

STATE OF MICHIGAN  
COUNT OF OAKLAND  
VILLAGE OF ORTONVILLE

ZONING ORDINANCE

PREAMBLE AND ENACTING CLAUSE

Pursuant to and in accordance with the laws of the State of Michigan made, determined and provided by the Legislature and Courts, the Village of Ortonville, County of Oakland, State of Michigan does hereby enact and ordain the following Ordinance for the purpose and with the intent of promoting and protecting the public health, safety, peace and general welfare, and promoting, protecting and encouraging the zoning and land development objectives declared by the Legislature and Courts, and, further, promoting and insuring the orderly, environmentally sound, peaceful and healthful development and coexistence in and around the Village of Ortonville:

ARTICLE I - SHORT TITLE

Section 1.1 Short Title. This Ordinance shall be known and may be cited as the "Village of Ortonville Zoning Ordinance", and shall hereinafter sometimes be referred to as "this Ordinance".

ARTICLE II - DEFINITIONS

SECTION 2.01. Terms Specifically Defined. The terms set forth below shall have the following meanings:

ACREAGE PARCEL: A tract or parcel of land which has not been subdivided under the Michigan Subdivision Control Act, as amended, and which has not been expressly made a part of a condominium project having a recorded master deed.

ALLEY: A public thoroughfare or way not more than 30 feet wide and which affords only a secondary means of access to abutting property.

ALTERATIONS: Any change, addition, or modification in construction or type of occupancy, and change in the structural members of buildings, such as walls or partitions, columns, beams, or girders.

APARTMENTS: The dwelling units in a multiple dwelling as defined herein:

a. Efficiency Apartment: A dwelling unit of not less than 350 square feet of floor area consisting of not more than one room in addition to kitchen and necessary sanitary facilities.

b. One-Bedroom Unit: A dwelling unit containing a minimum floor area of at least 600 square feet consisting of not more than three rooms, including one bedroom in addition to a kitchen and necessary sanitary facilities.

c. Two Bedroom Unit: A dwelling unit containing a minimum floor area of at least 800 square feet, consisting of not more than four rooms, including two bedrooms, in addition to a kitchen and necessary sanitary facilities.

d. Three of More Bedroom Unit: A dwelling unit containing all minimum requirements of a two-bedroom unit, provided, there shall be an additional are of 200 square feet for each added bedroom or other room.

ARCADE: A commercial recreation use in connection with which individuals play, manipulate, work, maneuver, etc. n electric, electronic, mechanical and/or hydraulic device, game, exercise of skill, and the like, provided, an ancillary or accessory use of one or two such devices, games, etc. shall not be considered an arcade. An arcade shall also be known as an AMUSEMENT CENTER.

BASEMENT: A basement is that portion of a building partly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling; provided, however, that if the vertical distance from the grade to the ceiling is five feet or more, such basement shall be considered as a story.

BOARD OF APPEALS: The zoning Board of Appeals of the Village of Ortonville, sometimes herein referred to as the ZBA.

BUILDABLE AREA: The space remaining on a lot after compliance with the minimum required setbacks of this Ordinance.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels. When any portion of such a structure is completely separated for human access purposes from every other part of the structure by dividing walls from the ground up or floor to ceiling, such portion of a structure shall be deemed a separate building.

BUILDING, ACCESSORY: A subordinate building or structure on the same lot, or a part of the main building, occupied by or devoted exclusively to an accessory use.

BUILDING HEIGHT: The vertical distance measure from the established grade to the highest point of the roof surface for flat roofs: to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs, or to a point equivalent to the foregoing of any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level to the grade at the building wall.

BUILDING LINE: Is a line formed by the building foundation except that where any portion of a building, excluding unenclosed porches, exceeds 8 feet in width and projects more than 2 feet beyond the foundation, the face of such projection shall constitute the building line. For the purposes of measurements under this Ordinance, a building line is the same as a front setback line.

BUILDING, MAIN OR PRINCIPAL: A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building or group of buildings is located.

BUILDING PERMIT: The written authority issued by the Ortonville building official, or other designated person, permitting the construction, removal, moving, alteration, or use of a building in conformity o the provisions of this Ordinance.

CERTIFICATE OF OCCUPANCY: A certificate issuable by the building official, after final inspection, specifying such official's opinion that there has been compliance with applicable Ordinances. The issuance of a certificate of occupancy shall not be constructed as a waiver of any provisions of this Ordinance and/or of other applicable law.

CLINIC: A place for the care, diagnosis and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but in no way operated for profit.

CONVALESCENT OR NURSING HOME: A home in which a fee is charged for the care of the aged or infirm, or a place of rest for those suffering bodily disorders.

DISTRICT: An area set apart on the Zoning Map having a single zoning classification.

DRIVE-IN ESTABLISHMENT: A business establishment developed with its principal retail or service character dependent upon providing a driveway approach or parking spaces for motor vehicles so as to serve motor vehicles and/or patrons while in the motor vehicles.

DUPLEX: A detached, freestanding residential structure, designed or redesigned and intended for occupancy by two families, independent of each other.

DWELLING: That portion of a building designed or redesigned and intended for occupancy, including kitchen, dining, housekeeping and bathroom facilities, as the home or residence of one family. A motorized home, travel trailer, automobile chassis, tent, or the like, shall not be considered to constitute a dwelling. Further neither garage space, whether in an attached or detached garage, nor utility rooms shall be deemed a part of a dwelling for area requirements.

DWELLING MULTIPLE FAMILY: A building, structure or portion thereof containing three or more dwelling units, including, three family houses, four family houses, apartment houses, garden apartments, and the like, but shall not include mobile home parks.

DWELLING SINGLE-FAMILY: A detached freestanding structure, intended for and containing one dwelling unit.

EARTH BERM: A mound of earth, planted with ground cover, grass, trees, or other landscaping material intended to minimize and/or buffer the view of parking areas and/or to reduce impact from adjacent uses and passers-by.

ENCLOSED MALL: A shopping center wherein all stores, offices, shops, walkways, and corridors are enclosed under a common roof, and all serviced by a common means of access.

FAMILY: Means either of the following:

1. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being comiciled together as a single, domestic, housekeeping unit in a dwelling.

2. The functional equivalent of he domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the building director in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Planning Commission for a special land use based upon applicable standards in this Ordinance.

FARM: All of the contiguous or associated land operated as a single unit on which bona fide farming is carried on provided, however, there shall be no less than 10 contiguous acres of are, and provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, apiaries. However, establishments keeping or operating fur-bearing animals, game, fish hatcheries, piggeries, stockyards, stone quarries or gravel or sand pits shall not be considered farms.

FENCE: See Section 4.03.

