Standards
	LS	CM	MA	WS	GC	USG	CBD	LI		
Machinery sales, farm or industrial	--	--	--	--	--	--	--	P	GC/MU, CBD, IND	4.7.2.2
Wholesale of any commodity made or processed onsite	--	--	--	--	--	--	--	P	GC/MU, CBD, CS, IND	
Feed and fertilizer, sales and storage	--	--	--	--	--	--	--	P	GC/MU, CBDF, IND	4.7.2.2
Personal service establishments such as barber/beauty shops, dry cleaning drop-off stations, shoe repair shops and tailoring	--	--	--	--	P	P	P	P	GC/MU, CBD, CS	
Kennels	--	--	--	--	C	--	--	C	CG/MU, IND	4.7.2.3
Auto Services										
Automobile service stations	--	--	--	--	C	C	--	P	GC/MU, CBD, AS	4.7.3.1
Carwashes	--	--	--	--	C	--	--	P	GC/MU, CBD, AS	4.7.3.1
Major vehicle repair and body shops	--	--	--	--	--	--	--	P	GC/MU, AS, IND	4.7.3.1
Minor automobile maintenance such as oil change, brake service and tire stores	--	--	--	--	C	--	--	P	GC/MU, CBD, AS, IND	4.7.3.1
Recreational vehicle and boat maintenance and storage	--	--	--	--	C	--	--	P	GC/MU, IND	4.7.3.1
Automobile and recreational vehicle sales	--	--	--	--	C	--	--	C	GC/MU, IND	
Lodging and Restaurants										
Bed and breakfast inns	C	C	C	C	P	P	P	--	CS, SFR	4.7.4.1
Hotels	--	--	--	--	P	P	P	--	GC/MU, CBD	4.7.4.2
Restaurants, taverns, bars, delicatessen, carryout, and similar establishments serving food or beverages, but excluding drive-through	--	--	--	--	P	P	P	P	GC/MU, CBD, CS	
Restaurants, taverns, bars, delicatessen, carryout, and similar establishments serving food or beverages with outdoor seating	--	--	--	--	P	P	P	P	GC/MU, CBD, CS	4.7.2.3
Drive-through and drive-in restaurants	--	--	--	--	C	--	--	--	GC/MU, CBD, CS, DT	4.7.2.4
Banquet halls	--	--	--	--	P	P	P	--	GC/MU, CBD	
Office and Financial										
Bank, loan, and financial offices	--	--	--		C	--	C	--	GC/MU, CBD, CS, DT	4.7.2.1
Professional offices	--	--	P	--	P	P	P	P	GC/MU, CBD, CS	
Real estate, insurance and investment brokers	--	--	P	--	P	P	P	P	GC/MU, CBD, CS	
Radio and TV studios	--	--	--	--	C	--	--	C	CG/MU, IND	4.7.5.1
Medical and Care Facilities										
Child care centers, preschool and commercial day care	C	C	C	C	P	P	P	--	GC/MU, CBD, CS	4.7.6.1
Family child day care homes	P	P	P	P	P	P	P	--	SFR	
Group child day care homes	C	C	C	C	C	C	C	--	SFR	4.7.6.2
Funeral homes	--	--	C	--	C	C	C	--	GC/MU, CBD, CS	4.7.6.3
Medical and dental offices, clinics	--	--	--	--	C	C	C	--	GC/MU, CBD, CS	
Hospitals and convalescent homes	--	--	--	--	C	C	C	--	GC/MU, CBD, CS	4.7.6.4
Veterinary hospital, small animal	--	--	--	--	C	C	C	C	GC/MU, CBD, CS	

List of Permitted and Conditional Uses by District and Building Type										
Use	Districts								Building Type(s)	Use Standards
	LS	CM	MA	WS	GC	USG	CBD	LI		
Recreation and Entertainment										
Adult use	--	--	--	--	--	--	--	C	GC/MU	4.7.7.1
Assembly halls, recreational clubs, fraternal order halls, private clubs, lodge halls or other similar places of assembly	--	--	C	--	P	--	P	P	GC/MU, CBD	
Boat clubs and marinas	C	--	--	--	C	--	--	--	GC/MU	
Boat and RV sales and storage	--	--	--	--	C	--	--	--	GC/MU	
Health clubs, fitness centers, gyms and aerobic clubs	--	--	--	--	P	--	P	P	GC/MU, CBD	
Indoor recreation such as bowling alleys, racket ball courts, skating rinks, swimming pools and amusement arcades	--	--	--	--	P	--	P	P	GC/MU, CBD	4.7.7.2
Parks, playgrounds, common greens, plazas, public gathering places and open space	P	P	P	P	P	P	P	P	C/I	
Theaters	--	--	--	--	P	--	P	P	GC/MU, CBD	
Civic										
Churches, synagogues, temples and similar places of worship	P	P	P	P	P	P	P	--	C/I	4.7.8.1
Public and private cemeteries	P	P	P	P	--	P	--	--	C/I	
Public, private or parochial, elementary and secondary schools	P	P	P	P	P	P	P	--	C/I	4.7.8.2
Public/government buildings such as; village/state/county/federal offices, museums, libraries and community centers	P	P	P	P	P	P	P	P	C/I	
Essential public services	P	P	P	P	P	P	P	P	C/I	
Municipal service facilities, including public works buildings and storage yards	--	--	--	--	P	--	--	P	CG/MU, C/I, IND	
New construction of wireless communication facilities	--	--	--	--	--	--	--	C	IND	4.7.8.3
Co-location on existing wireless communication facilities	--	--	--	--	P	--	--	P	IND	4.7.8.3
Industrial										
Light manufacturing and assembly within an enclosed building	--	--	--	--	--	--	--	P	IND	
Outdoor storage accessory to a permitted use	--	--	--	--	--	--	--	C	IND	
Automobile wrecking and salvage yards	--	--	--	--	--	--	--	C	IND	4.7.9.1
Bulk storage of explosives or hazardous materials	--	--	--	--	--	--	--	C	IND	4.7.9.2
Contractors yards with or without outdoor storage	--	--	--	--	--	--	--	C	IND	4.7.9.3
Crating and packaging within a completely enclosed building	--	--	--	--	--	--	--	P	IND	
Helicopter landing pads	--	--	--	--	--	--	--	C	IND	4.7.9.4
Recycling collection centers	--	--	--	--	P	--	--	P	IND, C/I	4.7.9.5
Warehousing and mini-storage warehousing	--	--	--	--	--	--	--	P	IND	4.7.9.6
Other										
Other uses similar to the uses in this district and not listed in another district, subject to other provisions in this ordinance	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Based on similar use	

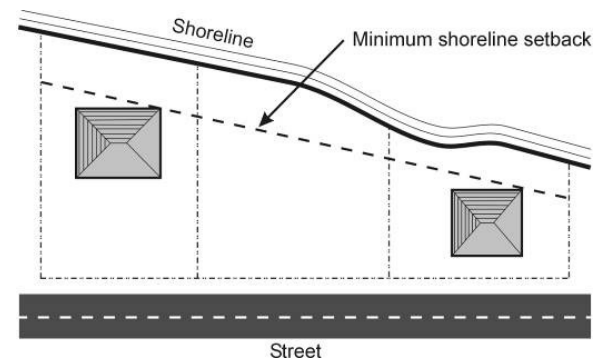
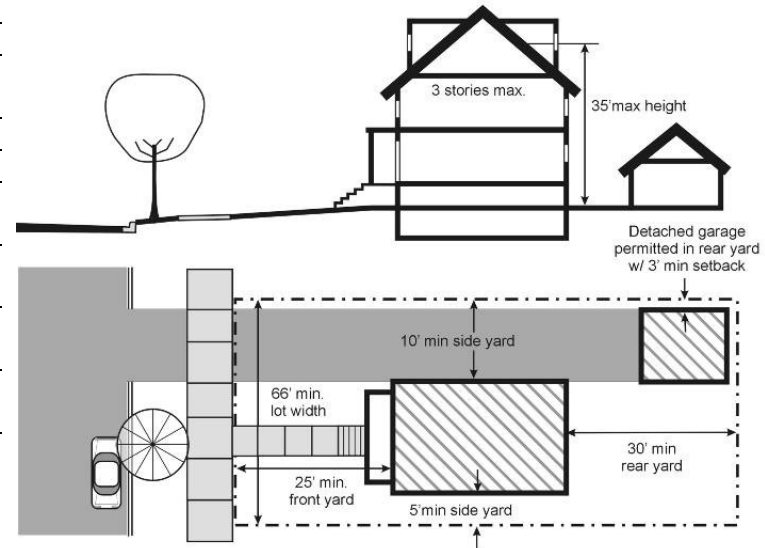
Section 4.3.4 Dimensional Requirements

- LS - Lakeshore District.** All lots and buildings in the Lakeshore District shall meet the following dimensional requirements:

LS - Lakeshore District

Lot Area	Minimum 8,700-square foot lot area.
Lot Width	Minimum 66-foot lot width.
Front/Street Yard	Minimum 25-foot front yard setback.
Side Yard	Minimum 5-foot on one side; 15 total of both
Rear Yard	Minimum 30-foot rear yard setback.
Building Height	Minimum 20-foot building height. Maximum 3 stories/35-foot building height.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	No parking shall be allowed in the front yards, except for a residential driveway.
Residential Density	Minimum 8,700 square feet of lot area for each dwelling unit.
Floor area	Minimum 1,000 square feet of floor area for single family dwellings. Minimum 650 square feet of floor area each for two family dwellings.

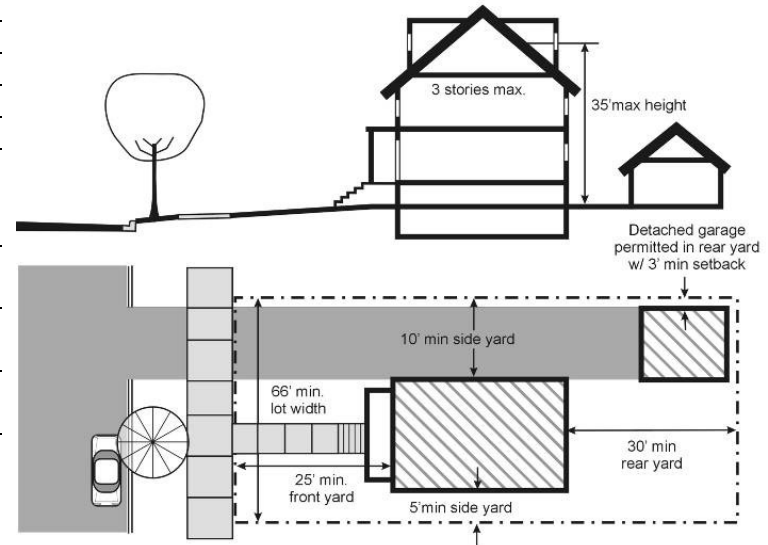
Waterfront Yard	The minimum setback from the shoreline shall be equal to the average setback of adjacent dwellings, determined by a straight line drawn between the two adjacent buildings; provided if adjacent dwellings are setback more than 30 feet, then the required minimum setback shall be 30 feet. If one or both of the adjacent lots are vacant, then the required minimum setback shall be 30 feet.
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2. **CM - Church/Maple Street District.** All lots and buildings in the Church/Maple Street District shall meet the following dimensional requirements:

CM - Church/Maple Street District

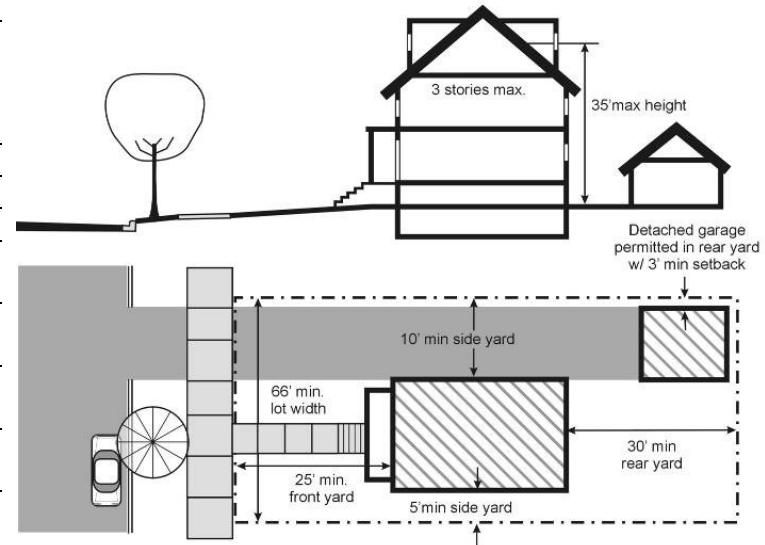
Lot Area	Minimum 8,700-square foot lot area.
Lot Width	Minimum 66-foot lot width.
Front Yard	Minimum 25-foot front yard setback.
Side Yard	Minimum 5-foot on one side; 15 total of both
Rear Yard	Minimum 30-foot rear yard setback.
Building Height	Minimum 20-foot building height. Maximum 3 stories/35-foot building height.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	No parking shall be allowed in the front yards, except for a residential driveway.
Residential Density	Minimum 8,700 square feet of lot area for each dwelling unit.
Floor area	Minimum 1,000 square feet of floor area for single family dwellings. Minimum 650 square feet of floor area each for two family dwellings.



3. **MA - Michigan Avenue District.** All lots and buildings in the Michigan Avenue District shall meet the following dimensional requirements:

MA - Michigan Avenue District

Lot Area	Minimum 8,700-square foot lot area.
Lot Width	Minimum 66-foot lot width, except where an existing lot and both adjacent lots have a lot width of 80 feet or more, then the minimum lot width shall be 80 feet. Corner lots must be at least 80 feet wide along the front property line.
Front Yard	Minimum 25-foot front yard setback.
Side Yard	Minimum 5-foot on one side; 15 total of both
Rear Yard	Minimum 30-foot rear yard setback.
Building Height	Minimum 20-foot building height. Maximum 3 stories/35-foot building height.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	No parking shall be allowed in the front yards facing Michigan Avenue, except for a residential driveway.
Residential Density	Minimum 8,700 square feet of lot area for each dwelling unit.
Floor area	Minimum 1,000 square feet of floor area for single family dwellings. Minimum 650 square feet of floor area each for two family dwellings.

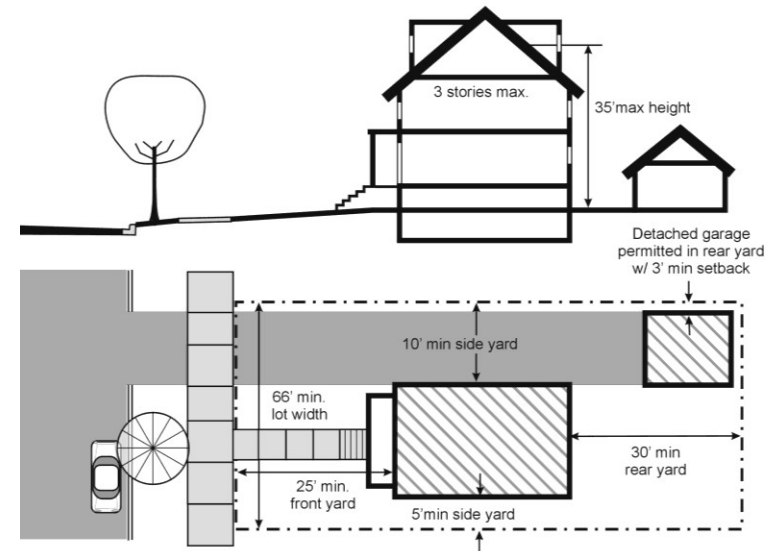


4. **WS – Water Street District.** All lots and buildings in the Water Street District shall meet the following dimensional requirements:

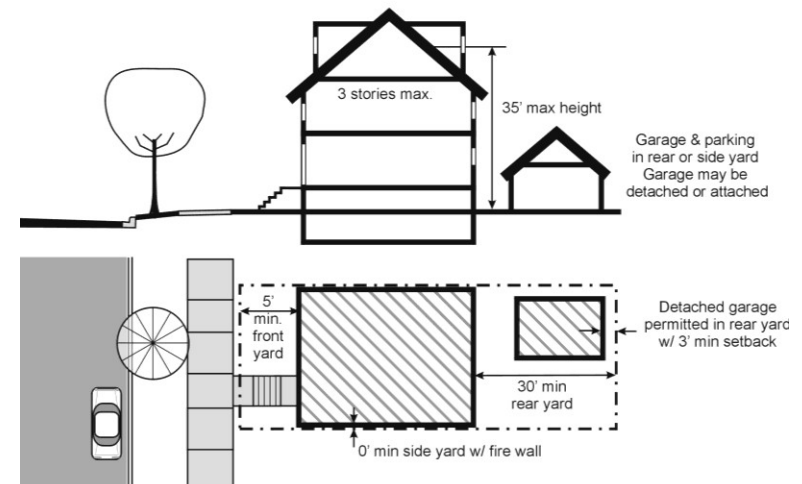
WS – Water Street District

Lot Area	Minimum 8,700-square foot lot area.
Lot Width	Minimum 66-foot lot width.
Front Yard	Single/two family: Minimum 25-foot front yard setback. Townhouse: Minimum 5-foot front yard setback.
Side Yard	Minimum 5-foot on one side; 15 total of both Zero side setback may be permitted where a fire wall is provided between adjoining townhouse dwelling units.
Rear Yard	Minimum 30-foot rear yard setback.
Building Height	Minimum 20-foot building height. Maximum 3 stories/35-foot building height.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	No parking shall be allowed in the front yards, except for a residential driveway.
Residential Density	Minimum 4,350 square feet of lot area for each dwelling unit.
Floor area	Minimum 1,000 square feet of floor area for single family dwellings. Minimum 650 square feet of floor area each for two family dwellings and townhouses.