FILLING: The depositing or dumping of any matter or material onto or into the ground, except common household gardening and ground care.

FLOOR AREA: Area measured to the exterior face of exterior walls and to the center line of interior partitions.

FLOOR, AREA, USEABLE RESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior face of exterior walls plus, similarly measured, that area of all other stories having more than 84 inches of head room which may be made useable for human habitation; but, excluding the floor area of basements, attics, attached or unattached garages, breezeways, unenclosed porches, and accessory buildings.

FLOOR AREA, USEABLE NONRESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior face of exterior walls, plus, similarly measured, that area of all other stories, including mezzanines which may be made fit for occupancy, including the floor area of all accessory building measured similarly and the floor area of basements used for activities related to the principal use, such as storage, but excluding furnace and utility rooms. Parking space located within a building shall not be considered usable floor area.

FLOOR, GROUND: That portion of a building which is partly below grade but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

GARAGE COMMUNITY: An accessory building for the storage of noncommercial vehicles, with no public shop or service facilities.

GARAGE, PRIVATE: A space suitable for the storage of motor vehicles, having no public shop or services, for the sole use of the owner or occupant of the principal building on a lot, or of his family or employees.

GARAGE, PUBLIC PARKING: A structure available to the public for the parking and storage of motor vehicles, including such accessory uses as the sale at retail of gasoline (stored only in underground tanks) or motor oil and the washing, polishing, and lubricating of motor vehicles, all within the enclosure of a building or structure.

GRADE: The line on the foundation wall where the ground meets or is intended to meet the wall, unless such has been otherwise officially established, provided, in the event of a dispute with respect to the grade, the same shall be determined by the ZBA.

GREENBELT: See Section 4.03.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling unit and carried on by the inhabitants, which use is clearly incidental and accessory to the use of the dwelling for dwelling purposes and does not change the character of the dwelling, provided, no article or service shall be sold or offered for sale on premises, except to the extent that the same is produced by the home occupation, and provided further, the home occupation shall not require internal or

external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. ZBA consideration and approval of a particular use shall be required in order to establish a home occupation. A home occupation shall not occupy more than 20% of the usable floor area of the principle building nore more than 50 % of an accessory building.

HOSPITAL: An institution providing health services, primarily for in-patient service, plus medical and surgical care for the sick or injured, including such related facilities as laboratories, out-patient departments, central service facilities and staff offices.

HOTEL: A building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five separate and independent sleeping rooms each with independent sanitary facilities, and in which no provisions is made for cooking in any individual room.

JUNK: Garbage and rubbish, as well as motor vehicles, machinery, appliances, product merchandise with material parts missing, or scrap metals or other scrap materials that are damaged, deteriorated or are in a condition which renders them incapable of performing the function for which they were intended.

JUNK YARD: An pen area of more than 200 square feet, including an automobile wrecking yard, used for the purchase, sale, exchange, disassembly, storage, processing, baling or packaging of junk.

KENNEL: An establishment having four or more dogs or other similarly impacting domestic animals which are confined or kept for sale, boarding, breeding, or training purposes.

LOADING SPACE: An off-street facility or space on a common lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: A piece or parcel of land occupied or to be occupied and used for an activity permitted thereon and including the open spaces required under this Ordinance and having its frontage upon a public street or any approved private way used for street purposes. A lot may or may not be specifically designated as such on public records, and may or may not have been the product of subdividing under the Michigan Subdivision Control Act.

LOT AREA: The total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall mean that area within lot lines and not including any portion of the private street.

LOT, CORNER, AND DEPTH: A lot situated at the junction of two or more streets is a corner lot, in connection with which an owner may elect by statement on his plans, either street boundary as the front, unless previous official determination has been made. The depth of a lot is the mean distance from the center of the front to the center of the rear boundary of an irregular four-sided plot.

LOT LINE, FRONT: The front lot line is that boundary of a lot which abuts on a highway unless such lot extends between a highway and a lake or river in which both the highway boundary line and the lake or river boundary lines may be considered front lot lines, the determination for which shall be made by an owner by statement on his plans.

LOT LINE, REAR: The boundary which is opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a side street is an exterior lot line.

LOT COVERAGE: That part of percent of the lot occupied by buildings and structures on the property, including accessory buildings and/or structures.

LOT, INTERIOR: Any lot other than a corner lot or through lot.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a recorded subdivision plat on file with the Oakland County Register of Deeds, or any parcel which has been separated therefrom in accordance with the provisions of the Subdivision Control Act, as amended, and which exists as described. A lot of record must front a public street which is dedicated for access as a public street, or front a previously approved private street or road.

LOT, THROUGH OR DOUBLE FRONTAGE LOT: A lot having a street for both front and rear lot lines, not including a corner lot.

LOT WIDTH: The length of a straight line measured between the two points where the building line or setback line intersects the side lot lines.

MARQUEE: A roof-like structure of a permanent nature projecting from the wall of a building.

MEZZANINE: An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third of the floor area of such main story.

MOBILE HOME: A manufactured structure which is designed to be transportable in one or more sections for use as a single family dwelling. A motor home, recreational vehicle and/or travel trailer shall not constitute a mobile home.

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of mobile homes for residential use as provided by Act 419 of the Public Acts of 1976, as amended.

MOTEL: A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance to the out-of-doors, and wherein there are no kitchen nor cooking facilities with the exception of unites for use by a manager and/or caretaker.

MOTOR SUPPLY STATION: A motor supply station is a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space or facilities for the storage, major repair, refinishing or other servicing.

NONCONFORMING BULDING (NONCONFORMING STRUCTURE): A building or structure, or portion thereof, lawfully existing at the time of adoption of this or a previous Zoning Ordinance, but which fails, or failed, to comply with the terms of this or such previous Ordinance, and continues to fail in such compliance.

NONCONFORMING USE: A use of a building and/or structure, or of a parcel or tract of land, and/or structures, and uses as considered in combination, lawfully existing at the time of adoption of this or a previous Ordinance but which fails, or failed, to comply with the terms of this or such previous Ordinance, and continues to fail in such compliance.

NONCONFORMING USE AND BUILDING: A use and a building lawfully existing at the time of adoption of this or a previous Zoning Ordinance but which fails, or failed, to comply with the terms of this or such previous Ordinance, and continues to fail in such compliance.

NURSERY SCHOOL (DAY CARE CENTER): A public or private school, kindergarten or child care facility wherein day care or daycare and education is provided for five or more children who are less than 10 years of age.

OCCUPIED: This term shall include its normal meaning, and, in addition, shall include land arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OFF-PREMISES SIGN: A free-standing sign constituting the principal use of a plot or parcel supported by one or more uprights, braces, or pylons located in or upon the ground or something requiring location on the ground. This sign shall not be accessory to any other use of the property.