Single/Two Family Residential Placement



Townhouse Building Placement

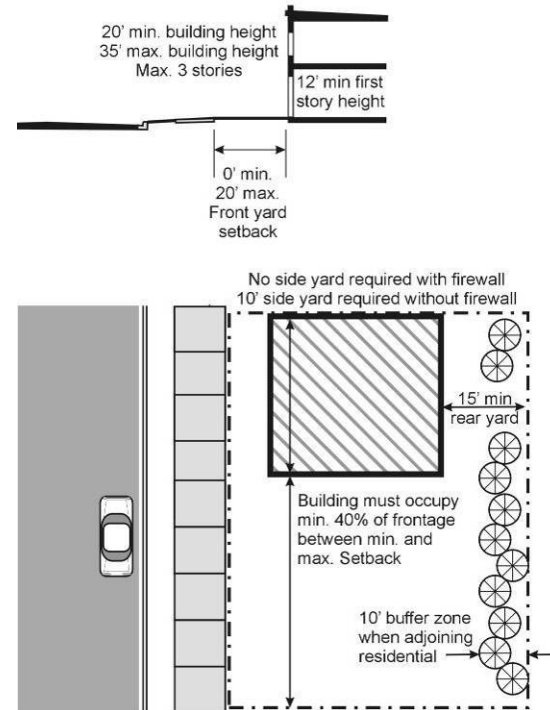


5. **GC - General Commercial District.** All lots and buildings in the General Commercial District shall meet the following dimensional requirements:

GC - General Commercial District

Lot Area	No minimum lot area.
Lot Width	No minimum.
Front Yard	Minimum 0-foot, maximum 20-foot front yard setback.
Building Frontage Requirements	Building façade shall occupy a minimum of 40% of the frontage length between the min. and max. setback.
Side Yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.
Rear Yard	Minimum 15-foot rear yard setback.
Buffer from Residential	Where the side or rear adjoins residential, a 10-foot buffer zone shall be provided in accordance with Section 4.3.6.4.d.
Building Height	Minimum 20-foot building height. Maximum 3 stories/35-foot building height. The first story shall be a minimum of 12 feet in height measured from floor to ceiling.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	Side and rear yard parking are permitted. Up to 60% of the frontage may be occupied by off-street parking, provided a 3-foot tall screen wall is located between the sidewalk and parking lot.
Residential Density	Minimum 4,350 square feet of lot area per dwelling unit in a residential building. In mixed-use buildings with upper floor apartments above ground floor commercial, there shall be no density limit.
Floor area	Minimum 550 square feet of floor area each for each dwelling unit.

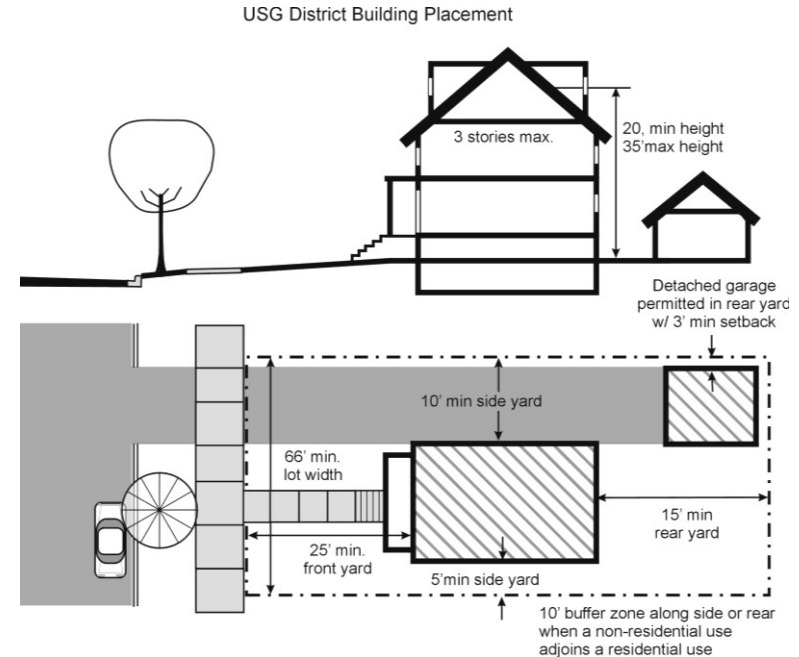
General Commercial Building Placement



6. **USG – Union Street Gateway District.** All lots and buildings in the Union Street Gateway District shall meet the following dimensional requirements:

USG – Union Street Gateway District

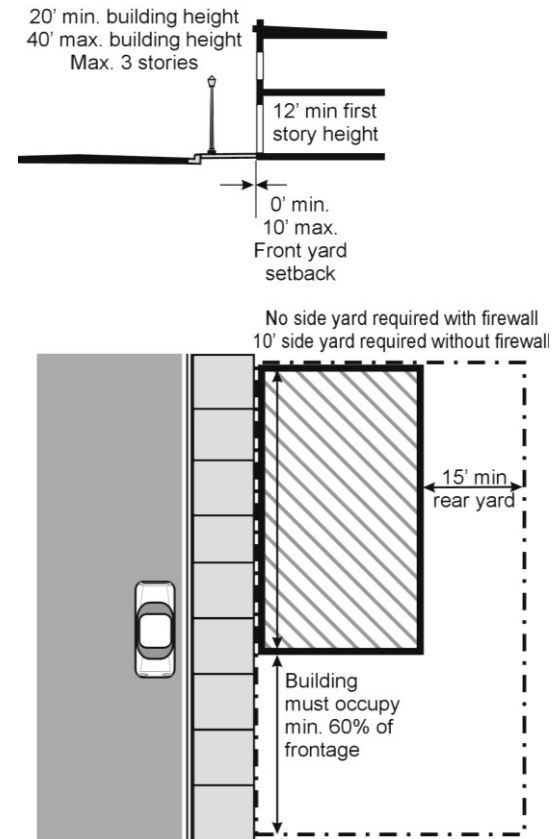
Lot Area	Minimum 8,700-square foot lot area.
Lot Width	Minimum 66-foot lot width. Corner lots must be at least 80 feet wide along the front property line.
Front Yard	Minimum 25-foot front yard setback.
Side Yard	Minimum 5-foot on one side; 15 total of both
Rear Yard	Minimum 15-foot rear yard setback.
Buffer from Residential	Where the side or rear adjoins residential, a 10-foot buffer zone shall be provided in accordance with Section 4.3.6.4.d.
Building Height	Minimum 20-foot building height. Maximum 3 stories/35-foot building height.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	No parking shall be allowed in the front yards facing Michigan Avenue, except for a residential driveway.
Residential Density	Minimum 3,000 square feet of lot area for each dwelling unit.
Floor area	Minimum 1,000 square feet of floor area for single family dwellings. Minimum 650 square feet of floor area each for two family dwellings, townhouses, multiple family dwellings and live-work units.



7. **CBD - Central Business District.** All lots and buildings in the Central Business District shall meet the following dimensional requirements:

CBD - Central Business District	
Lot Area	No minimum lot area.
Lot Width	No minimum.
Front Yard	Minimum 0-foot, maximum 10-foot front yard setback. Townhouses shall be setback between 5 and 10 feet.
Building Frontage Requirements	Building façade shall occupy a minimum of 60% of the frontage length along Michigan Avenue between the min. and max. setback.
Side Yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.
Rear Yard	Minimum 15-foot rear yard setback.
Building Height	Minimum 20-foot building height. Maximum 3 stories/40-foot building height. The first story shall be a minimum of 12 feet in height measured from floor to ceiling.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	No parking shall be allowed in the front yards facing Michigan Avenue, except for on-street parking. Side and rear yard parking are permitted. Up to 40% of the frontage to the side of the building may be occupied by off-street parking, provided a 3-foot tall screen wall is located between the sidewalk and parking lot.
Residential Density	Minimum 4,350 square feet of lot area for each dwelling unit in a residential building. In mixed-use buildings with upper floor apartments above ground floor commercial, there shall be no density limit.
Floor area	Minimum 550 square feet of floor area for each dwelling unit.

CBD Building Placement

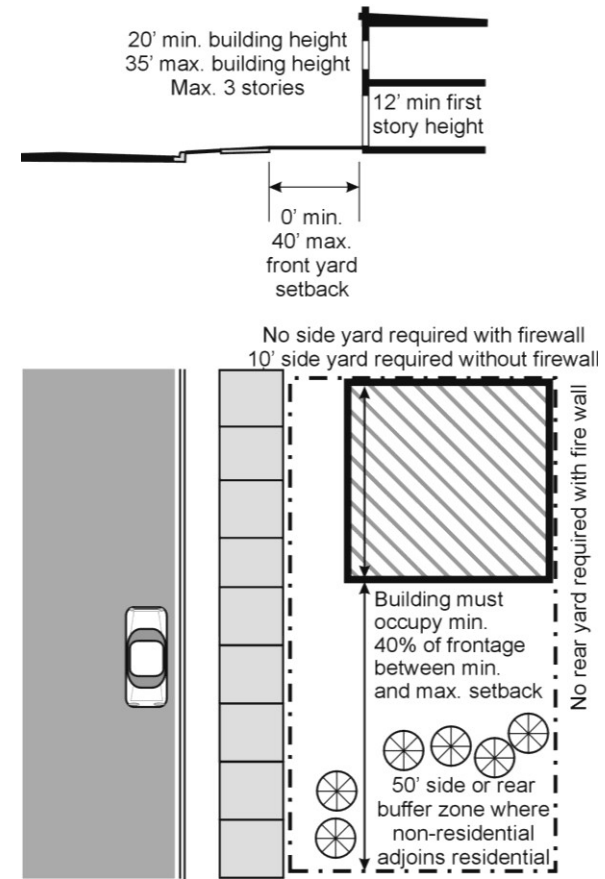


8. **LI – Light Industrial.** All lots and buildings in the Light Industrial shall meet the following dimensional requirements:

LI – Light Industrial

Lot Area	No minimum lot area.
Lot Width	No minimum.
Front Yard	Minimum 0-foot, maximum 40-foot front yard setback.
Building Frontage Requirements	Building façade shall occupy a minimum of 40% of the frontage length between the min. and max. setback.
Side Yard	A zero side setback may be permitted where a fire wall is provided along the side lot line not located adjacent to a residential district. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.
Rear Yard	No rear yard setback is required except where an industrial use adjoins a residential use or residential zoning district.
Setback from Residential	Where the side or rear of a non-residential use adjoins a residential district, a 50-foot setback and a buffer zone meeting the requirements of Section 4.3.6.4.d shall be provided.
Building Height	Minimum 20-foot building height. Maximum 3 stories/35-foot building height. The first story shall be a minimum of 12 feet in height measured from floor to ceiling.
Accessory Buildings	Accessory buildings shall be subject to the requirements of Section 4.3.5.7.
Parking	No more than a single row of parking shall be permitted in the front yard between the building and the street. Side and rear yard parking is permitted.
Residential Density	Minimum 3,000 square feet of lot area for each dwelling unit (live-work units only).
Floor area	Minimum 650 square feet of floor area for each dwelling unit.

Industrial Building Placement



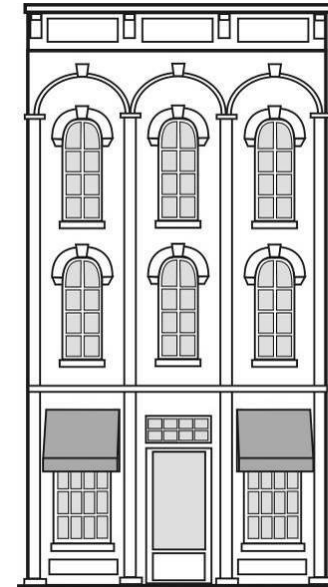
Section 4.3.5 - Building Design Requirements

The uses permitted in table 4.3.3 shall be located in a building type specified in table 4.3.3. The building type must meet general classifications of this section. Existing buildings that do not conform to the design requirements of this shall not be considered nonconforming structures; however, any exterior modifications shall bring the building closer to conformity with this section.

1. **General Commercial and Mixed-Use Buildings.** All commercial buildings and mixed-use buildings that contain non-residential, and residential uses, such as retail on the ground floor, and residential on upper floors and live-work units, shall meet the following requirements.

General Commercial and Mixed-Use Buildings

Front Façade	A front façade wall that faces a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
Entrance	There shall be a minimum of one (1) usable pedestrian entrance along the front public sidewalk. Main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
Blank Walls	Blank walls (without windows) longer than 20 feet shall not face a street and building walls shall be articulated with wall projections/recessions, variable materials, colors or details to visually break-up the wall.
Garage Doors	Garage doors shall not be permitted on a front façade; however, openings for drives leading to parking and loading areas are permitted.
Ground Floor	At least 50% of the ground floor façade facing the street between 2 and 10 feet above the sidewalk shall be clear windows and doorways.
Upper Floor Windows	Openings above the first story shall be a maximum of 50% of the total façade area. Windows above the first story shall be vertical in proportion.
Secondary Facade	For a building located on a corner lot, the second front façade facing the lesser traveled street may have the above door and window requirement of the first floor reduced to ½ the required amount of fenestration, provided the secondary façade is not facing Michigan Avenue.
Flat Roof Buildings	Buildings with a flat roof appearance from the street shall have a decorative cornice. Flat roofs shall be enclosed by parapets.
Pitched Roof Buildings	Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12.
Mechanical Equipment Screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height. Mechanical equipment on buildings with a pitched roof shall be on the back half of the building and shall be concealed, such that it is not visible from the ground.



Flat roof with traditional cornice proportionate to building and parapet wall tall enough to screen rooftop equipment or pitched roof.

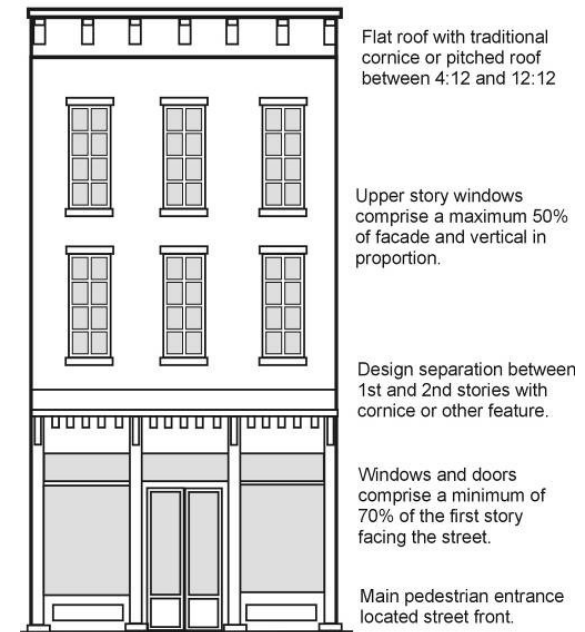
Upper story windows comprise less than 50% of facade and are vertical in proportion.

Windows and doors comprise a minimum of 50% of the first story facing the street.

2. **CBD Storefront Buildings.** All buildings in the CBD must have a storefront facing Michigan Avenue meeting the following requirements, except for cottage shop buildings and civic/institutional buildings.

CBD Storefront Buildings

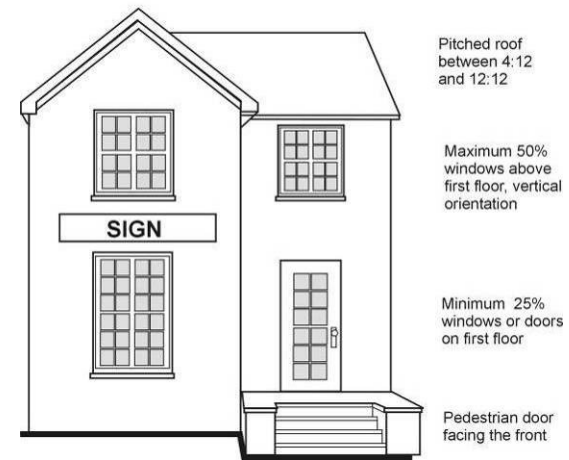
Ground Floor Storefront	Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted.
Storefront	Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.
Entrance	There shall be a minimum of one (1) usable pedestrian entrance every full fifty (50) feet of frontage along the front public sidewalk. Main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
Blank Walls	Blank walls (without windows) longer than 20 feet shall not face a street and building walls shall be articulated with wall projections/recessions, variable materials, colors or details to visually break-up the wall.
Garage Doors	Garage doors shall not be permitted on a front façade; however, openings for parking structure entrances and drives leading to loading areas are permitted.
Ground Floor Windows and Doors	No less than 70% of the storefront/ground floor façade facing the street between 2 and 10 feet above the sidewalk shall be clear windows and doorways. Glass areas on storefronts shall be clear or lightly tinted. Mirrored glass is prohibited. Required window areas shall allow views into retail space, working areas, lobbies, pedestrian entrances or display windows. Windows shall not be blocked with opaque materials or the back of shelving units.
Upper Floor Windows	Openings above the first story shall be a maximum of 50% of the total façade area. Windows above the first story shall be vertical in proportion.
Secondary Facade	For a building located on a corner lot, the second front façade facing the lesser traveled street may have the above door and window requirement of the first floor reduced to ½ the required amount of fenestration, provided the secondary façade is not facing Michigan Avenue.
Flat Roof Buildings	Buildings with a flat roof appearance from the street shall have a decorative cornice. Flat roofs shall be enclosed by parapets.
Pitched Roof Buildings	Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12.
Mechanical Equipment Screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height. Mechanical equipment on buildings with a pitched roof shall be on the back half of the building and screened on all sides so it is not visible from the ground.



3. **Cottage Shop Building.** Buildings that were originally constructed as single family residences and converted to a non-residential use or constructed to appear as residential conversions shall meet the following requirements.

Cottage Shop Building

Front Façade	There shall be a minimum of one (1) usable pedestrian entrance along the front public sidewalk.
Blank Walls	Blank walls (without windows) longer than 20 feet shall not face a street and building walls shall be articulated with wall projections/recessions, variable materials, colors or details to visually break-up the wall.
Garage Doors	Garage doors shall not be permitted on a front façade.
Ground Floor Windows and Doors	No less than 25% of the ground floor façade facing a street shall be clear windows and doorways.
Upper Floor Windows	Openings above the first story shall be a maximum of 50% of the total façade area. Windows above the first story shall be vertical in proportion.
Roof Design	Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12.