OFF-STREET PARKING LOT: A facility other than for single or two-family dwellings providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

OFF-STREET LOADING SPACE: A facility or space which permits the standing, loading, or unloading of commercial vehicles other than on or directly from a public right-of-way.

OWNER: The fee title holder, and, all persons having legal and/or equitable ownership rights and/or possessory rights in the property, and all combinations of such persons.

PARKING SPACE: A permanently paved area of land adequate to carry out the off-street parking regulations of this Ordinance, and an area for each motor vehicle of not less than 10 feet wide by 20 feet long exclusive of drives, aisles, and entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

PERSON: Any natural person, firm, partnership, corporation, association, trust or other entity to which the law attributes rights and liabilities.

PLANNING COMMISSION: The Planning Commission of the Village of Ortonville.

PROPERTY LINES: The lines bounding a lot; the lot lines.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish to the public transportation, water, gas, electricity, telephone, steam, sewage disposal or other essential services.

RECREATION LAND: A publicly or privately owned lot or parcel utilized principally for recreational activity such as, but not limited to, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

SETBACK LINE, REQUIRED: A line, marking the setback distance from the street or lot lines, which establishes the minimum required front, side, or rear open space, and the like, of a lot.

SIGNS: Any structure or part thereof on which there is lettered, pictured or otherwise displayed, any matter, the chief purpose of which is commercial advertising or publicity.

SITE PLAN: The documents and drawings specified in this Ordinance as being necessary to insure that a proposed land use or activity is in compliance with this Ordinance and/or with state and federal statutes.

SPECIAL USE: A land use which shall be permitted in a zoning district only after review and approval as specified in this Ordinance.

STORY: That portion of a building included between the surface of any floor and the ceiling next above. A basement shall be considered a story if its ceiling is more than 5 feet about the average established grade or if it is used for business purposes.

STORY, HALF: A story which is situated within a sloping roof, the area of which at a height 4 feet above the floor does not exceed two-thirds of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in story below.

STREET: A public thoroughfare which affords the principal means of access to abutting property.

USE: The purpose thoroughfare which affords the principal means of access to abutting property.

USE, ACCESSORY: A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the premises.

UTILITY ROOM: A utility room is a room in a dwelling, no located in the basement, the use of which is primarily for storage, or for housing a heating unit, or for laundry purposes.

VILLAGE: Village of Ortonville, County of Oakland, State of Michigan.

VILLAGE COUNCIL: The Village Council of the Village of Ortonville.

WALLS: See Section 4.03.

YARDS: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein;

a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line.

b. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point on the main building.

c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ZBA: Village Zoning Board of Appeals.

ZONING MAP: The official document establishing and reflecting the several zoning districts into which the Village has been divided pursuant to this Ordinance, and maintained in the Village offices.

ARTICLE III - INTERPRETATION;  
USE CONFORMITY AND NONCONFORMITY

Section 3.01 Conformity to Ordinance and Regulations.

1. No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, constructed, moved or altered, except in conformity with the regulation specified in this Ordinance.

2. Except as otherwise provided herein, regulations governing land and building use, minimum lot size, minimum area per dwelling unit, building height, building placement, required yards, and other pertinent factors are hereby established as stated in the detailed provisions for each of the Zoning Districts. In each Zoning District a permitted use of land or buildings shall be subject to the minimum requirements specified for such use in the Zoning District in which such use is located as well as applicable requirements found elsewhere in this Ordinance. A use permitted subject to special conditions shall be a use of land or building requiring some measure of individual consideration, as authorized under applicable law, and therefore, subject not only to the minimum requirements specified for such use in the Zoning District in which such use is located, together with applicable requirements found elsewhere in the Ordinance, but also to any special conditions imposed under this Ordinance and/or by the Village Council.

3. No party of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, subject to section 4.01.d.

4. No yard or lot existing at the time of passage of this Ordinance, or thereafter, shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

5. The provisions of this Ordinance shall be liberally interpreted for the purpose of promoting the purposes set forth in the Preamble and the limitations herein set forth shall be construed as minimum limitations.

6. It is not intended by this Ordinance to repeal, abrogate or annul any existing provision of the law, ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to laws or ordinances relating to the use of buildings or land, nor is it intended by this Ordinance to abrogate or annul any existing easement, covenant or other agreement between parties; provided, however, where any provision of this Ordinance or limitations upon the use of land or buildings, or upon the height of buildings, or requires larger yards, land areas, or open spaces that area imposed or required by the provisions of any other law, ordinance or regulation, then the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant, easement, agreement between parties, or restrictions running with land, except where such covenant, easement, agreement between parties or restrictions imposes a lesser requirement.

7. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required under this Ordinance, then the provisions of such law or ordinance shall govern.

Section 3.02 Use Conformity. All land, buildings and structures, and any and all combinations and/or arts thereof, shall be used, altered, and improved in conformity with the provisions of this Ordinance. This Ordinance shall be deemed to be an "inclusive" or "permissive" Ordinance, and, accordingly, only uses and actions expressly authorized or enumerated herein shall be permitted.

Section 3.03 Nonconformity.

1. Any lawful nonconforming use and/or structure existing at the time of passages this Ordinance may be continued, provided, unless otherwise authorized pursuant to this Ordinance, the same shall not be changed, expanded, intensified, moved, enlarged, altered and/or extended. The term "existing", as used herein, contemplates that the parcel, lot and/or structure officially and lawfully existed on the Village records.

2. The ZBA, upon petition of the owner of a nonconforming use or structure, may permit the expansion, alteration and/or change thereof, conditioned upon findings by the ZBA, based upon the hearing conducted in the matter, that it would be consistent with the public interest, that no other person or property would be harmed, and that the nonconformity would not be perpetuated, provided, however, the change in use and/or structure shall not result in a material inconsistency with applicable zoning regulations.

3. Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of the public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60%) percent of the fair valuation of the building or structure at the time such damage occurred; provided, however, that evidence of such valuation must first be presented to and approved by the ZBA, and provided, further, that the use thereafter shall be identical to or less nonconforming in relation to the nonconforming use permitted and

in effect at the time of the events causing the damage. Moreover, if a nonconforming use is used for purposes which conform, or more nearly conform, to applicable zoning regulations in relation to the previous use, this shall constitute a rebuttable presumption that the former nonconforming use has been abandoned.

Section 3.04 Nonconforming Lots of Record.