4. **Apartment Buildings.** Apartment buildings that contain only multiple-family dwellings shall meet the following design requirements. Multiple-family dwellings located in mixed-use buildings shall be subject to the general commercial/mixed-use buildings or the CBD storefront buildings design requirements

Apartment Buildings

Entrance	There shall be a minimum of one pedestrian entryway facing the front lot line with a front stoop. The stoop or porch shall have a minimum depth of 4 feet and a minimum area of 24 square feet. ADA-compliant access ramps that connect to the stoop may project into the front yard.
First Floor Elevation	The first floor elevation shall be a minimum of 3 feet above the average exterior sidewalk elevation in front of the building.
Windows and Doors	The front façade of all residential units shall be a minimum of 25% and a maximum of 75% windows and doorways.
Roof Design	Buildings with a flat roof appearance from the street shall have a decorative cornice. Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12.
Parking and Carports	Off-street parking lots and carports or garages shall be located in the side or rear yard.

in subsections 1 and 2. Apartment buildings are considered buildings with common entrances - where dwellings have individual entrances, they shall be subject to the townhouse design standards of subsection 5 below.



Flat roof with parapet and cornice or pitched roof between 4:12 and 12:12

Windows and doors comprise a minimum of 25% of the front facade

Pedestrian entrance facing sidewalk
Parking to side or rear

First floor elevation minimum 3 feet above sidewalk

5. **Townhouses.** Attached/townhouse dwellings shall meet the following design requirements.

Townhouses

Entrance	Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the outdoors at ground level by way of a front porch or stoop with steps.
Front Porch or Stoop	All dwellings shall include a front stoop or porch. The stoop or porch shall have a minimum depth of 4 feet and a minimum area of 24 square feet. ADA-compliant access ramps that connect to the stoop may project into the front yard.
First Floor Elevation	The first floor elevation shall be a minimum of 3 feet above the average exterior sidewalk elevation in front of the building.
Windows and Doors	The front façade of all residential units shall be a minimum of 25% and a maximum of 50% windows and doorways.
Roof Design	Buildings shall be designed with a pitched roof with eaves at least 20 feet from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12.
Garages	Attached or detached garages shall be located in the rear yard or on the rear side of the building and shall be accessed by a rear alley or drive.



Pitched roof between 4:12 and 12:12 roof pitch

Front facade minimum 25% and maximum 50% windows and doors

Individual entrances

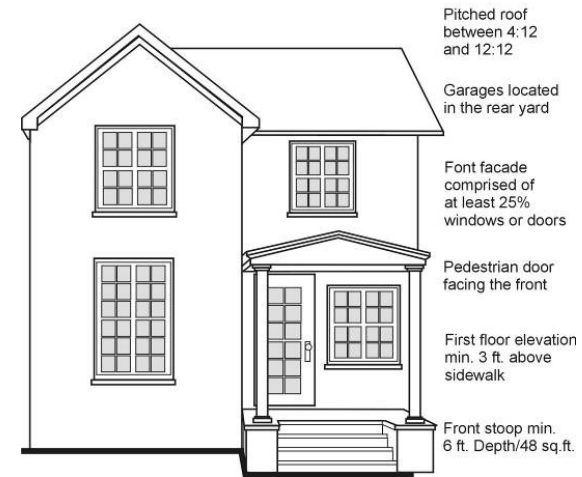
Front stoop or porch 3' above sidewalk grade

Pedestrian orientation towards street with garages to rear

6. **Detached single and two family dwellings.** Single family detached dwellings and duplex dwellings shall meet the following design requirements.

Single-Family Detached and Duplex Dwellings

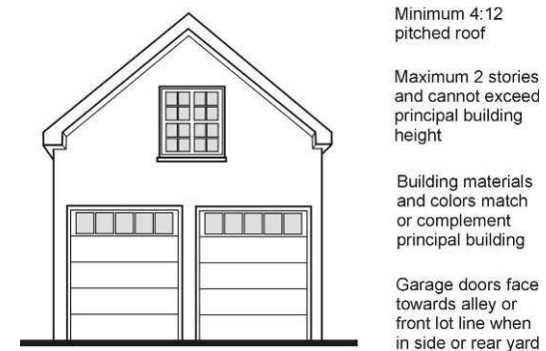
Entrance	All buildings shall provide at least one (1) pedestrian door facing the front lot line. Two family dwellings may have one (1) unit with a door on the side.
Front Porch or Stoop	All dwellings shall include a front porch or stoop with steps. A minimum depth of 6 feet and a minimum area of 48 square feet shall be provided on single-family detached dwellings and duplex dwellings. Duplex units may share a single front porch.
First Floor Elevation	The first floor elevation shall be a minimum of 3 feet above the average exterior sidewalk elevation in front of the building.
Windows and Doors	The front façade of all residential units shall be a minimum of 25% and a maximum of 50% windows and doorways.
Roof Design	Buildings shall be designed with a pitched roof with eaves at least 20 feet from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12.
Garages	Detached garages shall be located in the rear yard. Garages may be accessed by a rear alley or by driveways that pass through the side yard of the lot. Front facing attached garages shall be permitted, provided they don't project past the front building line and do not encompass more than 50% of the total building width.



7. **Accessory Buildings.** Detached accessory buildings shall meet the following design requirements:

Accessory Buildings

Location	Detached accessory buildings shall only be located in the side or rear yard.
Setbacks	Accessory buildings shall be a minimum of 3 feet from the side, and rear lot line and shall be a minimum of 10 feet from any other building, including the main building or accessory buildings on adjacent lots.
Garage Doors	Garage doors may not face towards a street unless they are located in the rear or side yard. Garage doors may face an alley.
Height	Detached residential accessory buildings may not exceed 16 feet and 2 stories in height; provided the roof does not exceed the height of the principal building. Commercial or industrial accessory buildings shall be subject to the principal building height restrictions.
Roof	Residential accessory buildings shall be designed with a minimum of 4:12 roof pitch. Commercial or industrial accessory buildings may have a flat roof.
Building Materials	The building materials and colors of the accessory building shall match or complement at least one of the materials used on the principal building.

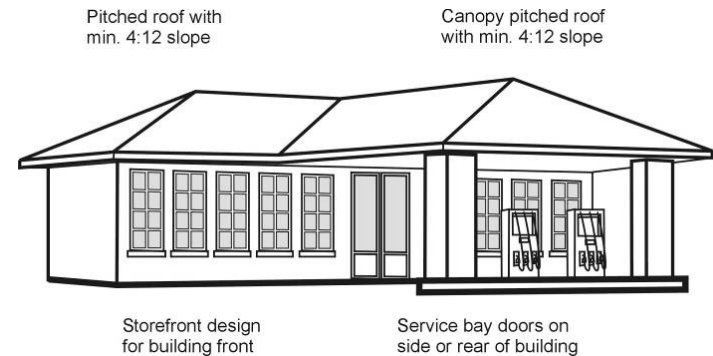


8. **Auto Service Uses.** Service stations and other automobile-oriented uses such as car washes, and vehicle maintenance uses shall meet the following design requirements. A lot containing an auto service use shall not be located within 300 feet of a lot

containing the same type of auto service use or a use with an accessory drive through window.

Auto Service

Building Height	A single story building may be permitted, provided the building has a pitched roof with a minimum 4:12 slope.
Building Design	The building shall meet all of the design requirements for a storefront building.
Fueling Pumps	No more than 4 fueling pumps may be located in the Michigan Avenue front yard; provided there is a ten (10) foot landscape greenbelt along the frontage.
Service Bay Doors	Service bay doors shall be located on the side or rear of the building and shall not be on the front façade facing Michigan Avenue.
Canopy	The canopy over the fueling pumps shall have a pitched roof with a minimum 4:12 slope. Support posts for the canopy shall be brick or stone. The canopy shall be attached to the building roof.
Access	No more than one (1) driveway shall be provided directly from the auto service use to a public street. On a corner lot, a second access can be allowed (one to each street).
Storage	There shall be no outside storage of vehicle parts or other materials. Long term storage of vehicles for longer than 48 hours shall be located in the rear yard and shall be screened by a minimum six (6) foot tall opaque fence.

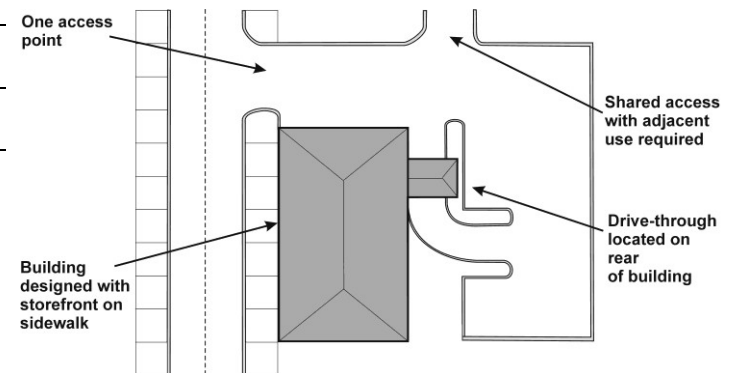


9. **Accessory Drive-Through Uses.** Drive-through windows that are accessory to restaurants, banks, retail uses such as pharmacies and service uses such as dry-cleaners shall meet the following design requirements. A lot containing a use with an

accessory drive through window shall not be located within 300 feet of another lot containing a use with an accessory drive through window or an auto service use.

Drive-Through Windows

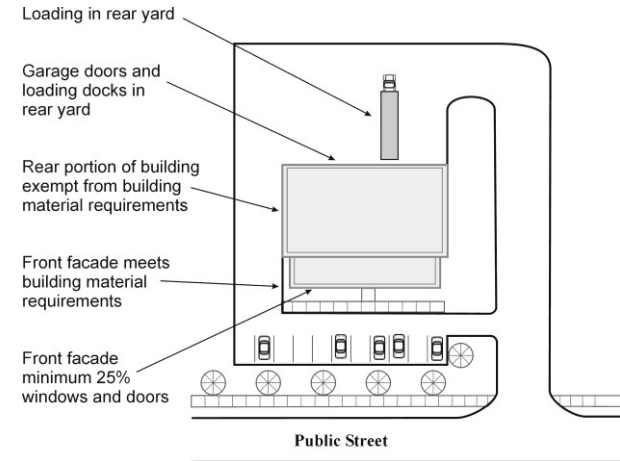
Building	The building shall meet all of the design requirements for a storefront building.
Drive-through Location	The drive-through shall be attached to the rear of the building where it is not visible from a street.
Number of Lanes	No more than one drive-through window, teller or lane shall be permitted on a building or site.
Access	No more than one (1) driveway shall be provided to a public street. The driveway shall be shared with an adjacent use or easements provided to allow future shared use.



10. **Industrial buildings.** All industrial buildings shall meet the following requirements.

Industrial Buildings

Front Façade	The front façade facing the street shall meet the building material requirements of subsection 12 below.
Windows and Doors	The front façade shall consist of a minimum of 25% windows and doors.
Side and Rear Facades	The side and rear facades of the building that do not face a public street shall be exempt from the building material requirements of subsection 12 below. For a corner lot, the side façade facing a street shall also be subject to the front façade design requirements above.
Garage Doors and Loading Docks	Garage doors and loading docks shall not be permitted on a front façade. All loading areas shall be located in the rear yard.
Mechanical Equipment Screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.



11. **Civic/Institutional buildings.** The design of an institutional or community service building, such as a church, school, government office or post office is subject to review and approval by the Planning Commission. The intent is to allow

flexibility in the design and siting of these unique buildings that serve a public use while ensuring their positive contribution to a desired community character as stated in the purpose section of the Grass Lake Village Form-Based Code.

Civic/Institutional Buildings

Front Setback	Civic/institutional buildings may exceed the maximum front yard setback of the district where a pedestrian plaza or landscaped front yard is provided.
Front Façade	Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
Entrance	There shall be a minimum of one (1) usable pedestrian entrance along the front public sidewalk. Main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
Prominent Design	The standards for General Commercial and Mixed-Use Buildings contained in Section 4.3.5.1 shall be used as a basis for the design of civic/institutional buildings, however the Planning Commission may permit modifications from these standards based upon the unique needs for the building and the desire to create unique landmark features with civic/institutional buildings.



12. **Building Materials.** All buildings shall contain quality building materials that are in keeping with the character of traditional buildings in Grass Lake. Permitted materials for exterior walls (exclusive of windows and doors) that are clearly visible from the street or parking lot, shall be limited to the following:

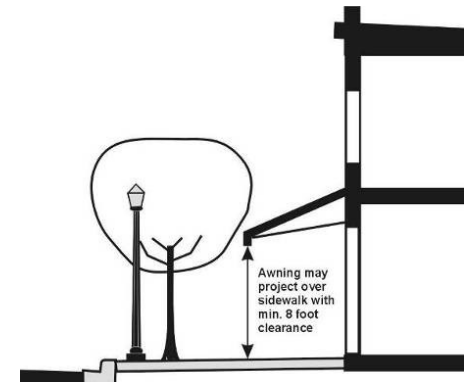
Building material	Primary building material	Trim material
Brick or tile masonry (panel brick, tilt-up brick or textured paneling not permitted)	Permitted	Permitted
Native stone (or synthetic equivalent)	Permitted	Permitted
Stucco (cementitious finish)	Permitted	Permitted
Wood lap siding	Permitted	Permitted
Fiber cement siding (such as Hardie-Plank) or vinyl siding	Permitted	Permitted
Pre-cast masonry (for trim and cornice elements only)	--	Permitted
Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only)	--	Permitted
Metal (for beams, lintels, trim elements and ornamentation only)	--	Permitted
Split-faced block (only for piers, foundation walls and chimneys)	--	Permitted

- A. Primary building material shall comprise at least 75% of the visible wall materials. Trim material shall comprise no more than 25% of the visible wall materials. Wall area calculations are exclusive of windows and doors
- B. Provided the appearance is in keeping with the traditional architectural character of Grass Lake, other materials not listed above that are of the same or higher quality in terms of durability and appearance/texture similar to brick, stone, or wood may be approved by the Planning Commission.
- C. Wall materials including panel brick, tilt-up brick textured paneling, plain, smooth-face, or scored concrete masonry units, exterior insulation and finish system (EIFS), corrugated metal

paneling and fiberglass sheeting are prohibited for walls that are clearly visible from streets, parks, civic squares, and civic greens.

13. **Awnings and Marquees.** Storefronts and building entrances may be enhanced by awnings or marquees, which give shade and shelter or add color and visual interest to the entry or display window of the storefront, provided that the following conditions are met:

- A. Awnings and marquees may project over a sidewalk; however, they must be a minimum of 8 foot clearance provided from the sidewalk.
- B. Awnings and marquees shall be functional and provide shade or shelter for pedestrians over a substantial portion of the sidewalk.
- C. Awnings shall be positioned immediately above ground floor windows and have a straight shed that projects from the building.
- D. Awnings shall be constructed of durable materials such as canvas or steel that will not fade or tear easily. Plasticized, rigid, cubed or curved awnings or mansard style canopies are prohibited.
- E. Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.



Section 4.3.6 – Non-Residential Site Design Requirements

1. **Parking.** Each use shall be required to provide off-street parking in accordance with the requirements of Section 5.4.
 - A. Off-street parking shall be located in the rear yard to the maximum extent practical. Parking may be permitted in the side yard where it is setback a distance equal to the building, does not occupy more than 40% of the frontage along the street and a 3-foot tall brick screenwall that serves as an extension of the adjacent building is provided between the parking and the sidewalk.
 - B. Uses on separate lots may enter into shared parking agreements. The amount of parking provided for all such uses shall equal the sum of the parking required for each individual use; provided, however, the Planning Commission may authorize a reduction in the total number of required parking spaces when it has been determined that 2 or more uses can be adequately served by the same parking spaces by reason of the characteristics of the land uses and their hours of operation.
2. **Bicycle Facilities.** All developments with parking lots shall be designed to accommodate bicycle travel by providing bike racks.
3. **Loading.** Off-street loading spaces shall be provided as required by Section 5.5. Waivers to loading space requirements may be granted by the Planning Commission for uses such as offices or banks where deliveries by truck will not be necessary. Loading and outdoor storage areas shall be located in the rear yard or within loading bays that are that are surrounded or enclosed by buildings, and not visible from the street. Loading areas not within loading bays shall be screened from any adjacent use by a 6 foot tall brick wall or other masonry material matching the primary building material.
4. **Landscaping and Screening.** Landscaping and screening shall be provided for as follows:
 - A. **Street Trees.** One (1) street canopy tree shall be provided for each 40 feet of street frontage. Street trees shall be minimum 2½ inch caliper canopy trees.
 - B. **Parking Lot Landscaping.** Parking lots shall be landscaped with one (1) canopy tree for every 10 parking spaces. Parking lots that are located in a rear yard and are not visible from the street shall be exempt from this requirement.
5. **Screen Walls.** Where required, screen walls must meet the following requirements:
 - A. All screen walls must be at least 36-inches in height, measured from the highest grade on either side of the wall location.
 - B. Walls shall be constructed of brick no less than 8" thick and shall have a pointed, 45-degree limestone or brick cap that overhangs the wall no less than 1/2 inch on each side. Brick walls must be constructed on a continuous foundation.
 - C. Wrought iron fencing or other similar ornamental fencing may be used, provided its design uses brick piers and it is installed along with a continuous hedge row.
6. **Waste receptacles.** Waste receptacles shall not be visible from the street and shall be located in the rear yard. Waste receptacles over 55 gallons in size shall be enclosed by a 6 foot tall wall constructed of brick or other masonry material matching the primary building material. Multiple businesses may share a waste receptacle, provided there is a recorded agreement for shared use and maintenance. Uses with multiple smaller trash cans shall keep the trash cans in some form of screened enclosure.

7. **Outdoor lighting.** All outdoor lighting used to light the general area of a non-residential site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or adjacent residences, in accordance to the standards below:
- A. Light shall not exceed more than one half (0.5) footcandles at a residential lot line. Light shall not exceed more than 1.0 footcandle at a non-residential lot line, except along the road frontage. The maximum light level on the site shall be ten (10) footcandles. Light levels under canopies, such as gas stations or drive-through banks, may be increased up to a maximum of twenty (20) footcandles.
 - B. Outdoor lighting fixtures, including parking lot lights and wall-packs shall be downward directed, shielded, full cutoff fixtures. Lighting shall be directed toward and confined to the ground areas of lawns or parking lots except for ornamental lighting. Ground-mounted flood lights must be directed onto structures in a manner that does not cause off-site glare.
 - C. Ornamental lighting, including pedestrian lighting and decorative wall sconces, may be permitted if approved by the Planning Commission. Decorative lighting must be designed to limit light spill onto adjacent properties.
 - D. Light pole heights may not exceed twenty (20) feet in height. Additional pole height may be allowed at road intersections, as approved by the Planning Commission.
 - E. Exterior neon lighting is not permitted.
 - F. Street lights shall be required in the CBD along Michigan Avenue and Lake Street:
 - 1) Placement shall be coordinated with street tree locations and should generally be placed every sixty (60) feet on center.
 - 2) Electrical outlets must be included in the light design to allow for decorative holiday lighting.

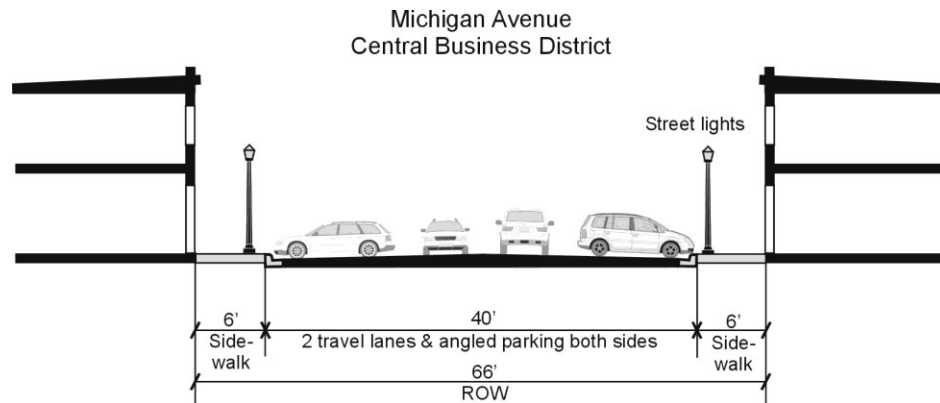
Section 4.3.7 Streetscape Requirements

The following typical street cross sections represent the desired street form for the various districts and streets noted. The following are typical street sections and may vary along their length based upon Village engineering standards.

1. An applicant shall not be required to make any improvements to the vehicular lanes located between the curbs for an existing public street. However, the applicant shall make all streetscape improvements outside of the street curb along the lot frontage as shown in the following cross sections, including sidewalks, curb-lawn landscaping and street trees.
2. When an applicant proposes a new street or to reconstruct an existing street, they shall construct the street and associated streetscape improvements in accordance with the following street cross sections and all applicable Village engineering, and construction standards.

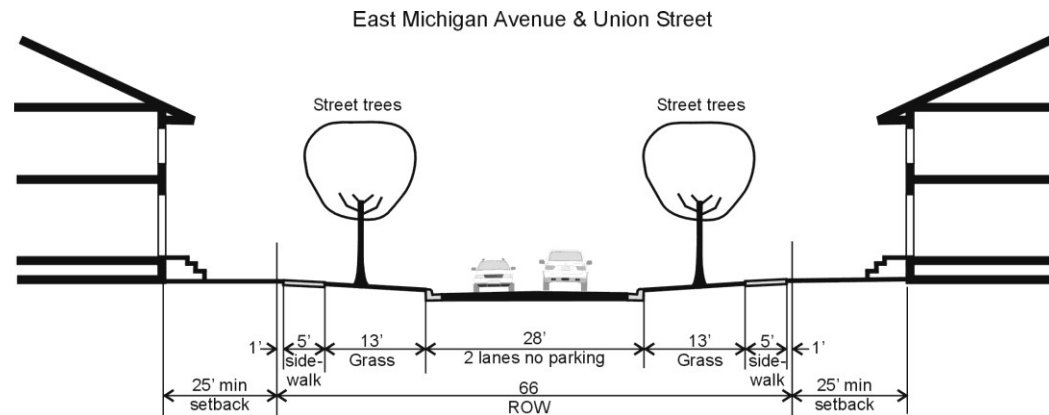
Michigan Avenue CBD

Roadway	40 feet, or as determined by MDOT. 2 travel lanes
Curb-lawn	None.
Sidewalk	Minimum 6 foot wide both sides.
Street lights	Village street lights.
Street trees	None required.
Parking	East of Lake St. angled parking on both sides. West of Lake St. angled on north side, parallel on south side
Right-of-way	66 feet, or as determined by MDOT.



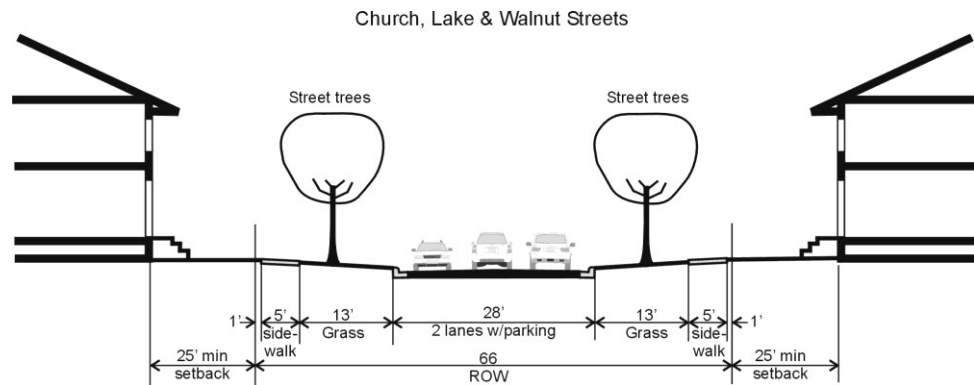
Michigan Avenue (outside CBD) and Union Street

Roadway	28 feet, or as determined by MDOT. 2 travel lanes
Curb-lawn	13 feet grass between curb and sidewalk.
Sidewalk	Minimum 5 foot wide both sides.
Street lights	None required.
Street trees	Minimum one tree every 40 feet in curb-lawn or in front yard within 15 feet of front lot line.
Parking	No parking, except on-street parallel parking is allowed on Union Street, south of Michigan Avenue.
Right-of-way	66 feet, or as determined by Village.



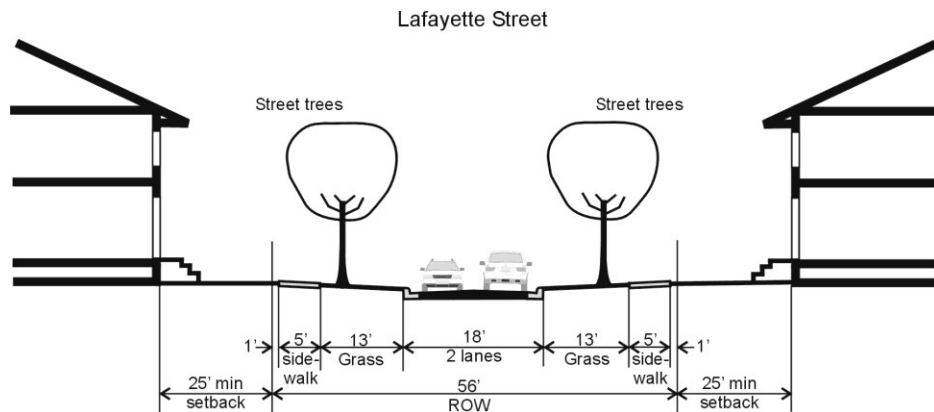
Church, Lake and Walnut Streets

Roadway	28 feet, or as determined by Village. 3 lanes – travel/parking.
Curb-lawn	13 feet grass between road and sidewalk.
Sidewalk	Minimum 5 foot wide both sides.
Street lights	None required.
Street trees	Minimum one tree every 40 feet in curb-lawn or in front yard within 15 feet of front lot line.
Parking	Parallel parking both sides.
Right-of-way	66 feet, or as determined by Village.



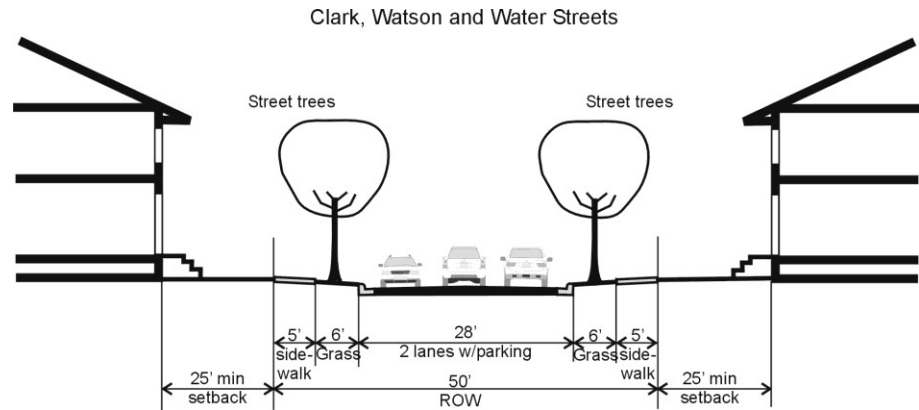
Lafayette Street

Roadway	18 feet, or as determined by Village. 2 lanes – travel, no parking.
Curb-lawn	13 feet grass between curb and right-of-way.
Sidewalk	Minimum 5 foot wide both sides.
Street lights	None required.
Street trees	Minimum one tree every 40 feet in curb-lawn or in front yard within 15 feet of front lot line.
Parking	Parallel parking on one side.
Right-of-way	56 feet, or as determined by Village.



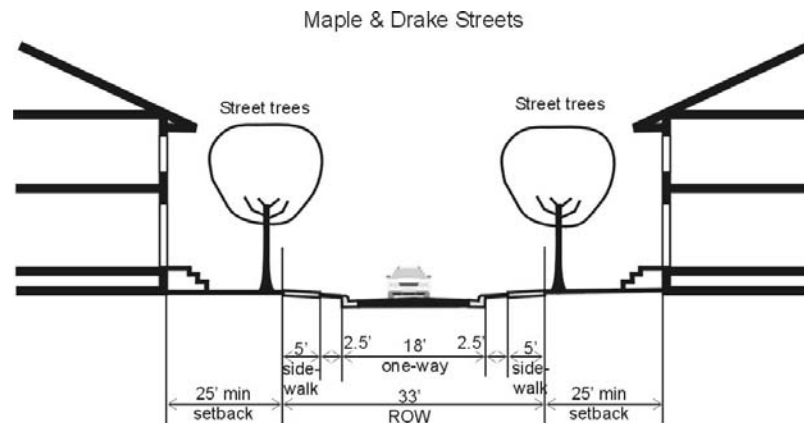
Clark, Watson and Water Streets

Roadway	28 feet, or as determined by Village. 3 lanes - travel/parking.
Curb-lawn	6 feet grass between curb and right-of-way.
Sidewalk	Minimum 5 foot wide both sides.
Street lights	None required.
Street trees	Minimum one tree every 40 feet in curb-lawn or in front yard within 15 feet of front lot line.
Parking	Parallel parking both sides.
Right-of-way	50 feet, or as determined by Village.



Maple and Drake Streets

Roadway	18 feet, or as determined by Village. One-way.
Curb-lawn	3½ feet grass between curb and sidewalk. 7½ grass area where there is no sidewalk.
Sidewalk	Minimum 5 foot wide both sides.
Street lights	None required.
Street trees	Minimum one tree every 40 feet in front yard within 15 feet of front lot line.
Parking	No parking.
Right-of-way	33 feet, or as determined by Village.



(Amended, effective May 20, 2009.)

SECTION 4.4 - MU-1, MUNICIPAL UTILITIES DISTRICT

Section 4.4.1 -- STATEMENT OF PURPOSE: The MU-1 (Municipal Utilities) District is established as a district intended to include all properties involved in support of the municipal utilities system and provision of essential services to the residents of the Village.

Section 4.4.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Municipal Utilities District. Any use not expressly permitted is prohibited.

1. Structures involved in provision of essential utility services, including municipal water wells, distribution facilities, and towers; electrical substations; telephone switching facilities; Department of Public Works buildings and material storage areas, and wastewater treatment facilities.
2. Government buildings.

Section 4.4.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the Planning Commission in accordance with Section 5.3.

1. Communications Towers, including cellular communications, subject to the conditions set forth in Section 4.7.8.3.

Section 4.4.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS:

1. Area, yard, height, and bulk requirements, unless otherwise specified shall follow the Schedule of Regulations below:

TABLE 4.4.4
District Area, Yard, Height, and Bulk Requirements

Zoning District	Lot Requirements			Min. Yard Requirements (ft.)			Min. Floor Area	Max. Building Height (F)	
	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Lot Coverage	Front	Side	Rear	(Sq. Ft.)	Principal Buildings	Accessory Buildings (G)
MU-1Municipal Utilities	N/A	N/A	N/A	20	N/A (A)	N/A (A)	N/A	35 ft. or 2 ½ stories	35 ft.

2. Footnotes:

- A. When MU-1 developments abut residential districts, a 10 foot landscaping strip shall be provided. This strip shall contain a hedge at least 3 feet in height, or a berm 4 feet in height, or a combination thereof. The strip will also contain one tree for every 35 feet of its length. Trees shall be at least 2 ½ inch in caliper at root ball and shall be of a coniferous species which provides sufficient screening to neighboring areas. (Amended, effective May 20, 2009.)

SECTION 4.5 - OS-W, WETLANDS OVERLAY DISTRICT

Section 4.5.1 -- STATEMENT OF PURPOSE: The OS-W Wetlands Overlay District is established as an overlay district intended to protect wetland areas as defined by the Michigan Department of Environmental Quality (MDEQ). As such, uses on protected wetland areas, under the jurisdiction of the MDEQ shall comply with appropriate state statutes governing such areas. Further, the intent of the Wetlands District is to assist in the coordination of local activities regarding wetland areas with MDEQ and, if necessary permits are secured, to allow more intensive land uses. The effect of the OS-W District is to supersede the zoning on the underlying zoning map unless and until necessary permits can be secured from the MDEQ.

Section 4.5.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Wetlands District. Any use not expressly permitted is prohibited (uses as permitted in the Goemaere-Anderson Wetlands Protection Act, P.A. 203 of 1979).

1. Fishing or trapping;
2. Swimming or boating;
3. Hiking;
4. Maintenance or operation of serviceable structures in existence on the effective date of Public Act 203 of 1979 (October 1, 1980) or constructed pursuant to same;
5. Construction or maintenance of farm or stock ponds;
6. Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - A. An existing private agricultural drain;
 - B. That portion of a drain legally established pursuant Act Number 40 of the Public Acts of 1956, as amended, being Sections 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes;
 - C. A drain constructed pursuant to other provisions of Act 203 of 1979.
7. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized;
8. Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used in the production and harvesting of agricultural products. Except as otherwise provided in Act 203 of 1979, land improved under this subdivision after the effective date of Act 203 shall not be used for non-farming purposes without a permit from the Michigan Department of Environmental Quality (MDEQ). This subdivision shall not apply to a wetland which is contiguous to a lake or stream, or to a wetland which the Department of Environmental Quality has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case the permit shall be required;

9. Maintenance or improvement of public streets, highways, or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the right-of-way; or deviating from the existing location of the street, highway, or road;
10. Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines have a diameter of six (6) inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized;
11. Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized;
12. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980 or constructed pursuant to Act 209 of 1979;
13. Construction of iron and copper mining tailings basins and water storage areas.

Section 4.5.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission and the Michigan Department of Environmental Quality (MDEQ), if necessary. All conditional use approvals shall be in accordance with Section 5.3.

1. Permitted or conditional uses in the underlying zoning district.

Section 4.5.4 -- PROCEDURE: The following procedure shall be followed in administering applications in the OS-W District:

1. It is determined by the Village of Grass Lake Zoning Administrator that a proposed development falls within the OS-W zoning district. The area to be developed is therefore determined to be a wetland under the jurisdiction of the Michigan Department of Environmental Quality (MDEQ) under the requirements of P.A. 203 of 1979 (Goemaere-Anderson Wetland Protection Act) governing wetlands.
2. If the applicant for a building permit so chooses, the procedure continues when the applicant applies for all necessary permits with the Michigan Department of Environmental Quality.
3. If the necessary permits are secured from the MDEQ, the application then falls under the provisions of this Ordinance governed by the provisions of the underlying zone.
4. All uses shall be conditional uses whether permitted or conditional in the underlying zone. All regulations found in the underlying zones for such uses shall apply as well as the condition that all necessary permits must be secured from the MDEQ. As with all conditional uses, a public hearing shall be held by the Planning Commission.
5. The conditional use permit and rezoning process shall ensue according to P.A. 201 of 1921, and amendments thereto.

Section 4.5.5 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: If approval is secured from the Michigan Department of Environmental Quality and the Village of Grass Lake, the area, yard, height, and bulk requirements of the underlying district shall be met. (Amended, effective May 20, 2009.)

SECTION 4.6 - RESERVED

SECTION 4.7 – USE STANDARDS FOR ALL ZONING DISTRICTS

4.7.1 - Residential Uses

1. All dwelling units shall be reviewed by the Building Official subject to the following conditions:
 - A. Dwelling units shall conform to all applicable Village codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling. Dwelling units shall be constructed to the requirements of the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
 - B. The setbacks, gross floor area and lot coverage of any proposed single family dwelling unit shall comply with the standards set forth in the zoning district.
 - C. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations that are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frostline. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
 - D. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - E. Dwelling units shall have a roof with a minimum 4:12 pitch and minimum eight (8) inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt, or other acceptable shingles and meet the snow load standards for southern Michigan.
 - F. Dwelling units shall be oriented on the lot to be consistent with the configuration of dwelling units on adjacent properties and in the surrounding residential neighborhood. All dwelling units shall have width to depth and depth to width ratio that does not exceed three to one (3:1). All dwelling units shall have a minimum width dimension of twenty four (24) feet.
 - G. Dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street is manifestly designed as a front façade containing a door, windows and other architectural features customary of the front facade of a residence. There shall be a minimum of two (2) exterior doors with one (1) facing the street. All entrances shall be provided with steps, a stoop or porch that is permanently attached, on a frost depth foundation, either to the perimeter wall or foundation.
 - H. The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less.
 - I. All homes shall be anchored by an anchoring system approved by the Village.