1. For purposes of maintaining building sites in compliance or near compliance with this Ordinance, in those instances where the same owner has adjoining nonconforming lots of record, the following regulations shall apply:

a. Where two abutting lots of record or portions thereof are held under one ownership and where one or both of these lots or portions thereof are nonconforming, they together shall be considered as a single lot of record, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

b. Where three or more abutting lots of record are held under one ownership, and where one or more of these lots are nonconforming, the lots shall be held and maintained in such a manner as to comply with the area and width requirements of this Ordinance, and the provisions of this Ordinance, and the provisions of this Ordinance relating to lot area and lot width shall not be avoided by the sale or conveyance of all or any portion of such lot or lots of record.

c. Notwithstanding the above provisions, the Village Council may authorize the Building Department to issue a building permit in those instances where a nonconforming lot or combination of lots of record meets eighty (80%) percent of the minimum frontage, setback and area requirements of this Ordinance upon a determination that said eighty (80%) percent is in conformance with the general standard of the neighborhood, provided, however, in no event shall side yards be less than necessary to permit fire equipment reasonable access, and further to prevent the spread of fire.

Before this authorization can be given by the Village Council, a Public Hearing shall be held, with written notification of the Public Hearing being given to all property owners within three hundred (300) feet of the non-conforming lot of record.

2. When the owner of a nonconforming lot of record does not own and cannot reasonably acquire sufficient abutting land to enable him to conform to the requirements of this Ordinance relating to minimum lot area, minimum lot width, or both, such lots of record may be used by such owner for building purposes, provided, that all requirements of this Ordinance, and all other applicable law, ordinances and regulations, are met, and provided, further, that no more than one principle structure shall occupy any lot except in conformity with the provisions of this Ordinance for required lot area for each dwelling unit.

Section 3.05 Standard of Abandonment. In the event of a nonuse or inconsistent use of land and/or improvements which constituted a nonconforming use, structure, or use and structure in combination, and the same continues for a period of one year, or more, the nonconforming use, structure, or combination thereof shall be deemed to have been abandoned, with the intent to abandon all rights of nonconforming use and nonconforming structure, or any combination thereof.

ARTICLE IV – SITE IMPROVEMENTS

Section 4.01 Parking.

1. General Provisions.

a. All parking improvements shall be provided at the time of erection and/or enlargement of principle structures, and/or at the time of establishing or changing a use, prior to the issuance of a certificate of occupancy, except upon a use change from one permitted principle use to another permitted principle use, when it is determined, by the Planning Commission, that there is absolutely no space for any required additional parking. Such determination must be backed up with facts, and must so be indicated on the site plan, and in the minutes of the meeting, at which the review took place. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.

b. Off-street parking for other than residential uses shall be either on the same lot or within three hundred feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant when application for a building permit or a certificate of occupancy is filed.

c. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, parking lot, or combination thereof. Such spaces shall be located on the premises they are intended to serve. Residential off-street parking is exempt from regulations of this Section governing a parking lot.

d. Subject to the ZBA, two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

e. Required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Under no circumstances shall it be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of vehicles on any off-street parking space is prohibited.

f. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be interpreted by the Building Department from the requirements for uses similar in type, provided, such interpretation shall be subject to appeal to the ZBA.

g. Commercial highway trailers and trucks with a gross vehicle weight of seven thousand pounds, or greater, shall not be parked or stored in any residential zoning district, except when making a delivery. Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored in any residentially zoned district, other than in completely enclosed buildings.

2. Off-Street Parking Space Layout, Standards, Construction and Maintenance: Wherever the off-street parking standards in this Ordinance require the provision of an off-street parking facility, off-street parking lots shall be laid out, constructed and maintained in accordance with the following regulations:

a. No parking shall be constructed unless and until a permit therefor is issued by the Building Department. Applications for a permit shall be submitted to the Building Department in such form and numbers as approved by the Building Department.

b. Plans for the layout of off-street parking lots shall show a parking space width of ten feet, and a total dimension across two tiers of parking spaces plus a maneuvering lane of at least the following for the several patterns described at the end of this paragraph. When it is determined by the Planning Commission that number of parking spaces is crucial, or when ten foot spaces interfere with loading area or some other important aspect of the site development, they may allow a percentage of the parking spaces on a site plan to be narrow than ten feet. When width of parking spaces is varied, minutes must document reasons.

(1) A ninety degree pattern--total dimension of sixty-two feet, with two tiers of parking space plus one maneuvering lane of at least eighteen feet in width. Such maneuvering lane shall permit one-way traffic.

(2) A sixty degree pattern (without overlap)--total dimension of fifty-eight feet, with two tiers of parking space plus one maneuvering lane of at least eighteen feet in width. Such maneuvering lane shall permit one-way traffic.

(3) A forty-five degree pattern (without overlap)--total dimension of fifty-six feet, with two tiers of parking space plus one maneuvering lane of at least twenty feet in width. Such maneuvering lane shall permit one-way traffic.

General engineering specifications for off-street parking lots shall be those of the Oakland County Road Commission.

3. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than one-family residential use shall not under any circumstances be across land zoned for one-family residential use.

4. Off-street parking areas for all uses except one-family and two-family dwelling units shall be provided with a continuous and obscuring wall or greenbelt separating it from abutting residential development, not less than six feet in height measured from the surface of the parking lot.

When a front yard setback is required, all land between said wall or greenbelt and the front property line or street right-of-way shall be kept free from refuse and debris and shall be adequately landscaped with shrubs, evergreen material and/or ornamental trees.

5. The entire parking area, including driveway, parking spaces and maneuvering lanes, required under this Section, shall be provided with asphaltic or concrete surfacing in accordance with specifications of the Oakland County Road Commission. The parking area shall be surfaced prior to issuance of a certificate of occupancy for the building or buildings which it serves, or a cash bond or an escrow deposit in an amount of the estimated cost of the work given to the Village. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and so as to establish an environmentally sound means of disposing of such surface water, as determined by the village engineer.

6. All lighting used to illuminate any off-street parking area shall be so installed as to be confined with and directed on the parking area only and shall not be higher than thirty-five feet.

7. Schedule of Off-Street Parking Requirements. Any new structure and/or use shall provide the minimum number of off-street parking spaces based upon the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
a. RESIDENTIAL	
(1) Residential-One-Family and Two Family. . . . .	Two (2) for each dwelling unit
(2) Residential, Multiple Family. . . . .	Two (2) for each dwelling unit containing two bedrooms or less; two and one-half (2 1/2) for each unit containing in excess of two bedrooms.
(3) Housing for the Elderly. . . . .	One for every two (2) dwelling units; however should units revert to general occupancy, then two(2) spaces per unit shall be provided.
b. INSTITUTIONAL	
(1) Churches or temples. . . . .	One (1) for each three(3) seats or six (6) feet of pews in the main unit of worship.
(2) Hospitals. . . . .	One and one-half (1 1/2) for each one (1) bed plus one (1) for each employee on peak employment shift.
(3) Homes for the aged and convalescent homes. . . . .	One (1) for each two(2) beds plus one(1) for each employee on peak employment shift.
(4) Elementary and Junior high schools. . . . .	One (1)for each one (1) teacher, employee and administrator plus one (1) for each classroom, plus required space for auditorium.
(5) Fraternity or Sorority. . . . .	One (1) for each five (5) permitted active members or one (1) for each bed, whichever is greater.