- J. The Building Official may request a review by the Planning Commission of any dwelling unit with respect to items d, e and f above. The Planning Commission shall review the proposed dwelling at a hearing where notice of such hearing shall be provided to all occupants of dwellings within three hundred (300) feet of the lot to contain the proposed dwelling. The Building Official or Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the Village at large. In reviewing any such proposed dwelling unit, the Building Official may require the applicant to furnish such plans, elevations and similar documentation as the Building Official deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, then the nearest twenty (20) similar type dwellings shall be considered.
 - K. The provisions of this section shall not apply to manufactured homes situated in licensed manufactured housing parks. (Amended, effective May 20, 2009.)
2. Mobile home parks and subdivisions shall be subject to the following conditions:
- A. Each mobile home approved for erection on a mobile home subdivision lot shall be mounted on a solid concrete apron no less than twelve (12) feet in width, seventy (70) feet in length and four (4) inches in thickness or a suitable foundation;
 - B. Lot areas where a mobile home is to be erected, altered, or used as a single-family dwelling shall contain not less than 10,000 square feet of lot area for each mobile home;
 - C. The minimum lot width shall be eighty (80) feet;
 - D. The maximum lot coverage shall not exceed thirty (30) percent;
 - E. Each mobile home in the subdivision shall have a front yard setback of at least thirty (30) feet;
 - F. Each mobile home in the subdivision shall have side yard setbacks of at least eight (8) feet;
 - G. Each mobile home in the subdivision shall have a rear yard setback of at least twenty (20) feet;
 - H. No building or structure, or part thereof, shall be erected to a height exceeding fifteen (15) feet;
 - I. All mobile homes to be erected and used in a mobile home subdivision shall contain a gross floor area of not less than eight-hundred forty (840) square feet.
3. Home businesses
- A. Home businesses shall be conducted solely by persons residing at the residence and/or with the assistance of one person who does not reside on the premises.
 - B. All business activity shall take place within the interior of the dwelling or an accessory structure. There shall be no exterior storage of materials or equipment.

- C. No alteration to the exterior of the residential dwelling, accessory building(s), or yard that alters the residential character of the premises is permitted. Only a personal driveway may be used and no parking lots can be created for use by the business.
- D. The home business shall not have the effect of increasing the land use intensity, including the volume of pedestrian or vehicular traffic beyond that normally generated by homes in a residential neighborhood.
- E. No article shall be sold or offered for sale on the premises except that which is prepared or produced by the home business.
- F. No equipment or process shall be used in a home business which generates noise, vibration, glare, fumes, odor or electrical interferences that create a nuisance to persons off the premises. This includes electrical devices which create visible or audible interferences with radio or television receivers or fluctuations in line voltages off the premises.
- G. No hazard of fire, explosion, radioactivity, or chemical contamination shall exist at any time.
- H. A home business shall be permitted one (1) sign as specified in Section 5.15.3.

4.7.2 - Retail and Services

- 1. Drive-in or drive-thru businesses shall be subject to the following conditions:
 - A. The minimum lot area shall be 15,000 square feet;
 - B. The lot shall be located on a Major Street;
 - C. A use with an accessory drive-through window shall not be located within 300 feet of another use with a drive-through window or an auto service use.
 - D. Access to the site shall be provided as follows:
 - 1) Ingress and egress shall be provided from a Major Street and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare;
 - 2) All ingress and egress points shall be located no closer than one hundred fifty (150) feet from the intersection of any two (2) streets or highways;
 - 3) No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business;
 - 4) All driveways providing ingress or egress to a drive-in business shall be no more than thirty (30) feet wide at the property line; and
 - 5) No ingress or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or back into any street.

- E. The parking and traffic circulation plan for the lot shall be submitted to the Village Street Administrator for review, and sufficient measures shall be taken to provide for one-way traffic flow where recommended;
 - F. Where the lot abuts a residential district, a buffer strip shall be provided in accordance with the applicable district in the form-based code regulations;
 - G. All waste disposal areas including containers shall be screened with an obscuring wood or masonry wall from abutting residential properties and public streets;
 - H. All such uses must be shown to have received appropriate approvals by the Jackson County Health Department;
 - I. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least six (6) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously; and
 - J. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. (Amended, effective May 20, 2009.)
2. Building supplies sales, lumber yard, garden and lawn supply store and other similar retail uses with outdoor storage; machinery sales, farm or industrial; and feed and fertilizer, sales and storage shall be subject to the following conditions:
- A. A five (5) foot tall ornamental fence or wall shall be constructed along the rear and sides of the lot, capable of keeping debris from blowing off the premises.
 - B. Storage areas shall be hard-surfaced or constructed of a substitute acceptable to the planning commission, except the planning commission may allow a gravel surface where dust control measures are utilized.
 - C. Storage or materials display areas shall meet all the yard setback requirements applicable to buildings in the district.
 - D. No banners, pennants, flags, streamers, or other attention-getting devices shall be permitted.
 - E. Outdoor speakers shall be prohibited. (Amended, effective May 20, 2009.)
3. Kennels shall be subject to the following conditions:
- A. The applicant will demonstrate that the kennel complies with the Animal Control and Protection Ordinance, County of Jackson, Michigan Ordinance No. 1.
 - B. Applicant will submit a signed statement acknowledging receipt, and understanding of, a copy of the Village of Grass Lake General Ordinance Chapter 3, Animals, and Chapter 8, Nuisances.

4.7.3 - Auto Services

1. Automobile service stations, carwashes, major vehicle repair and minor automobile or recreational vehicle maintenance and storage facilities shall be subject to the following conditions:
 - A. The minimum lot area is ten thousand (10,000) square feet;
 - B. The minimum street frontage is one hundred (100) feet;
 - C. An auto service use shall not be located within 300 feet of another auto service use or a use with a drive-through window.
 - D. Ingress and egress to any outdoor sales area shall be at least sixty (60) feet from the intersection of two streets; and
 - E. Exterior lighting shall be hooded or shielded so as to be deflected away from adjacent property in accordance with section 4.3.6.7.
 - F. All repair shall be conducted within a completely enclosed building.
 - G. Storage of vehicles awaiting repair shall be limited to no more than five (5) such vehicles for each repair bay. In no case shall vehicles be stored for a period in excess of fifteen (15) days. Storage of wrecked or partially dismantled vehicles shall only be permitted within a building or a storage area that is located in the side or rear yard and screened on all sides by a minimum six (6) foot tall wall.
 - H. There shall be no outdoor storage or display of vehicle components, parts, supplies, or equipment. (Amended, effective May 20, 2009.)

4.7.4 - Lodging and Restaurants

1. Bed and breakfast establishments and tourist homes shall be subject to the following conditions:
 - A. The bed and breakfast establishment shall be owner-occupied;
 - B. Food service licenses from the Jackson County Health Department are required;
 - C. No separate cooking facilities for individual rooms are allowed;
 - D. Adequate sanitary and bath facilities are provided; and
 - E. Adequate parking shall be provided according to Section 5.4.7 (Schedule of Off-Street Parking Spaces).
2. Hotels and motels shall be subject to the following conditions:
 - A. A swimming pool, tennis court, or similar recreational activity may be established in conjunction with the hotel or motel providing that no charge is made for its use;
 - B. A hotel or motel shall not be located within three hundred (300) feet from any adjacent residential district;

- C. Access should be provided so as not to conflict with adjacent businesses or adversely affect traffic flow;
 - D. Each unit shall contain not less than two-hundred fifty (250) square feet of floor area;
 - E. The property must abut a Major Street and provide access to this Major Street; and
 - F. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the caretaker or manager.
3. Restaurants with outdoor seating shall be subject to the following conditions:
- A. The seating area shall be delineated with railings or ornamental walls that are a minimum of three (3) feet tall.
 - B. If located in front yard of the building, pedestrian circulation and access to the building entrance and along the sidewalk shall not be impaired, with a minimum five (5) foot wide unobstructed pedestrian pathway maintained.
 - C. The seating area shall be kept free of debris and litter.
 - D. Outdoor amplification shall be prohibited.
 - E. Additional signage shall not be permitted.
 - F. Any area used for the outdoor preparation of food or beverages shall be approved by the Planning Commission and the Health Department. The preparation area shall be integrated into the site and located to not impact adjacent uses.
 - G. Confirmation of appropriate liquor licenses shall be submitted to the Village, if proposed. (Amended, effective May 20, 2009.)
4. Drive-Through and Drive-In Restaurants: See 4.7.2.1.

4.7.5 - Office and Financial

- 1. Radio and television studios on the condition that all broadcasting antennas or towers are set back one (1) foot for every foot that tower exceeds the height limitation of the district.

4.7.6 - Medical and Care Facilities

- 1. Child care centers shall be subject to the following conditions:
 - A. There shall be provided and maintained a minimum of two-hundred (200) square feet of outdoor play area for each child or student, and;
 - B. A minimum of five thousand (5,000) square feet of fenced outdoor play area shall be provided; and

- C. The maximum licensed capacity for a child care center in the R-1, R-2, LS, CM, MA and WS districts is 25 children. (Amended, effective May 20, 2009.)
- 2. Group child day care homes shall be subject to the following conditions:
 - A. This activity must take place in a single-family home; and
 - B. The lot must be a minimum of seven-thousand five-hundred (7,500) square feet.
- 3. Funeral homes and mortuaries shall be subject to the following conditions:
 - A. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession provided further that such assembly area shall be provided in addition to any off-street parking area;
 - B. A landscaped, maintained transition strip of fifteen (15) feet in width shall be provided on the side and rear yards and said strip of twenty (20) feet in width shall be provided in the front yard; and
 - C. A caretaker's residence may be provided within the main building of the funeral home.
- 4. Hospitals, convalescent homes, nursing homes, orphanages, sanitariums, and charitable institutions for human care shall be subject to the following conditions:
 - A. All such institutions shall be developed only on sites consisting of at least ten (10) acres in area or 1,500 square feet per bed, whichever is greater;
 - B. The proposed site shall have at least one property line abutting a Major Street. All ingress and egress to the off-street parking area, for guests, employees, staff as well as other uses of the facilities, shall be directly on said Major Street;
 - C. In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two stories or more;
 - D. The minimum distance from any street line shall be not less than forty (40) feet for buildings containing two stories or less, while buildings above two stories shall be set back an additional one foot for every five feet of height above two stories;
 - E. The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet. Ambulance and delivery areas shall be obscured from all residential view with a wall six (6) feet in height; and
 - F. Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.

4.7.7 – Recreation and Entertainment

- 1. Adult uses shall be subject to the following conditions:

- A. No such use shall be located nearer than five hundred (500) feet from any residence, church, school, or park;
 - B. No such use shall be located nearer than five hundred (500) feet from any other adult use; and
 - C. The use shall not result in blight nor an adverse affect on health, safety, welfare, or morals of the citizenry of the Village.
- 2. Bowling alleys, skating rinks, dance clubs, exercise clubs, amusement arcades, and similar uses shall be subject to the condition that they are placed a minimum of one hundred (100) feet from any residentially zoned district.
 - 3. Golf courses and accessory uses customarily associated with such use shall be subject to the condition that a fifty (50) foot buffer strip is placed around the periphery, or any portion, of the golf course.

4.7.8 - Civic

- 1. Churches, synagogues, and temples shall be subject to the following:
 - A. A landscaped, maintained transition strip of fifteen (15) feet in width shall be provided on the side and rear and twenty (20) in width in the front yard.
 - B. Such uses in the R-1, R-2, LS, CM, MA and WS district must also adhere to the following:
 - 1) A minimum lot area of one (1) acre is required;
 - 2) A minimum lot width of one-hundred fifty (150) feet is required; and
 - 3) All structures shall be set back a minimum of fifty (50) feet from any lot line. (Amended, effective May 20, 2009.)
- 2. Elementary schools shall be subject to the following conditions:
 - A. There shall be provided and maintained a minimum of one-hundred fifty (150) square feet of outdoor play area for each child or student; and
 - B. A minimum of five thousand (5,000) square feet of outdoor play area shall be provided.
- 3. Communications towers shall be subject to the following conditions:
 - A. The following site and development requirements shall apply:
 - 1) The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.
 - 2) The base of the tower and guy wire supports (if any) shall be fenced with a minimum six (6) foot high fence.
 - B. The following special performance standards shall apply to communications towers:

- 1) All communications towers must meet the standards of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
- 2) The plans of the communication tower shall be certified by a registered structural engineer.
- 3) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- 4) The base of the communications tower shall occupy no more than five hundred (500) square feet.
- 5) The height of a communications tower shall not exceed two hundred (200) feet from grade. Towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or one-half (½) mile from a helipad.
- 6) A communications towers shall not be artificially lighted except as required by the Federal Aviation Administration. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- 7) In no case shall a tower or antenna be located within thirty (30) feet of a property line.
- 8) Communications towers shall be located so that they do not interfere with reception in nearby residential areas and so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- 9) All towers shall be equipped with an anti-climbing device to prevent unauthorized access. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- 10) Communications towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with applicable local statutes, regulations and standards. In addition, they shall be designed to withstand a uniform wind loading.
- 11) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- 12) Accessory structures are limited to uses associated with the operation of the tower, shall not exceed six hundred (600) square feet of gross area, and may not be located within twenty (20) feet of any property line.
- 13) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- 14) There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.

- 15) The policy of the community is to minimize the number of communication towers in the Village. Therefore, the Village shall require the collocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 - a) All new and modified communication towers shall be designed and constructed so as to accommodate collocation.
 - b) A conditional use permit for the construction and use of a new communications tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- C. The following information shall be submitted prior to Village approval to construct a communication tower:
 - 1) Site plan in accordance with Section 5.2.4.
 - 2) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communications tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.
 - 3) The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Village Planning Commission shall specify the form of security as approved by the Village attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.
 - 4) 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 facility is located within the Village.

4.7.9 - Industrial

1. Automobile wrecking and salvage yards shall be subject to the following conditions:
 - A. No portion of the wrecking and salvage operation may be closer than two hundred (200) feet from any residentially-zoned property;
 - B. The open storage of any industrial equipment, vehicles, and materials including wastes, shall be screened from public view, from a public street by an enclosure consisting of an obscuring wall or fence not less than eight (8) feet in height. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether

- immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or obscuring fence of at least eight (8) feet in height;
- C. No vehicles intended for dismantling or storage shall be stored outside of the obscured open storage area for a period greater than one (1) day;
 - D. Stacking of vehicles to a height exceeding eight (8) feet is prohibited;
 - E. There shall be emission of no noxious, toxic, or corrosive fumes or gases, in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury to property or business;
 - F. All outdoor storage shall comply with Section 5.6 -- Outdoor Storage of Materials and all other Village ordinances;
 - G. All waste including oil, fuel, grease, or any other substances shall be disposed of in a safe and sanitary manner;
 - H. No such use shall carry on any operation that would produce heat and glare beyond the boundary line of the industrial district; and
 - I. No such use shall use lighting in a manner that produces glare on public highways and/or neighboring property.
2. Bulk storage of explosives or flammable liquids shall be subject to the condition that permit for such activity is obtained from the Michigan Department of State Police Fire Marshall's Office.
3. Contractor's yards for vehicles, equipment, and materials
- A. No portion of the wrecking and salvage operation may be closer than two hundred (200) feet from any residentially-zoned property;
 - B. The open storage of any industrial equipment, vehicles, and materials including wastes, shall be screened from public view, from a public street by an enclosure consisting of an obscuring wall or fence not less than eight (8) feet in height. Whenever such storage is adjacent to a residential zone in either a front, rear, or side lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or obscuring fence of at least eight (8) feet in height;
 - C. No vehicle, equipment, or materials may be stored outside of the obscured open storage area for a period to exceed one (1) day; and
 - D. All outdoor storage of materials shall comply with Section 5.6 -- Outdoor Storage of Material and all other Village ordinances.
4. Helicopter landing pads
- A. All such pads shall be located no nearer than two hundred (200) feet from any residential zoning district;
 - B. All requirements of the Federal Aeronautics Administration (FAA) concerning the placement, operation, maintenance, and other requirements of such pads shall be met;

- C. The helicopter pad shall be located on the parcel to minimize potential negative effects of noise, air movement, and blowing dust and debris;
 - D. Aircraft refueling, repair, maintenance, and storage shall be prohibited; and
 - E. Landing and take-off approach to pad shall not be permitted over residential zones.
5. Recycling collection centers shall be subject to the following conditions:
- A. The site is located on a Major Street with a minimum eighty (80) foot public right-of-way;
 - B. The Planning Commission may establish the days and hours of operation;
 - C. No burning, melting, or other reclamation shall be permitted;
 - D. A site plan shall be submitted showing how the sign, lighting, landscaping, and fencing requirements of the zoning ordinance shall be met. The site plan shall also show traffic circulation on the site;
 - E. No materials shall be stored or deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces. No storage of materials shall be allowed outside of the semi-trailers, bins, barrels, or other appropriate container;
 - F. The site shall be kept clean and free of litter and debris. Weeds shall be controlled;
 - G. Rodents and other pests shall be controlled; and
 - H. Activity on the site shall be located at least one hundred (100) feet from any residentially-zoned district.
6. Mini-Storage Warehousing shall be subject to the following conditions:
- A. No building shall exceed sixteen (16) feet in height measured from the ground to the top of a wall.
 - B. No single structure shall exceed five thousand (5,000) square feet in area and each individual unit shall not exceed five hundred (500) square feet in area.
 - C. The minimum setback adjacent to any residential zoning district shall be fifty (50) feet.
 - D. All traffic ingress-egress shall be on a major street.
 - E. Vehicular ingress-egress shall be limited to one point for each side of property abutting any street or lot line.
 - F. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide when cubicles open onto one side of the lane only and at least twenty-four (24) feet wide when cubicles open onto both sides of the lanes.
 - G. If an on-site manager is to be provided: 1) two (2) parking spaces shall be provided adjacent to the manager's quarters; 2) one (1) spaces for every two hundred (200) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of

two (2) such spaces shall be provided; 3) required parking spaces may not be rented as, or used for boat or vehicular storage.

- H. Outdoor advertising displays that do not identify the nature of the self-service storage facility itself shall not be permitted on the premises. Outdoor self-service storage identification advertising displays shall be in accordance with Section 5.15 of this Ordinance and shall not in any way exceed the maximum size, height and setback, if applicable.
- I. All outdoor lights shall be shielded to direct light and glare only onto the self-service facility premises in accordance with Section 4.3.6.7.
- J. All storage shall be within an enclosed building.
- K. The repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited. The storage of any propane or gasoline engine or propane or gasoline storage tank is also prohibited, except when such tank is attached in a usual manner to a recreational vehicle, boat, motorcycle or other such vehicle used for recreational purposes.

The prohibition of storage tanks is not intended to prohibit the storage of recreational vehicles, boats, motorcycles, or other such vehicles used for recreational purposes. If such vehicles are to be stored within a facility, it shall meet all applicable fire and building codes that have been adopted by the Village of Grass Lake.
- L. No owner, operator, or lessee of any self-service storage facility or portion thereof shall offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units or permit the same to occur upon any area designated as a self-service storage facility.
- M. Violation of any provision of the conditional uses listed above is punishable by Section 6.7 of this Ordinance.
- N. In order to ensure security and discourage loitering on the site the Village Council may require a six-foot chain-link fence to be erected along the perimeter of the site. (Amended, effective May 20, 2009.)

SECTION 4.8 – PUD, Planned Unit Development Overlay District

Section 4.8.1 - STATEMENT OF PURPOSE

The provisions of this Section provide enabling authority and standards for the submission, review and approval of applications for planned unit developments. The purpose of this Section is to permit flexibility in the regulation of land development; to encourage the use of land in accordance with its character and adaptability; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage provision of useful open space; provide enhanced employment, housing, shopping, and traffic circulation to meet the needs of the residents of the Village of Grass Lake; encourage the use, reuse and improvement of existing sites and buildings when uniform regulations contained in base zoning districts do not provide adequate protection and safeguards for the site or surrounding area, and; bring about a greater compatibility of design and use between neighboring properties. To that end, the provisions of this Section are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to ensure appropriate, fair, and consistent decision making.

Section 4.8.2 - LOCATION OF THE PUD OVERLAY ZONING DISTRICT

A PUD District is hereby established and shall be located as an overlay district in any residential or open space zoning district of the Village of Grass Lake. This overlay district is intended to replace the underlying zoning districts upon formal application to the Planning Commission and approval of the Village Council. Denial of an application for PUD shall not change the underlying zoning district and regulations.

Section 4.8.3 - PUD PERMITTED USES

All residential uses may be permitted in the PUD overlay district in accordance with regulations stated below. All PUD projects must be compatible with the spirit and intent of the Master Plan and must not result in any unreasonable economic impact upon surrounding properties in the underlying zoning districts.

Section 4.8.4 - PUD REGULATIONS

The applicant for a PUD must demonstrate as a condition to being entitled to PUD approval that:

1. Granting of the PUD overlay zoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
2. In relation to underlying zoning, the proposed type of density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.

3. The proposed development shall be consistent with the Village of Grass Lake Master Plan, and shall be consistent with the intent and spirit of the Zoning Ordinance.
4. The proposed development shall not result in any unreasonable negative economic impact upon surrounding properties.
5. The proposed development shall contain at least as much usable open space as would be required in this Ordinance in relation to the most dominant use in the development.

Section 4.8.5 - PUD OWNERSHIP

The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

Section 4.8.6 - PROJECT DESIGN STANDARDS

Based upon the following standards, the Planning Commission may recommend denial or approval, and the Village Council may deny or approve the proposed PUD.

1. Subject to the following subparagraph A of this Section, all ordinances applicable to lot size, lot width, lot coverage, setback, minimum floor area, building height, parking and loading, general provisions, and to other requirements and facilities; shall be as follows:
 - A. Single-family detached residential uses shall meet the ordinances applicable in the R-1, R-2, or OS-1 districts.
 - B. Multiple-family residential uses shall meet the ordinances applicable in the RM-1 district.
2. Consistent with the planned unit development concept, and to encourage flexibility and creativity, departures from compliance with the regulations above may be granted at the discretion of the Village Planning Commission as part of the approval of a planned unit development. Departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Village Planning Commission designed into the project to achieve the objectives intended with respect to each of the ordinances being departed from.
3. The development shall be designed so as to promote preservation of natural resources and natural features.
4. The Village Planning Commission shall take into account the following considerations and insure compliance with all relevant applicable ordinances: perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; pedestrian circulation system; and an integrated development with respect to signage, lighting, landscaping and building materials.

Section 4.8.7 - PROCEDURE FOR PUD REVIEW AND APPROVAL

The granting of a planned unit development application shall require a rezoning, i.e., an amendment of the zoning map constituting a part of this Ordinance so as to designate the property which is the subject of the

application as planned unit development. Further, an approval granted under this Section, including all aspects of the final plan, and conditions imposed, shall constitute an inseparable part of the zoning amendment.

1. The Planning Commission shall hold a hearing at which the petitioner shall present the proposed PUD development plan and the Planning Commission shall provide the petitioner with its comments within thirty (30) days after holding such a hearing. No fees shall be charged for said preliminary hearing.
2. The petitioner shall next submit to the Clerk five (5) copies of the PUD development plan together with the base application fee. Copies of the plan as submitted shall be distributed to the appropriate reviewing agencies (e.g. village engineer, village planning consultant, county drain commissioner, Michigan Department of Environmental Quality (if wetlands are involved), etc.) for review to determine if the development concept can be accommodated by the existing public utility, street, and general service facilities as necessary for the project and determine if additional impact studies are required. Any costs incurred for additional reviews are the responsibility of the applicant.
3. The Chairman of the Planning Commission or Village Clerk shall notify the petitioner of any questions raised by the reviewing agencies during said review and shall submit like information to the Planning Commission for its consideration, along with a report from the village planning consultant which evaluates the planning aspects of the project and its impact on the present and future development of that part of the Village in which it is located.
4. The Planning Commission shall, after holding public hearings on said PUD development plan, noticed in accordance with Section 6.8, and reviewing said reports, make its recommendation to Village Council on said plan within sixty (60) days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the Planning Commission may extend this time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.
5. If the PUD development plan is rejected by the Planning Commission, its reasons therefore shall be specified in a letter from the Planning Commission to the applicant.
6. The Planning Commission's recommendations and all related reports shall be submitted to the Village Council for its consideration. The Council shall, after holding a public hearing on the PUD development plan and petition, noticed in accordance with Section 6.8., take final action on said plan and petition within thirty (30) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.
7. If the site plan is rejected by the Council, its reasons shall be based upon the standards of review listed above, specified in writing, and approved by the Council.
8. Approval of the final PUD site plan by the Council shall constitute approval of the rezoning request and shall entitle the applicant to apply for building permits.

Section 4.8.8 - PUD APPLICATIONS

Preliminary plans shall include the following:

1. Applicant's name and address.

2. The name of the proposed development.
3. Common description of property and complete legal description.
4. Dimensions of land: width, length, acreage and frontage.
5. Existing zoning and zoning of all adjacent properties.
6. Statement of intent of proposed use of land and any phasing of the project.
7. Name, address, city and phone number of: firm or individual who prepared the plan; owner of the property; and applicant, if other than owner.
8. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
9. Proposed acceleration, deceleration, and passing lanes.
10. Location of existing drainage courses, flood plains, lakes, streams, and wetlands.
11. Intentions with respect to water and sewer.
12. All parking areas and number of spaces by size.
13. The number and location of areas to be preserved as open or recreational space.
14. All known natural resources and natural features to be preserved.
15. Fair representation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate location of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
16. Specification of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought.
17. The Planning Commission and/or Village Council may require a topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to review.

Final site plans shall include the following:

1. All requirements for site plan review under this Ordinance.
2. A site plan showing the type, location, and density of all uses.
3. All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas.
4. Evidence of market need for the use(s) and economic feasibility of the project.
5. A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development Section. This specification should include ordinance provisions from which

deviations are sought, and if the applicant elects to be governed by Section 4.8, the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified.

6. In the event the property on which the project is to be situated consists of 25 acres or more, a community impact statement may be required as part of the application.
7. A detailed landscaping plan.
8. A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.

Section 4.8.9 - PUD CONDITIONS

Reasonable conditions may be required with the approval of planned unit development, to the extent authorized by law, for the purpose of insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

Section 4.8.10 - PHASING AND COMMENCEMENT OF CONSTRUCTION

1. Phasing: Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare, of the users of the planned unit development and the residents of the surrounding area.
2. Commencement and Completion of Construction: Construction shall be commenced within one year following final approval of a planned unit development, or within one year of any other necessary approvals which have been actively pursued. Each phase of the project shall be commenced within one year of the schedule established for same in the application submitted for the planned unit development. If construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided an extension for a specified period may be granted by the Village Council upon good cause shown if such request is made to the Village Council prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Village Council shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as planned unit development, a new application shall be required, and shall be reviewed in light of the then existing and applicable law and ordinance provisions.

Section 4.8.11 - EFFECT OF APPROVAL OF PUD

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and use shall be in conformity with such amendment. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the Village of Grass Lake upon the request and/or approval of the applicant's transferees and/or assigns.

Section 4.8.12 - PUD FEES

There shall be an advance payment of review fees at the time the preliminary plan is submitted. No review fee shall be required for the preliminary hearing with the Planning Commission except rezoning fees required upon application for a rezoning. There shall also be an advance payment of review fees at filing for the final plan. The amount of such fees shall be established by the Village Council of the Village of Grass Lake by ordinance or resolution.

(Effective September 27, 1999) (Amended, effective May 20, 2009.)

ARTICLE 5

SUPPLEMENTAL REGULATIONS

SECTION 5.1 -- PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 -- SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission and approval by the Village Council for all buildings and structures as noted in Section 5.2.1.

SECTION 5.2.1 -- BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN

The Zoning/Building Inspector shall not issue a building or zoning compliance permit for the use, occupation, or construction of any building of the below listed uses until a detailed site plan has been reviewed and recommended for approval by the Planning Commission and approved by the Village Council, and such approval is in effect:

1. Residential duplexes
2. Mixed residential/office
3. Multiple family dwellings
4. All commercial construction and uses
5. All industrial construction and uses
6. All public and institutional projects such as museums, schools, libraries, churches, cemeteries, etc.
7. All conditional uses in all districts
8. All condominium and site condominium projects (Amended, effective January 4, 1994)
9. Site plan review by the Planning Commission is required whenever any one of the following changes are made to a developed site:
 - A. A separate principal building or structure is added to a developed site.

- B. A site is razed and a new principal building or structure is erected.
- C. Additional off-street parking is needed in addition to that already provided. (Amended, effective December 30, 2000)

SECTION 5.2.2 -- APPLICATION AND FEE FOR SITE PLAN REVIEW

Any person may file a request for a site plan review by the Planning Commission by the filing with the Village Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Village Council of Grass Lake. As an integral part of said application, the applicant shall file at least two (2) copies of a site plan.

SECTION 5.2.3 -- PLANNING COMMISSION REVIEW OF SITE PLAN

Upon receipt of a complete site plan from the Clerk, the Planning Commission shall undertake a study of the same and shall, within forty-five (45) days, make recommendations concerning such site plan. If either major deficiencies are found during this review, or an incomplete site plan has been submitted, or changes or modifications in the proposed site plan are needed to achieve conformity to the standards in the Ordinance, the applicant will be notified of these in writing. Upon receipt of a revised plan from the applicant, the applicant will be placed on the next available agenda (or that of a Special Meeting if the applicant makes such a request). The Planning Commission will forward its recommendation to the Village Council within forty-five (45) days. The Planning Commission may extend this time for periods not to exceed thirty-one (31) days each if such extensions are necessary for adequate review. (Amended, effective December 30, 2000)

SECTION 5.2.4 -- REQUIRED DATA FOR DETAILED SITE PLAN

Every site plan submitted to the Planning Commission shall, depending on the nature of the proposed project, be in accordance with the requirements stated in either section 1 *or* 2 and 3 below. (Amended, effective September 27, 1999.)

1. Every site plan submitted, except site plans for uses as prescribed in Section 5.2.4.2 of this Ordinance (below), shall be drawn to a readable scale and include the following details:
 - A. The name and address of the property owner, name and address of the applicant (if different), scale used, a north arrow, proposed use of the property, the date that the plan was prepared, and the name and address of the preparer if different than the owner or applicant.
 - B. The location, and all boundaries of the property and dimensions and the location and use of all existing structures.
 - C. The location, size, and a brief description of any proposed construction of new structures or additions to existing structures.
 - D. The location of all existing and proposed streets, parking lots, driveways, signage, and other improvements to be constructed or used in the proposed project.

- E. The current zoning classification of the subject property and that of all adjacent properties.
 - F. A listing of current utilities and any proposed/required updates.
 - G. Any proposed changes to topography and other natural features.
 - H. Any other information which you think would be helpful to the planning commission during the review of this site plan.
2. Site plans submitted for the following uses shall be subject to the requirements of Section 5.2.4.3. (Amended, effective September 27, 1999.)
- A. New construction of a multiple-family building containing four (4) or more dwelling units.
 - B. Any project involving more than one multiple-family building on a lot, parcel, or series of lots under one (1) ownership.
 - C. An office in a residential district.
 - D. Condominium and site condominium projects.
 - E. Private roads
 - F. Mobile home parks
 - G. All new commercial and industrial construction (amended, effective march 1, 2004)
 - H. The following conditional uses:
 - 1) Mobile home subdivisions
 - 2) Automobile repair garages
 - 3) Hotels and motels
 - 4) Drive-in or drive-thru businesses, including drive-in theaters
 - 5) Automobile wrecking and salvage yards
 - 6) Bulk storage of explosives or flammable liquids
3. Site plans submitted for uses prescribed in Section 5.2.4.2 shall be submitted in accordance with the following requirements: (amended, effective September 27, 1999)
- A. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
 - B. The property shall be identified by lot lines and location, including dimensions, angles, and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.

- C. The site plan shall show the scale, north point, boundary dimensions; topography (at least two foot contour intervals); and natural features such as woodlots, streams, rivers, lakes, drains, and similar features.
- D. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
- E. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structures on the site, the height of all buildings and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- F. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular pedestrian circulation features within and adjacent to the site; also, the location, size, and number of parking spaces in the off-street parking area, including handicapper spaces as required by the Michigan Barrier Free Code, and the identification of service lanes and service parking. Any proposed exterior lighting and signage shall also be indicated. (Amended, effective March 1, 2004)
- G. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- H. Any site plan application subject to Planning Commission review shall include a photometric plan overlaid on the site plan illustrating the planned layout and footcandles of site lighting. The following are required for review:
 - 1) Lighting plan showing light pole and fixture locations and type designations;
 - 2) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels; and
 - 3) Lighting manufacturer's equipment specifications and data sheets.
- I. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
- J. The site plan will include a schedule of any project phasing. When a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to protect the health, safety and welfare of the project users and/or residents. (Amended, effective August 18, 2002)
- K. For any projects involving construction of multiple principal buildings and/or significant site improvements (roads, sidewalks, parking areas, grading, underground utilities, exterior lighting), the site plan will include a projected schedule for the installation of

these site improvements that will be reviewed by the Village Engineer. (Effective March 1, 2004) (Amended, effective May 20, 2009.)

SECTION 5.2.5 -- STANDARD FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant according to the standards set forth in Section 5.3.5. The Planning Commission reserves the right to request additional information it deems necessary to complete the review of any submitted site plan. Any costs incurred for additional reviews are the responsibility of the applicant. (Amended, effective September 27, 1999 and December 30, 2000)

SECTION 5.2.6 -- VILLAGE COUNCIL APPROVAL OF SITE PLAN

Within forty-five (45) days from the date of the Planning Commission's recommendation, the Village Council shall review the Planning Commission's findings and recommendations and shall approve, conditionally approve, or deny a site plan. The Council shall notify the applicant in writing of its action within ten (10) days of the decision, including any changes necessary to meet the standards outlined in Section 5.2.5 and any performance guarantee required under Section 5.2.9. A zoning compliance permit and a building permit shall not be issued until the site plan has been approved by the Village Council.

Upon the Village Council approval of a site plan the applicant shall file with the Clerk four (4) copies thereof, amended as necessary. The Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provision of this Ordinance and that any performance guarantee has been received.

The applicant may appeal the decision of the Village Council or any of the conditions placed on the proposed development by notifying the Zoning Board of Appeals in writing. Such appeal shall be made within thirty (30) days of the Village Council's decision and shall specify what conditions are being appealed. (Amended, effective March 6, 1995 and amended, effective September 27, 1999).

SECTION 5.2.7 -- EXPIRATION OF SITE PLAN APPROVAL

A site plan shall expire, and be of no effect, three hundred and sixty-five (365) days after the approval thereof unless actual construction/development, either through issuance of a building permit or construction of site improvements in accordance with a submitted and approved schedule (5.2.4.c (10)), has been commenced in accordance with the approved site plan. If construction and development is commenced within that period, the approval will be valid for five (5) years from the date of approval.

If, following the start of construction, work ceases for a period of one hundred eighty (180) days or more, site plan approval shall expire.

The Planning Commission shall be permitted to extend the period of effectiveness of a site plan approval once and not to exceed one hundred eighty (180) days upon good cause shown if such request is made prior to the expiration of the original site plan approval. Such extension may be granted by the Planning Commission after determination that there have been no zoning ordinance changes effective since the site

plan approval which would apply to the development. In the event of such ordinance changes, an extension may be granted by the Planning Commission only upon agreement by the applicant to comply with all such ordinance changes for any portions of the project on which construction has not been started, and submission of a site plan which has been modified accordingly. (Amended, effective March 1, 2004)

SECTION 5.2.8 -- FLEXIBLE LANDSCAPING

If, in the opinion of the Planning Commission, the characteristics of the site achieve the spirit and intent of this ordinance or the strict enforcement of landscaping standards would serve no purpose, the Planning Commission may recommend the rearrangement, reduction, or waiver of the requirements without the need for a variance from the Zoning Board of Appeals. (Effective February 15, 1996).

SECTION 5.2.9 -- PERFORMANCE GUARANTEES

To assure the orderly completion of a land development project, at the recommendation of the Village of Grass Lake Planning Commission, and approved by the Village Council, the builder or developer shall be required to post a Guarantee in the form of a Performance Bond or Cash Deposit.