- (6) Senior high school and/or college. . . . . One (1) for each one (1) teacher, employee, or administrator, and one (1) for each classroom, and one (1) for each ten students.
- (7) Private Clubs and Lodge Halls.. One (1) for each three (3) persons allowed within the maximum occupancy load as established by legal code.

c. COMMERCIAL

- (1) Auto Service stations. . . . . Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
- (2) Self Service Gas Stations. . . . . One (1) for each pump island plus one (1) for each employee on peak employment shift.
- (3) Laundromats and coin-operated dry cleaners. . . . . One (1) for each two (2) machines.
- (4) Mortuary establishments. . . . . One (1) for each twenty-five (25) square feet of assembly room, parlors, and slumber rooms floor space.
- (5) Motel or Hotel. . . . . One and one-half (1 1/2) spaces for each rental unit, plus one(1) additional space for each employee on peak employment shift.
- (6) Motor vehicle sales and service establishments. . . . . One (1) for each two hundred (200) square feet of floor area of sales rooms, one (1) for each auto service stall in the service room plus (1) for each employee on peak employment shift.
- (7) Retail stores except as otherwise specified herein. . . . . One (1) for each one hundred and fifty (150 square feet of usable floor area.
- (8) Swimming pools. . . . . One (1) for each thirty (30) square feet of pool area plus one (1) for each employee on peak employment shift.
- (9) Establishments for sale and consumption on the premises, of beverages, food or refreshments. . . . . One (1) for each one hundred (100) square feet of usable floor space plus (1) for each employee on peak employment shit.

- (10) Furniture and appliance,

household equipment, showrooms for plumber, decorator, electrician or similar trade. . . . .	One (1) for each eight hundred (800) square feet of usable floor area and one (1) for every two (2) employees.
(11) Bowling establishments. . . .	Five (5) per bowling lane.
(12) Dance halls, pool or billiard parlor, roller or skating rinks, exhibition halls, assembly halls and similar uses without fixed seats. . . . .	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local code.
(13) Amusement Centers. . . . .	One (1) for every six (6) persons allowed in the building by fire codes.
(14) Theaters and auditoriums. . .	One (1) for each three (3) seats plus one (1) for each two (2) employees on peak employment shift.
(15) Open air business. . . . .	One (1) for each five hundred (500) square feet of sales area in the open.
d. OFFICES	
(1) Banks. . . . .	One (1) for each one hundred (100) square feet of usable floor area and eight (8) waiting spaces for each drive-in window.
(2) Business offices or professional offices, except as indicated in the following item (3). . . . .	One (1) for each one hundred fifty (150) square feet of usable floor area.
(3) Professional offices of doctors, dentists, or similar professionals. . . . .	One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, plus one (1) for each examining room or dental chair, plus one (1) for each doctor, dentist practitioner and employee.

e. INDUSTRIAL

(1) Industrial or research establishments. . . . . Five (5), plus one (1) on site for every two (2) employees in the largest working shift, or one (1) space for every five hundred and fifty feet (550) square feet of usable floor space, or whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.

(2) Wholesale or warehouse establishment. . . . . One (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space or whichever is greater.

Section 4.02 Loading and Unloading.

1. General Provisions.

a. On the same premises with every building, structure, or part thereof, erected or used for purposes other than residential, there shall be provided and maintained on the premises adequate space for loading, unloading or vehicular standing in order to avoid interference with and in public streets and ways and/or with other required parking area.

b. Such space shall be surfaced, drained, and otherwise developed in the same manner as specified, above for off-street parking areas for the same type use.

2. Space Requirements.

a. For all commercial and related uses, spaces shall be provided as specified in each use district or in connection with each specified use. All such spaces shall be laid out with minimum dimensions of ten by forty feet or four hundred square feet with a minimum height clearance of fourteen feet, and shall be based upon the table set forth in paragraph c of this subsection.

b. For industrial and related uses authorized in the M-1 District, spaces shall be laid out with minimum dimensions of ten by fifty feet, or five hundred feet in area, with a minimum height clearance of fourteen feet, and shall be based upon the table set forth in paragraph c of this subsection.

c. Table for off-street loading:

USABLE FLOOR AREA (In Square Feet)	LOADING AND UNLOADING SPACE REQUIRED
0-1,400 . . . . .	None
1,401 - 20,000 . . . . .	1 Space
20,001 - 100,000 . . . . .	1 Space plus 1 space for each 20,000 square feet in excess of 20,001 square feet.
100,000 and over . . . . .	5 Spaces

Section 4.03 Greenbelts, Walls, and Fences.

1. General Definitions.

a. Greenbelt: Greenbelts shall be tree and shrub materials, and shall be placed within four feet of the property line unless the greenbelt objective can be achieved by placement elsewhere as determined in the discretion of the Planning Commission, and, in the event two or more rows of trees and/or shrubs are planted, the rows shall be staggered. The distance, on center, for such plantings shall be such as to allow for healthy growth taking into consideration the type of planting, with a view toward achieving the greenbelt objective, and this may be monitored by the Planning Commission on a continuing and ongoing basis to insure achievement of such objective. The type of

Section 4.03 Greenbelts, Walls and Fences

1. General Definitions.

a. Greenbelt: Greenbelts shall be tree and shrub materials located on a site so as to provide a screening effect between such use and abutting properties and shall be placed within four feet of the property line unless the greenbelt objective can be achieved by placement elsewhere as determined in the discretion of the Planning Commission, and, in the event two or more rows of trees and/or shrubs are planted, the rows shall be staggered. The distances, on center, for such plantings shall allow for healthy growth taking into consideration the type of planting, with a view toward achieving the greenbelt objective, and this may be monitored by the Planning Commission on a continuing and ongoing basis to ensure achievement of such objective. The type of trees and shrubs to be planted may be varied, however, the following species may not be permitted in the greenbelt area:

- (1) Box Elder
- (2) Soft Maples (Red-silver)
- (3) Elms
- (4) Poplars
- (5) Willows
- (6) Horse Chestnut (nut bearing)
- (7) Tree of Heaven
- (8) Catalpa

b. Walls shall be constructed of masonry or like material, and where required shall be located approximately on the lot line, except where the Planning Commission approves an alternate location upon good cause shown (which cause shall be specifically noted on the approved site plan) and except as may be otherwise specifically required in this Ordinance.

c. Fences shall be firmly and safely established physical barriers of not more than six (6) feet in height, which may be fully or partially obscuring. Fencing materials may include any or a combination of the following, or like materials: wood, metal or natural vegetation such as shrubbery.

## 2. Regulation

a. In residential districts, fences shall be allowed, provided, the same shall be restricted to rear or side yards or no further toward the front of the property than the front building line. Non-opaque ornamental fences, not exceeding four (4) feet in height, shall be allowed in required front yard and up to the front building line. Ornamental fences permitted in front yards shall be composed of wood or natural vegetation such as shrubbery only.

b. A property owner in a R-M, MHP, B-1 or B-2 zoning district which abuts a single family residential district shall construct and maintain a wall on the common boundary line between the two zoning districts. For good cause shown, the Planning Commission may permit the establishment of a fence, greenbelt or combination thereof in lieu of said wall. Such cause shall be specifically noted on the site plan.

c. A property owner in a light industrial district which abuts a R-M, MHP or single family residential zoning district shall construct and maintain a wall on the common boundary line between the two zoning districts. For good cause shown, the Planning Commission may permit the establishment of a fence, greenbelt, or combination thereof in lieu of said wall, which case shall be specifically noted on the approved site plan.

d. In all residential districts, so-called entrance way structures, including, but not limited to, walls, columns, gates, marking entrances to single-family subdivisions or multiple housing projects, shall be permitted, and may be located in a required yard, provided such entrance way structures shall comply with all codes and ordinances of the Village, and shall be approved by the ZBA as to design and location so as to insure necessary or expedient sight distance and pedestrian and vehicular safety.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.

greenbelt, at the determination of the Planning Commission, on the common boundary line between the two districts.

c. In the event property in a light industrial district abuts a residential district, the owner of the industrially zoned property shall establish a wall, fence, or greenbelt at the determination of the Planning Commission, on the common boundary line between the two districts.

d. In all residential districts, so-called entrance way structures, including, but not limited to, walls, columns, gates, marking entrances to single-family subdivisions or multiple housing projects, shall be permitted, and may be located in a required yard, provided, such entrance way structures shall comply with all codes and ordinances of the Village, and shall be approved by the ZBA as to design and location so as to insure necessary or expedient sight distance and pedestrian and vehicular safety.

e. No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.

Section 4.04 Storage.

1. Non-residential outdoor storage in commercial and light industrial districts shall be prohibited unless otherwise specifically authorized in this Ordinance, and if, when and to the extent authorized, such outdoor storage shall be shielded from pedestrian and vehicular traffic, and from surrounding property, by an opaque fence or berm.

2. Outdoor storage in residential districts shall be limited to the rear yard, provided:

(1) There shall be no storage in the side and rear setback areas.

(2) Ground coverage shall be limited to twenty-five (25%) percent of the required rear yard area of the property, or proportionately smaller area if the rear yard is smaller than the minimum requirement, and, provided, in the event a rear yard has an area which is in excess of the minimum requirement, ground coverage may be increased to the extent of ten (10%) percent of such excess area.

Section 4.05 Signs.

1. General Definitions.

a. Accessory Sign: A sign which is accessory to the principle use of the premises.

b. Non-accessory Sign: A sign which is not accessory to the principle use of the premises.

c. Ground Sign: A free-standing sign supported by one or more uprights, braces, or pylons located in or upon the ground or to something requiring location on the ground including "billboards" or "poster panels" so-called.

d. Projecting Sign: A sign which is affixed to any building or part thereof, or structure, which extends or projects out beyond the building wall or parts thereof, or structure, by more than eighteen inches. A projecting sign shall not include a ground sign as herein defined.

e. Wall Sign: A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve inches from the wall, but which may or may not project above the roof or parapet.

f. Roof Sign: A sign which is erected, constructed or maintained upon, and which projects above or beyond, the roof or parapet.

g. Shopping Center: A group of three or more stores, offices or shops, or any combination thereof, selling merchandise or services and served by a common off-street vehicular parking area located on private property. All stores, offices or shops served by one parking area shall be considered one shopping center.

h. Total Sign Area: Total sign area shall mean the sum total of all exterior surfaces of the sign, computed in square feet by multiplying the greatest vertical measurement by the greatest horizontal measurement.

2. Temporary or Portable Sign: An accessory sign displayed for a period not to exceed thirty days during any three hundred sixty-five day period, provided, upon a showing to the Building Department that construction and erection of a permanent sign is in process, such period may be extended to a maximum of ninety additional days. Such signs shall be firmly affixed to the premises or constructed in such manner so as not to constitute a safety hazard.

3. General Provisions.

a. No sign advertising a business shall be erected without first submitting an application and obtaining approval of a permit from the Building Department. Such application shall include a drawing or sketch plan reflecting the dimensions, type of sign, e.g., ground sign, wall sign, and, the plan must further show the proposed location on the property where the sign will be placed.

b. Signs shall be constructed and erected such that no part thereof shall be located in or project or overhang into a public right-of-way, including a sidewalk, driveway, easement of access, street, road and/or highway.

c. Number of signs: On each premises, there shall be permitted one ground sign, and/or one wall sign, provided, if the property is situated on a corner which is not immediately adjacent to a residential district, wall signs may be placed on the front wall and one side wall.

d. All signs shall conform to the height limitation of the applicable use district, provided, signs shall in no event exceed the actual height of the principle structure on the property.

e. All directional signs required for the purpose of orientation, when established by the Village, County, State or Federal government, shall be permitted in all use districts.

f. Signs used for advertising land or buildings for rent, lease, and/or sale shall be permitted when located on the land or building intended to be rented, leased and/or sold, and shall not exceed ten square feet in total sign area, and shall be removed from the premises within seven calendar days following the date the property is rented, leased and/or sold.

g. No sign shall constitute an obstruction to vision above a height of thirty inches from the established street grade within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.

h. Signs shall not be permitted to have moving parts and/or intermittently flashing illumination.

i. For the purpose of preserving the residential character of that portion of the Village not situated on the state highway, and to render such area attractive to travelers and provide for the safety of drivers and pedestrians within such portion of the Village, and in recognition of the fact that the placement of non-premises signs tends to foster places which gather refuse and paper and places for the dumping of dirt, debris and filth, and taking into consideration the fact that the placement of non-accessory signs on the smaller lots and parcels within the Village would tend to obstruct motor vehicle sight distance and clear view and be detrimental to the appearance and other aesthetic objectives of the Village, non-accessory signs, including billboards, shall be allowed on a limited basis, as expressly authorized in this Ordinance.