- A. The Guarantee shall be provided after a final site plan is approved by the Planning Commission but prior to issuance of any building or utility permits for any building that is covered by the site plan. The guarantee shall cover Site Improvements shown on the approved site plan that will not be completed prior to the issuance of the Certificate of Occupancy. Site Improvements shall include, but are not limited to, sidewalks, grading, required landscaping, required visual screens or fencing, storm drainage facilities, exterior lighting, and utilities.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the Guarantee and such estimate shall be verified as to amount by the Village Engineer/Landscape Architect at the applicant's expense.
- C. If the applicant shall fail to provide any Site Improvement according to the approved plans within the time specified in the Guarantee, the Village Council shall be entitled to enter upon the site and complete the improvements. The Village Council may defray the cost thereof by the use of the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant will provide a projected work schedule and completion dates. The applicant and the Village Council shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work to be completed. The balance of the deposit will be rebated upon completion of the final inspection.
- E. The Zoning Administrator shall refuse to sign a Certificate of Occupancy until compliance with the approved Final Site Plan is achieved or until adequate security, as defined in this section, is provided.
- F. When all of the required improvements have been completed, the Zoning Administrator shall inspect the property and submit a written report to the Village Council. If the improvements are deemed satisfactory, the Council will notify the owner/developer in writing, attaching a copy of the Zoning Administrator's report and returning the Performance Bond or any remaining Cash Deposit. {Effective June 6, 1996, and amended, effective September 27, 1999}

SECTION 5.3 -- CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Village of Grass Lake into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable

to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Village of Grass Lake. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 5.3.1 -- AUTHORITY TO GRANT PERMITS

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Village Council to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Village of Grass Lake may determine for all conditional uses specified in the various district provisions of the Ordinance.

SECTION 5.3.2 -- APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Village of Grass Lake Clerk by filing an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Village Council except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

SECTION 5.3.3 -- DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing, and a site plan in accordance with Section 5.2; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

SECTION 5.3.4 -- PUBLIC NOTIFICATION

The Planning Commission shall hold a public hearing upon an application for a conditional use permit, notice of which shall be given in accordance with Section 6.8. (Amended, effective May 20, 2009.)

SECTION 5.3.5 -- REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

1. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

2. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public costs for public facilities and services.
6. The use shall comply with any applicable standards of Section 4.7.

SECTION 5.3.6 -- DETERMINATION AND IMPOSITION OF CONDITIONS

If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Village Council that said Village Council should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Village Council, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interest of the Village of Grass Lake and the surrounding property, and to achieve the objectives of this Ordinance.

SECTION 5.3.7 -- APPROVAL, GRANT OR PERMIT

Upon holding a public hearing and the finding that the requirements of subsections 5.3.2 through 5.3.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Village Council. When the Village Council gives final approval, a conditional use permit shall be issued to the applicant. In any case, the Village Council shall specify the grounds for its decision, and any conditions imposed in a statement of conclusions. The Village Council shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Planning Commission.

The Zoning Administrator shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Village Council.

SECTION 5.3.8 -- VOIDING OF CONDITIONAL USE PERMITS

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred and ten (210) days and completed within five hundred and seventy-five (575) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to recommend to the Village Council that it terminate and cancel such conditional use permit.

SECTION 5.4 -- OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

SECTION 5.4.1 -- PLANS

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the zoning inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building, or, in the case of existing buildings, when the use increases or changes (e.g., from residential to office). (Amended, effective December 30, 2000)

SECTION 5.4.2 -- LOCATION OF OFF-STREET PARKING AREAS

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet of the lot. In the CBD, this distance shall be six hundred (600) feet. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve. (Amended, effective May 20, 2009.)

SECTION 5.4.3 -- PARKING IN RESIDENTIAL DISTRICTS

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

The parking of licensed and operable passenger vehicles shall be permitted in a garage, driveway, parking lot or street, but vehicles may not be parked in lawn areas. The parking or storage of inoperable, or unlicensed vehicles or vehicle parts shall be prohibited, except within an enclosed building. (Amended, effective May 20, 2009.)

SECTION 5.4.4 -- OFF-STREET PARKING AREA DESIGN

1. Each off-street parking space for automobiles shall be a minimum of nine (9) feet by twenty (20) feet in area, exclusive of access drives or aisles, and shall be of useable shape and condition.
2. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
3. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:

- A. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 - B. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
 - C. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - D. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- 4. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
 - 5. All off-street parking areas shall be drained so as to prevent runoff onto abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 - 6. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
 - 7. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

SECTION 5.4.5 -- COLLECTIVE PARKING

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

SECTION 5.4.6 -- DETERMINING REQUIREMENTS

For the purposes of determining off-street parking requirements the following units of measurement shall apply:

- 1. **Floor Area:** In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area as defined in Section 2.2 (x).
- 2. **Places of Assembly:** In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- 3. **Fractions:** When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

SECTION 5.4.7 -- SCHEDULE OF OFF-STREET PARKING SPACES

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

<u>USE</u>	<u>NUMBER OF PARKING SPACES</u>
A. Dwellings	
One- and two-family, each dwelling unit	2
Multiple-family, each dwelling unit	1 ½
B. Places of Public Assembly	
Auditorium, other than school, each four seats	1
Bowling alley, each alley	8
Business and technical schools, each three students enrolled (day or night classes), whichever is greater	1
Churches, for each four seats	1
Civic or social club, for each 150 square feet of floor area used for assembly room	1
Colleges and universities, for each three students enrolled	1
Community center, for each 100 square feet of floor area used for assembly	1
Dance hall, studio, skating rink, each 100 square feet of floor area used for assembly by public	1
Junior high and elementary schools, each nine auditorium seats	1
Library, museum and art gallery, each five seats	1
Mortuary or funeral home, each 50 square feet of floor area used for assembly room (services)	1
Senior high schools, each four students	1
Stadium or sports arena, each four seats	1
Theater, each four seats	1
C. Hotels, motels, bed and breakfasts and tourist homes, per sleeping unit bedroom plus one space for each employee at the maximum shift	1
D. Private clubs, lodge or halls, for each 150 square feet of floor area used for assembly	1
E. Hospitals, Institutions and Clinics	
Hospital, for each patient bed	1
Sanitarium and convalescent home, for each two beds	1
Homes for aged and children's homes, for each three persons in residence	1
Medical and dental clinic or office, for each 200 square feet of gross floor area	1
F. Offices, all types except doctor and dentists, for each 250 square feet of gross floor area	1
G. General business and service establishments, for each 250 square feet of sales space (loading and unloading not included in parking space)	1
H. Restaurant, bar, grill, tavern, dining room of hotel or motel, dairy bar and other eating establishments, for each 125 square feet of floor area or every two seats, whichever is greater	1
I. Manufacturing, processing and/or fabrication, warehouse and storage facilities and experimental laboratories, for each two employees on maximum shift	1
J. Golf Courses, for each hole. In addition, accessory uses customarily associated with golf courses shall be calculated separately	1

(Amended, effective May 20, 2009.)

SECTION 5.4.8 -- EXCEPTION

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 5.4.9 -- OFF-STREET PARKING REQUIREMENTS IN CENTRAL BUSINESS DISTRICT (CBD)

In recognition of the unique characteristics of the downtown area, the following regulations apply to all uses listed as conditional uses under Section 4.6.3 of this Ordinance. Unless specifically superseded by regulations found within this Section, the regulations found within Section 5.4 (Off Street Parking Requirements) shall apply.

1. **Parking Lot Location.** Parking may be provided on-site. However, if insufficient space is available on-site, parking may be provided off-site provided that the parking lot intended to serve a structure or use is located no farther than six hundred (600) feet from the structure or use intended to be served by such parking lot. This distance shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
2. **Dedication of Off-Site Parking Lots.** In the event that a private off-site parking area is to be used in order to serve a given use or structure, it shall be so dedicated to such use or structure through a written instrument such as a covenant or deed or similar written agreement.
3. **Parking Space Requirements for CBD Uses or Structures.** After performing the calculation to determine the required number of parking spaces from Section 5.4.7, Schedule of Off-Street Parking, one (1) required parking space shall be deducted from the required number of parking spaces for each fifteen (15) feet of frontage that a lot or tract has on a street with municipal on-street parking provided.

SECTION 5.5 -- OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every commercial and industrial building, structure, or use hereafter erected, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

SECTION 5.5.1 -- PLANS

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.

SECTION 5.5.2 -- OFF-STREET LOADING AREA DESIGN

1. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and not less than fifteen (15) feet in height clearance.
2. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall fence, or compact planting not less than six (6) feet in height.
3. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

SECTION 5.5.3 -- OFF-STREET LOADING AREA SPACE REQUIREMENTS

1. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
2. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
3. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 5.6 -- OUTDOOR STORAGE OF MATERIALS

The outdoor storage of abandoned, discarded, unused, unusable or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

1. On any lot in any residential district the owner or tenant, but not for hire or business, shall locate and store such materials within a completely enclosed building;
2. On any lot in any commercial or industrial district whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall not to exceed six (6) feet in height, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts;
3. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of passenger vehicles on a driveway located on private property shall not be prohibited; and
4. This section is in no way intended to contradict the Village of Grass Lake ordinance on Storage of Motor Vehicles.

SECTION 5.7 -- VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.8 -- HOME BUSINESS

A home business shall be incidental and secondary to the use of the dwelling unit or accessory structure for business purposes. The following additional conditions shall be observed:

1. Home businesses shall be conducted solely by persons residing at the residence and/or with the assistance of one person who does not reside on the premises.
2. All business activity shall take place within the interior of the dwelling or an accessory structure. There shall be no exterior storage of materials or equipment.
3. No alteration to the exterior of the residential dwelling, accessory building(s), or yard that alters the residential character of the premises is permitted. Only a personal driveway may be used and no parking lots can be created for use by the business.
4. The home business shall not have the effect of increasing the land use intensity, including the volume of pedestrian or vehicular traffic beyond that normally generated by homes in a residential neighborhood.
5. No article shall be sold or offered for sale on the premises except that which is prepared or produced by the home business.
6. No equipment or process shall be used in a home business which generates noise, vibration, glare, fumes, odor or electrical interferences that create a nuisance to persons off the premises. This includes electrical devices which create visible or audible interferences with radio or television receivers or fluctuations in line voltages off the premises.
7. No hazard of fire, explosion, radioactivity, or chemical contamination shall exist at any time.
8. A home business shall be permitted one (1) sign as specified in Section 5.15.3. (Amended, effective September 27, 1999.)

SECTION 5.9 -- FENCES

Fences which enclose property shall comply with the following regulations:

1. General Fence Standards
 - A. Fences are to be made of wood, metal, masonry, or other commonly recognized fencing materials with each fence section securely anchored. Within the C-2 district, only wood, wrought-iron, masonry, or other materials approved by the Planning Commission can be used.

- B. Fences shall not contain electric current, or charges of electricity unless the property abuts agriculturally-used land.
 - C. Barbed wire, chicken wire, and razor wire are prohibited.
 - D. No fence, wall, tree, or shrub shall be erected, placed, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection as proscribed in Section 5.7, Visibility at Intersections. (Amended, effective September 27, 1999.)
- 2. Fences in Residential and Open Space Zoning Districts - Except as otherwise regulated, fences in the R-1, R-2, and OS-1 zoning districts shall not exceed four (4) feet in height from the front property line of the property to the front of the dwelling. Fences shall not exceed six (6) feet in height from the front of the dwelling to the rear of the property line. Fences in the RM-1 Zoning District shall be constructed according to the regulations found in Section 4.10.b.1.
 - 3. Fences in Commercial and Industrial Zoning Districts - Except as otherwise regulated, fences in the C-1, C-2, and I-1 zoning districts shall not exceed four (4) feet in height from the front property line of the property to the front of the main building on the lot. Fences shall be a maximum of eight (8) feet in height from the front of the main building to the rear property line. Within the C-2 district, fences shall be aesthetically compatible with the general character of the downtown area. (Amended, effective December 8, 1994).

SECTION 5.10 - ACCESSORY BUILDINGS

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

- 1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
- 2. Detached accessory buildings shall not be erected in any required yard except a rear or side yard.
- 3. An accessory building shall follow height requirements as set forth in the district regulations.
- 4. No detached accessory building shall be located closer than ten (10) feet to any building nor shall it be located closer than eight (8) feet to any side or rear lot line. (Amended March 1, 2004)
- 5. Accessory buildings shall be constructed of materials similar to those of principal and accessory buildings in the surrounding area. In addition, accessory structures shall be compatible in design and appearance to principal and accessory buildings in the surrounding area.

SECTION 5.11 - TEMPORARY USE

- 1. Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Board of Appeals based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare.

2. Temporary Sales (garage sales, yard sales, and other such sales) may be permitted in any district provided that no such sales activity shall extend beyond seven (7) days in any thirty (30) day period.

SECTION 5.12 -- ESSENTIAL SERVICES

1. Nothing in this Ordinance shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this Ordinance.
2. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

SECTION 5.13 -- CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Zoning Inspector and such other municipal, county, and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

SECTION 5.14 -- NATURAL DISASTERS

In the event that a fire, wind storm, or other natural disaster creates physical damage to a structure or lot where the effect of this damage threatens the health, safety, or welfare of the public, the property shall be cleaned up in accordance with Chapter VIII (Nuisances) and Chapter IX (Dilapidated Buildings) of the Village of Grass Lake General Ordinances.

SECTION 5.15 -- SIGN REGULATIONS

SECTION 5.15.1 -- PURPOSE

The Village of Grass Lake Sign regulations are hereby established in order to regulate the placement, height, setback, lighting, size, and type of signs placed within the Village of Grass Lake. Signs in the Village of Grass Lake shall be regulated herein in order to protect health, safety, and welfare; to enhance the appearance of the Village of Grass Lake; to protect property values; and to encourage the economic development of the Village of Grass Lake.

SECTION 5.15.2 -- GENERAL PROVISIONS

1. No sign shall be erected at any location without a current permit being issued. Permit applications must demonstrate that the sign installation conforms to the requirements of this Ordinance. This requirement also includes mobile signs.

2. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
3. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing intended character of their vicinity so as not to change the aesthetic character of such area.
4. Illuminated signs shall follow the following guidelines:
 - A. No sign shall be illuminated by other than electrical means and all wiring shall satisfy Village of Grass Lake electrical codes.
 - B. The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto abutting public streets.
 - C. Flashing, rotating, or moving lights shall be prohibited, except time and temperature signs.
5. Signs that are not expressly listed as permitted in this Ordinance are prohibited. The following are examples of prohibited signs:
 - A. Roof signs
 - B. Signs containing flashing, intermittent, or moving lights or with moving or revolving parts. This provision is not intended to exclude those signs which give the time or temperature, provided no other animated messages are displayed.
 - C. Signs affixed to trees, rocks, shrubs, or similar natural features, provided, signs denoting a site of historic significance may be allowed.
 - D. Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices.
 - E. Temporary signs mounted upon trucks, vans, or other wheeled devices that identify the owner's occupation or livelihood. Signs permanently painted or otherwise displayed, including magnetic signs, upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
 - F. Signs in the public right-of-way or on public property unless specifically approved by the Village Council.
 - G. Any sign or sign structure which:
 - 1) Is structurally unsafe, or
 - 2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, or
 - 3) Is not kept in good repair.
 - G. Signs which make use of words such as "stop", "look", "danger", or any other words phrases, symbols, or characters, in such a manner as to interfere with, mislead or confuse traffic.

- H. Any sign or other advertising structure containing any obscene, indecent, or immoral matter.
 - I. Any sign unlawfully installed, erected, or maintained.
6. The following signs are permitted in all zoning districts:
- A. One (1) nameplate not exceeding two (2) square feet in size; memorial signs or tablets may be up to six (6) square feet in size. Historical markers, cemetery stones, and house numbers are to be excluded from square footage requirement.
 - B. Political signs advocating or opposing candidates for public office or issue to be determined by election may be erected prior to an election. Such signs shall be erected on private property only and no less than one hundred (100) feet from any entrance to a building in which a polling place is located. All such signs shall be removed ten (10) days following election day.
 - C. Directional signs which indicate the direction of traffic flow. Directional signs shall not exceed two (2) square feet in size, shall contain no advertising, and may be illuminated.
 - D. Flags, bearing the official design of a nation, state, or municipality, educational institution, or service organization may be displayed provided that the flagpoles to which they are attached do not exceed thirty (30) feet in height.
7. Unless otherwise specifically stated, freestanding signs shall be set back a distance equal to one-half ($\frac{1}{2}$) of the appropriate front yard setback for the R-1, R-2, RM-1, C-1, and I-1 districts. Freestanding signs shall be set back a minimum of ten (10) feet in the C-1 and OS-1 districts. Freestanding signs shall not exceed twelve (12) feet to the top of the sign face and shall not exceed eight (8) feet in height to the bottom of the sign face.

SECTION 5.15.3 -- PERMITTED ON-SITE SIGNS IN R-1, R-2, RM-1, AND OS-1 DISTRICTS

1. In addition to the signs mentioned in Section 5.15.2 (F), the following signs are permitted on-site in all residential zoning districts:
- A. One (1) sign advertising the sale or lease of the lot or building on the lot not exceeding six (6) square feet in area. Further, the sign shall be removed within ten (10) days after the sale or transaction of the property or building has occurred.
 - B. One (1) on-site sign announcing a home business, boarding home, owner-occupied bed and breakfast establishment, day care facility, or funeral home (in R-2 and RM-1 districts only) with a maximum area of six (6) square feet. The sign shall be placed flat against the building, hung from a porch, displayed in a window, or placed in the ground parallel to the front of the dwelling within ten (10) feet of the front of the dwelling. Ground signs shall not exceed three (3) feet in height. (Amended, effective September 16, 1999.)
 - C. One (1) on-site sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area. Such sign shall be removed after the sale after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
 - D. One on-site sign identifying a school, synagogue, temple, church, park, public building, or other authorized use not to exceed eighteen (18) square feet in area.

2. In addition to those listed in Section 5.15.3 (1), the following sign is permitted in the RM-1 zoning district: One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or mobile home park, not to exceed eighteen (18) square feet in area.
3. In addition to those signs listed in Section 5.15.3 (1), the following signs are permitted in the OS-1 zoning district: One (1) on-site sign identifying a golf course not to exceed ten (10) square feet in area. In addition, a clubhouse, restaurant, bar, or any other such use customarily associated with, and secondary to the golf course, may provide one (1) sign not to exceed ten (10) square feet in area. Such sign(s) shall be set back a minimum of ten (10) feet from any property line.

SECTION 5.15.4 -- SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In addition to those signs mentioned in Section 5.15.3 (1) the following signs are permitted in commercial and industrial zoning districts:

1. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two-hundred (200) square feet in area.
2. For commercial and industrial uses there shall be permitted one (1) sign for the first one hundred fifty (150) feet of frontage. This sign shall have a maximum area of thirty-two (32) square feet in area. An additional sign is permitted for each one (1) foot to one hundred fifty (150) feet portion of lot frontage in excess of the first one hundred fifty (150) feet of frontage.
3. One wall sign provided that the following regulations are adhered to:
 - A. No wall sign shall be erected to extend above the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached.
 - B. Signs shall have a maximum size of one (1) square foot of sign area for each one (1) foot of lineal street frontage of the lot upon which the building is located not to exceed thirty-five (35) square feet.
4. Marquee, awning and canopy signs may be substituted in whole or part for permitted wall signs. The total square footage of marquee signs shall be deducted from the total permitted square footage of total wall sign area.
5. Interior window signs shall be permitted on each floor level and shall not exceed fifty (50) percent of the total window area on each floor level.

SECTION 5.15.5 -- NON-CONFORMING SIGNS

Signs lawfully erected prior to the effective date of this Ordinance, which do not meet the standards of the Section may be maintained except as provided hereinafter. No non-conforming sign shall:

1. Be changed to another non-conforming sign;
2. Be modified so as to change the shape or size of the sign;

3. Be repaired or re-erected after sustaining damage valued at more than fifty (50) percent of the costs of an identical new sign; or
4. Be moved to another location on the premises.

SECTION 5.15.6 -- ENFORCEMENT

1. Public Nuisance Per Se - Any sign which is erected, altered, or converted, 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.
2. If the Zoning Administrator shall find that any sign is maintained in violation of the provisions of this Section, he shall give written notice to the person owning or having the beneficial use of the sign or the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this Section within thirty (30) days after such notice, the Zoning Administrator may cause such sign to be removed at the expense of the owner or the persons having the beneficial use of the property or sign. The Zoning Administrator may cause any sign which is immediate peril to persons or persons' property to be removed forthwith. These procedures are supplemental to other legal remedies as available for the enforcement of the Section.

SECTION 5.16 --UTILITIES

SECTION 5.16.1 - LIGHTING

1. All outdoor lighting shall be hooded or shielded to focus both the light and glare from such lights both onto the property and away from all adjoining property.
2. All Commercial and Industrial Projects: While artificial lighting may be of sufficient intensity to discourage vandalism and theft, it shall be so arranged as to reflect the light away from any adjoining residential property with an average maintained footcandle (AMF) lighting level of 1.0. Light rays emitted shall not shine directly into any adjacent or nearby residence. A lighting plan demonstrating compliance shall be submitted to the Planning Commission.
3. Within Condominium, Site Condominium, PUD projects, and Platted Subdivisions, a consistent type of pedestrian-scale lighting shall be provided along all sidewalks, within any off-street parking lots, and along road frontages.

SECTION 5.16.2 - UNDERGROUND WIRING

Within all Condominium and Site Condominium projects, Planning Unit Developments (PUD), Planned Industrial Developments (PID), and Platted Subdivisions:

1. The owner/developer shall make arrangements for all distribution lines for electric, telephone, and cable TV service to be placed underground entirely through the project area. Such conduits or cables shall be placed within dedicated public rights-of-way or within private easements provided to such services companies by the developer. If, in the opinion of the Planning Commission, conditions exist which justify other means of distribution, these requirements may be altered to accommodate such conditions.

2. Conduits or cables placed in a public right-of-way shall be planned so as not to conflict with other underground facilities.
3. All telephone and electrical facilities shall be constructed in accordance with construction standards approved by the Michigan Public Service Commission.
4. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the owner/developer.

SECTION 5.16.3 - SIDEWALKS/PEDESTRIAN CIRCULATION

1. Site design of all Condominium and Site Condominium projects, Planned Unit Developments (PUD), Planned Industrial Developments (PID), and Platted Subdivisions shall demonstrate a special sensitivity to pedestrian circulation and safety.
2. Sidewalks at least five (5) feet wide shall be provided along both sides of a public street. The surface shall be concrete. (Effective June 4, 2009)
3. All commercial, industrial, and residential developments shall provide:
 - A. connections between all public sidewalks and building entrances
 - B. connections between public sidewalks adjacent to the development and those within the development. (Effective December 30, 2000)

SECTION 5.17 --SITE CONDOMINIUMS

SECTION 5.17.1 - PURPOSE

Pursuant to authority conferred by the Condominium Act, Act 59 of 1978, as amended, all condominium plats must be approved by the Village of Grass Lake Planning Commission. A site plan shall be required for all site condominium projects. Each condominium unit shall be located within a zoning district that permits the proposed use.

SECTION 5.17.2 - DEFINITIONS

The following definitions shall apply in the construction and application of this section:

1. **Area Line**

Front Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The front yard area line is the area line which runs most nearly parallel with the street or private road which provides access to the condominium lot.

Rear Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The rear yard area line is the area line lying opposite of the front yard area line.

Side Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The side yard area lines are those area lines which are neither front or rear yard area lines.

2. **Building Envelope** - The principal structure intended for a building site, together with any attached accessory structures, e.g. in a residential development, the building envelope would refer to the house and any attached garage.
3. **Condominium Lot** - The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
4. **Condominium Plan** - The site, survey and utility plans, floor plans; and sections as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area, vertical boundaries, and volume of each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location, and approximate size of the common elements.
5. **Condominium Unit** - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
6. **Contractible Condominium** - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. **Convertible Condominium** - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Expandable Condominium** - A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. **Lot** - The same as "Condominium Lot".
10. **Master Deed** - The condominium documents recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.
11. **Setback** - The distance between the front, rear, or side yard area line and the portion of the condominium dwelling closest to that area line.

Front Yard Setback - The distance between the front yard area line and the condominium dwelling.

Rear Yard Setback - The distance between the rear yard area line and the condominium dwelling.

Side Yard Setback - The distance between the side yard area line and the condominium dwelling.
(Amended, effective September 27, 1999.)

SECTION 5.17.3 - CONDOMINIUM PLAN - REQUIRED CONTENTS

1. All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:
 - A. A survey plan of the condominium subdivision.
 - B. A flood plain plan, when appropriate.
 - C. A site plan showing the location, size, shape, area, and width of all condominium units.
 - D. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Village of Grass Lake for installation, repair, and maintenance of all utilities.
 - E. A street construction, paving, and maintenance plan for all private roads within the proposed condominium subdivision.
 - F. A storm drainage and stormwater management plan, including all lines, swales, basins, and other facilities.
2. **Easements for Utilities** - The condominium plan shall include all necessary easements granted to the Village of Grass Lake for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water, and storm water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
3. **Private Streets** - If a condominium development is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and other applicable standards and requirements of the Village of Grass Lake for a dedicated public street.
4. **Encroachment Prohibited** - Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by-laws and recorded as part of the master deed.
5. **Relocation of Boundaries** - The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the by-laws and recorded as part of the master deed.
6. **Subdivision of Condominium Units** - All individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the by-laws and recorded as part of the master deed.
7. **Condominium Subdivision Layout, Design, and Approval** - All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design, layout, and improvements standards of Section 5.2 (Site Plan Review and Approval) of the Village of Grass Lake Zoning Ordinance. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Village of Grass Lake if required by the Village Council to guarantee the installation and completion of any required public sanitary

sewer, water supply, and drainage facilities within a length of time agreed upon from the date of final approval of the condominium plan by the Planning Commission.

SECTION 5.17.4 CONDOMINIUM SUBDIVISION APPROVAL - ADDITIONAL REGULATIONS

The following regulations shall apply to all condominium projects within the Village of Grass Lake:

1. **Initial Information** - Concurrently with notice required to be given the Village of Grass Lake pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
 - A. The name, address, and telephone number of:
 - 1) All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example; fee owner, optionee, or land contract vendee).
 - 2) All engineers, attorneys, architects, or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the condominium project.
 - B. The legal description of the land on which the condominium project will be developed together with the appropriate tax identification numbers.
 - C. The acreage content of the land on which the condominium project will be developed.
 - D. The purpose of the project (for example; residential, commercial, industrial, etc.).
 - E. Approximate number of condominium units to be developed in the subject parcel.
2. **Information to be Kept Current** - The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the Village of Grass Lake Zoning Ordinance.
3. **Site Plans - New Projects, Master Deed, and Engineering and Inspections** - Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559, 108), the condominium project shall undergo site review and approval pursuant to Section 5.2 of the Village of Grass Lake Zoning Ordinance. In addition, the Village shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
4. **Site Plans - Expandable or Convertible Projects** - Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Section 5.2 of the Village of Grass Lake Zoning Ordinance.
5. **Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished** - The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Zoning

Administrator for compliance with Village Ordinances. Fees for this review shall be established by resolution of the Village Council.

6. **Monuments Required - Site Condominium Projects** - All condominium projects 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:
- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the Condominium project, if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 - B. All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 - C. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; 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; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.
 - D. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 - E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 - F. All required monuments shall be placed flush with the final ground elevation where practicable.
 - G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter or other approved markers.
 - H. The Grass Lake Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit turning to the Village of Grass Lake, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars in total. 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.
7. **Monuments Required - All Condominium Projects** - All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 5.17.4 (F), above.

8. **State and County Approval** - The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.
9. **Temporary Occupancy** - The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond 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 of Grass Lake. Zoning Compliance Permits shall be issued only in accordance with Section 6.4 of the Village of Grass Lake Zoning Ordinance (Zoning Compliance Permits).
10. **Single Family Detached Condominiums** - Single family detached condominiums shall be subject to all requirements and standards of the applicable R-1, R-2 and OS-1 zoning districts including minimum floor area requirements and minimum lot size. For the purpose of computing density, the number of units per gross acre shall not exceed 4.4 units per acre in the R-1 District, 5.4 units per acre in the R-2 District, and 1 unit per acre in the OS-1 District. {Amended, effective June 6, 1996}

There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (70) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, thirty-five (35) foot rear yard, and eight (8) foot side yard can be met.

This distance shall be measured from the outside limits of a building envelope to the outside limits of its constituent limited common area.

11. **Multiple Family, Commercial, and Industrial Condominiums** - Two-family, multiple-family, commercial, and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted or conditional uses, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, density, and the setback requirements of the Ordinance for the District in which the project is located.
12. **Site Plan** - After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the Village a copy of the site plan on a photographic hard copy, laminated photostatic copy, or mylar sheet of at least twelve by sixteen (12 x 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 x 14) inches. (Effective January 7, 1994).

SECTION 5.18 – PRIVATE ROADS

All new streets shall be constructed to Village engineering standards and dedicated to the Village. Private roads serving more than one lot shall not be allowed. (Amended, effective May 20, 2009.)

ARTICLE 6

ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 -- PURPOSE

It is the purpose of the Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 -- ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator or by such other deputies of his department as the Village Council may designate to enforce the provisions of this Ordinance.

SECTION 6.3 -- DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Administrator vary or change the terms of this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other legal action necessary to ensure compliance with this ordinance or to prevent violation of its provisions.

The Zoning Administrator shall submit to the Planning Commission and the Village Council quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming uses, buildings, and structures. The Zoning Administrator shall maintain a record of all zoning compliance permits and certificates of occupancy.

SECTION 6.4 -- ZONING COMPLIANCE PERMITS

SECTION 6.4.1 -- ISSUANCE OF ZONING COMPLIANCE PERMITS

1. No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Administrator for such building, structure, or land. A zoning compliance application

shall be filled out and submitted to the Zoning Administrator with copies forwarded to the Secretary of the Planning Commission.

2. The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
 - A. The actual dimensions and shape of the lot to be built upon;
 - B. The exact size and location of existing structures on the lot, if any; and
 - C. The location and dimensions of the proposed structure or alteration.
3. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such approvals action.

SECTION 6.4.2 -- VOIDING OF ZONING COMPLIANCE PERMIT

Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject, however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.5 -- CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

SECTION 6.5.1 -- ISSUANCE OF CERTIFICATE OF OCCUPANCY

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Zoning Administrator within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

SECTION 6.5.2 -- VOIDING OF CERTIFICATE OF OCCUPANCY

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structures for which said certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. The Zoning Administrator upon finding such violation shall immediately notify the Village Council of said violation and void the certificate of occupancy.

SECTION 6.6 -- FEES, CHARGES AND EXPENSES

The Village Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for zoning compliance permits, certificate of occupancy, appeals and other such matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and the Village Clerk, and may be altered or amended only by the Village Council. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 -- VIOLATION AND PENALTIES, NUISANCE PER SE, AND ABATEMENT

Uses of land and dwellings, buildings, or structures, including tents and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecuting thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 6.8 - PUBLIC HEARING NOTICES

In instances where a public hearing is required under this Ordinance with the Planning Commission or the Zoning Board of Appeals, written notice of the public hearing shall be as follows:

1. **Notice Content.** The notice shall do all of the following:
 - A. Describe the nature of the request.
 - B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - C. State when and where the request will be considered.
 - D. Indicate when and where written comments will be received concerning the request.

2. **Notice Publication and Mailing.** Notice shall be published and mailed no less than fifteen (15) days prior to the public hearing as follows:
 - A. Notice of the request shall be published in a newspaper of general circulation in the Village.
 - B. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - C. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - D. The notice under subsection C. is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
3. **Ordinance Amendments and Rezoning of More Than Ten (10) Properties.** Public hearings for an amendment to the Zoning Ordinance, or the zoning map that affects eleven (11) or more properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under (1)(B) above, and notice shall not be required to be mailed to individual properties under (2)(B) and (2)(C) above.
4. **ZBA Interpretations and Appeals.** Public hearings for ordinance interpretations and appeals of administrative decisions by the Board of Zoning Appeals shall only require notice in a newspaper, as required in (2)(A) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in (2)(B) above. Variances shall require full notification under (2)(A) through (C) above. (Amended, effective May 20, 2009.)

ARTICLE 7

BOARD OF APPEALS

SECTION 7.1 -- BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals which, unless specifically appointed, is the Village Council. In the event a Board of Appeals is appointed it shall consist of five (5) members with terms set by the Village Council. The Board of Appeals shall perform its duties and exercise its powers as provided in Act 207 of the Public Acts of 1921, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health, safety, and welfare secured, and substantial justice done.

SECTION 7.2 -- DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning district's classification or any property; nor to make changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 7.3 -- VARIANCE

1. The Board of Appeals may authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contours of a specified tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.
2. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:
 - A. A written application for a variance is submitted, demonstrating the following:
 - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2) That literal interpretation of the provisions of this Ordinance would deprive the applicant rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.
 - 3) That the special conditions and circumstances do not result from the actions of the applicant.

- 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - 5) That no nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1) The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 - 2) The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 7.4 -- INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Planning Commission, the Zoning Administrator, or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5 -- APPEALS TO THE BOARD OF APPEALS

SECTION 7.5.1 -- APPEALS, HOW TAKEN

Appeals from the ruling or interpretation concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the Village Clerk. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

SECTION 7.5.2 -- WHO MAY APPEAL

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the Township, Village, County, or State.

SECTION 7.5.3 -- FEE FOR APPEAL

A fee prescribed by the Village Council shall be paid to the Board of Appeals at the time of filing the notice of appeal which the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of the Village of Grass Lake.

SECTION 7.5.4 -- EFFECT OF APPEAL; RESTRAINING ORDER

An appeal stays all proceedings in furtherance of the action appealed unless the Village Clerk certifies to the Board of Appeals, after the notice of appeal shall have 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 proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application of notice to the Village Clerk and due cause is shown.

SECTION 7.5.5 -- NOTICE OF HEARING

The Board of Appeals shall fix a reasonable time for the hearing of the application or appeal and give notice in accordance with Section 6.8. (Amended, effective May 20, 2009.)

SECTION 7.5.6 -- REPRESENTATION OF HEARING

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

SECTION 7.5.7 -- DECISIONS OF THE BOARD OF APPEALS TO THE CIRCUIT COURT

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the

premises and to that end shall be in form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right of appeal to the Circuit Court.

ARTICLE 8

AMENDMENT PROCEDURES

SECTION 8.1 -- INITIATING AMENDMENTS AND FEES

The Village Council may from time to time, on recommendation from the Planning Commission or on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Village Council, the Planning Commission or by the proposed amendment. Except for the Village Council or the Planning Commission, the petitioner requesting an amendment shall at the time of the application, pay the fee established by resolution of the Village Council, no part of which shall be returnable to the petitioner.

SECTION 8.2 -- AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with Act 207 of the Public Acts of 1921, for villages and cities. The Act requires that the following procedure be followed:

1. A public hearing shall be held by the Planning Commission.
2. One (1) notice of the public hearing, giving the subject to be discussed, time and place of the hearing, will be published in a newspaper of general circulation in the Village not less than fifteen (15) days before the hearing.
3. Similar notice must be mailed to any public utilities and railroads which have registered with the Village for such notification at least fifteen (15) days prior to the hearing.
4. In the case of a property rezoning, the owner of the property in question will receive a written notice at least fifteen (15) days prior to the hearing.

In addition to the above procedure, the following notification will also be performed:

1. One (1) notice of any public hearing called by the Planning Commission will be posted at the Village Office to be visible from the outside of the building.
2. In the case of a property rezoning, all property owners/occupants within 300 feet of the proposed rezoning will receive a written notice at least fifteen (15) days prior to the hearing. (Amended, effective August 18, 2002)

SECTION 8.3 -- CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Village Council and the amendments published without referring the same to any other board or agency.

ARTICLE 9

LEGAL STATUS

SECTION 9.1 - CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than the degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of the Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provisions of this Ordinance shall govern.

SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE

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

SECTION 9.3 - PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and affect henceforth unless repealed.

SECTION 9.4 -- EFFECTIVE DATE

This Ordinance was adopted by the Village of Grass Lake, Jackson County, Michigan, at a meeting held on _____, and notice ordered published in the Jackson Citizen Patriot, a newspaper having general circulation in said Village of Grass Lake.