4. Special Regulations by Type of Sign.

a. Ground Signs: For properties which abut thoroughfares having a speed limit of thirty-five miles per hour or less, the area of the sign shall not exceed twenty square feet per each of two sides; and, for properties which abut thoroughfares having a speed limit in excess of thirty-five miles per hour, the area of the sign shall not exceed forty square feet per each of two sides.

b. Wall Signs: The area of a wall sign shall not exceed the greater of the following: ten (10%) of the area of the wall (include area of mansard roofs for calculation of the 10%) upon which the sign is displayed, including doors, windows and any other openings, etc., or, thirty-two square feet. The distance (projection) between the wall upon which the sign is displayed and the outer surface or face of the sign shall not exceed twelve inches, and, in all events, the sign shall in no manner obstruct pedestrian and/or vehicular traffic on sidewalks, driveways and/or other ways. Wall signs shall not extend above the top, nor beyond the ends, of the wall.

c. Roof Signs: Roof signs shall be prohibited, except to the extent and in such cases that projecting signs are permitted, as provided for in this Ordinance.

5. Special Regulations for Shopping Centers and Multiple Office Buildings.

a. Ground Signs: Ground signs with respect to property restricted to a twenty square foot sign shall be permitted an additional five square feet of signage per each business in excess of one, provided, in no event shall such signs exceed thirty square feet. Ground signs with respect to property restricted to a forty square foot sign shall be permitted an additional five square feet of signage per each business in excess of one, provided, in no event shall such signs exceed fifty square feet.

b. Wall Signs: All signs on a given premises shall be uniform in patten, theme and/or general concept. Each business shall be entitled to a wall sign, provided, the limitation of the greater ten (10%) of the wall surface or thirty-two square feet shall continue to apply (see, wall sign regulations, above), provided, further, however, in the event new businesses are commenced after an initial sign is displayed, and these provisions would otherwise prohibit a new wall sign, such new businesses shall be permitted to display wall signs

which do not exceed four square feet each, provided the wall upon which the sign is displayed shall in no event be covered in excess of twenty (20%) percent.

6. The Projecting Sign.

The Planning Commission is authorized to approve a projecting sign of up to twenty square feet in area in lieu of a wall sign if inspected by Building Inspector and it is determined that:

There will not be an unreasonable interference with adjacent pedestrian and/or vehicular traffic, including view for traffic safety.

a. There will be no interference, now or within the reasonably anticipated future, with respect to the visibility of neighboring businesses and/or business signs.

b. The design of the sign does not include unnecessary wires, cables, and the like.

7. Signs advertising for the sale of rent of real estate shall be situated on the property being advertised, and, following sale or lease, as the case may be, the "For Sale" and/or "Sold" sign shall be removed within seven calendar days.

8. Political signs are allowed in any zoning district vprovided they are removed within seven calendar days following the election for which they are used.

Section 4.06 Exterior Lighting. All exterior illumination of buildings and/or grounds and/or illumination for advertising purposes, shall be directed, and shielded if necessary, in such a manner as to avoid glare in adjacent residential districts and/or uses, and further, to avoid any adverse affect on driver visibility.

Section 4.07 Residential Accessory Buildings. Accessory buildings in single-family residential districts, 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 be erected in side or rear yard.

3. Accessory buildings may occupy not more than twenty-five (25%) percent of a required rear yard, plus twenty (20%) percent of any nonrequired rear yard.

4. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet of any side or rear lot line. In those instances where the rear lot line is conterminous with a right-of-way, the accessory building shall not be closer than one foot so such rear lot line. In no instance shall an accessory be located within a dedicated easement.

5. No detached accessory building shall exceed fifteen feet in height in any residential zone.

6. An accessory building shall not be constructed prior to construction of the main building, except when substantially contemporaneous with construction of the main building.

Section 4.08 Dog Kennels. In those districts where dog kennels are permitted, a minimum lot area of not less than ten acres, with a minimum lot width of not less than five hundred feet, is required for any dog kennel, and all buildings pens and runways for housing or keeping of such animals shall not be less than one hundred fifty feet from any adjacent property line.

ARTICLE V - GENERAL REGULATIONS

Section 5.01 One Lot, One Principle Use.

1. In all districts, there shall be no more than one principle use conducted on a single lot or parcel.

2. In all single-family residential districts, there shall be no more than one principle structure on a single lot or parcel.

Section 5.02 Required Street Frontage. Any parcel of land which is to be occupied by a use, building or structure, shall have frontage on and direct access to:

1. A public thoroughfare which has been accepted for maintenance by the State of Michigan, County Road Commission, or Village of Ortonville; or

2. A permanent and unobstructed existing private road which is of record at the Oakland County Register of Deeds and/or the Village of Ortonville on the date of this Ordinance. No such occupancy shall be permitted on a private road not of record at the Oakland County Register of Deeds and/or Village of Ortonville as of the date of this Ordinance.

Section 5.03 Exceptions to Height Limitations. Subject to the following, the general height limitations shall not apply to church spires, chimneys, flagpoles, water towers, aerials and TV, radio, and microwave towers:

1. There shall be a fall area between the structure and all boundary lines of the property with a dimension no less than the height of the structure.

2. There shall be compliance with all other applicable law, ordinances, rules and regulations, and the site plan shall represent that each and every necessary approval from other governmental entities has either been granted or is pending, and the structure shall in no event be erected until all such approvals have been granted.

Section 5.04 Performance Standards.

1. Noise: Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. The permitted noise in commercial, office, and industrial districts shall not exceed seventy-five decibels between the hours of 10 p.m. and 6 a.m. All measurements shall be made at the property line. The out of doors barking of one or more dogs during the hours of 10 p.m. and 7 a.m. on more than an occasional basis in a residential district, where such dog or dogs are not situated in a dog kennel, shall be considered to be a nuisance per se, subject to abatement. The phrase "occasional basis" as used in this subsection, shall mean a frequency of more than one occurrence with a fifteen day period.
2. Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths of one inch measured anywhere outside the lot line of its source, or ground vibration which can be readily perceived by a person standing anywhere outside the lot line of its source.
3. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air, or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

4. Glare and Heat: Any operation producing intense flare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct perception from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

Section 5.05 Performance Guaranties for Improvements.

1. Deposit Requirement: At the time of issuance of a permit authorizing an activity or project, and not before, the Planning Commission may require, as a condition to issuance of the permit, the deposit with the Clerk of the Village, a cash deposit, certified check, irrevocable bank letter of credit, or cash bond acceptable to the Village, covering the cost of "improvements" associated with the activities or project for which the permit is sought.

2. If the permit applicant proposes to deposit a cash bond, the Village shall forthwith determine whether the same is acceptable, and, if not, the specific reasons for rejection shall be provided to the applicant.

3. The deposit requirement shall not be required if and to the extent a like deposit has been made pursuant to the Subdivision Control Act, MCLA 560.101, and following sections.

4. The permit applicant may propose to the Planning Commission a schedule pursuant to which portions of the deposit are returned in relation to the ratio of work completed on the required improvements as work progresses. The Planning Commission shall review the proposal, and if reasonable, establish such a schedule, as submitted by the applicant, or, in such modified form as the Planning Commission shall deem appropriate.

Section 5.06 Mineral and Soil Removal: Limited Period Special Use.

1. Upon application reflecting in detail the geography, topography, natural surface features and vehicular traffic roots and access on and in a one-half mile radius of the property in question, together with a geological, hydrological and engineering survey and study prepared by appropriate experts, and also containing an operating and reclamation plan for the entire duration of the use, and an environmental impact study, the ZBA, following recommendation by the Planning Commission, and in accordance with the standards hereinafter set forth, and subject to any additional reasonable conditions imposed by the ZBA, may grant the limited period special use authorizing the removal of sand, gravel, stone, aggregate and/or other minerals from specified property for a limited period of time.

2. The ZBA may grant the application only upon a finding that no harm and/or impairment shall result to the water, air, natural resources and/or public trust on and around the property, and that such use shall not unreasonably impact on the surrounding area from a land use and/or planning standpoint.

3. The ZBA shall establish a specific time duration during which the special use shall be authorized, beyond which time there shall be no vested rights to continue such limited period special use.

4. Immediately following termination of active removal activities, the property shall be restored and reclaimed in accordance with the approved plan, of which, among other things, shall include a

regrading of the property so as to prohibit any slopes in excess of one foot vertical to five feet horizontal and further include a ground cover which will prevent erosion in the short and long term.

5. Nothing in this Section shall be construed or interpreted to prohibit the necessary preparation of land in connection with any immediately lawful use, provided that a site plan or other required application has been submitted to undertake such use.

Section 5.07 Development Prohibition in Yard Setbacks.

There shall be no improvements constructed or moved on to the required front, side and/or rear yard setback areas, except as permitted in this Ordinance, provided, a driveway may pass through the front yard. This prohibition shall not prevent underground improvements.

Section 5.08 Single Family Dwelling Regulations. A single family dwelling, other than homes situated in a mobile home park within the jurisdiction of the Michigan Mobil Home Commission, which is constructed, erected, structurally altered, repaired, and/or moved in whole or in part from or to a site in the Village shall conform to the following regulations, in addition to all other applicable state and/or federal standards and/or regulations:

1. It shall comply with all applicable building, construction and fire codes.

2. It shall comply with a minimum floor area, lot size, yard setback, and the like, requirements of this Ordinance for the zone in which it is situated.

3. It shall have a minimum width of twenty (20) feet on the front, rear and all side elevations.

4. It shall be firmly attached to a permanent foundation, and have a wall of the same perimeter dimensions as the dwelling, constructed of materials required for single-family dwellings pursuant to the Village Building Code.

5. It shall have no exposed wheels, towing mechanism, undercarriage or chassis.

6. All means of access to the dwelling, such as steps, porches, ramps, and the like, shall be permanent in nature, with footings below the frost line.

7. It shall be connected to a public sewer and water supply, or to such private facilities approved by the Oakland County Health Department.

8. It shall contain inside storage capability equal to ten (10%) percent of the square footage of the dwelling, or one hundred (100) square feet, whichever is less, such storage area, one or more closet areas, or an attached or detached structure with construction standards and materials of equal or greater quality and durability than the principal structure, including foundation.

9. It shall have no less than two (2) exterior doors situated on different elevations of the dwelling, e.g., front and side.

10. In terms of construction standards, character, materials, design, appearance, aesthetics and quality, it shall be compatible, i.e., it shall meet equal or greater standards, as compared with existing dwellings in the area. The Building Official, or his designate, shall make the determination of compatibility in the first instance, based upon the plans, specifications and elevations which shall be presented upon application for a building permit. Such determination shall be made in view of the following:

a. Area of consideration: If the dwelling is to be located in a platted subdivision, it shall be compatible with the houses in the plat; and, if not in a platted subdivision, it shall be compatible with the houses within two thousand (2,000) feet which might be considered as being an area which relates to the property in question.

b. Square footage of floor space.

c. Length, width and height of structure.

d. Architectural type and design, including, without limitation, exterior materials, custom nature of design, roof style, and the like, to the extent that the same would likely bear upon property value.

e. The attachment of garages.

f. These regulations shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices, including solar energy, view, unique land contour, and/or custom qualities.

The determination of the Building Official, or his designate, shall be subject to appeal to the Zoning Board of Appeals, provided, a written application to appeal must be filed within fifteen (15) days after notice of the decision in the first instance.

11. There shall be no dumpsters situated on single family residential premises, provided, this regulation shall further prohibit dumpsters on property utilized for duplex purposes.

This section was added by way of amendment on May 8, 1989

Section 5.09 -- Site Condominium Projects.

(1) Definitions.

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

(a) "Building Envelope" shall mean 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 garages.

(b) "Building Site" shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counter-part of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

(c) "Director" shall mean the Village building inspector for the Village of Ortonville.

(d) "Site Condominium Project" shall mean a condominium project proposed to be developed under Act 59 of the Public Acts of 1978, as amended, in R-1 and R-2, Single-Family residential classifications.

(2) Approval under this Section shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Village of Ortonville. The approval process shall involve three phases:

(a) Preliminary Plan Approval.

(b) Site Plan Approval.

(c) Final Engineering Plan Approval.

(3) A developer of a site condominium project shall initially submit to the director six (6) copies of an application for preliminary plan approval, accompanied by a preliminary plan. The preliminary plan shall show the name, location and position of the project, and the plan and layout in sufficient detail on a topographic map to enable a determination of whether the project meets requirements for size and shape of lots, streets, roads, and highways, as well as drainage, floodplains, and wetlands. All utility services shall be underground. The preliminary plan shall be drawn to scale of not more than 200 feet equal to one inch and may be

an original drawing or reproduction, on unbacked paper. It shall contain proper identification of the parcel of land to be developed, the name of the project and the proposed layout of the individual building sites, streets, roads, floodplains, wetlands, and proposed drainage. The plan shall also contain the name and address of the developer and the name and address and seal of the surveyor or engineer who prepared it, all legibly printed or typewritten. Qualified persons may assist in the preparation of the development plan, or accompanying documents, to assist in the visualization of the type and scope of the development plan.

(a) Following review and recommendation by appropriate consultants, the preliminary plan shall be reviewed by the Planning Commission for conformance with all applicable laws and ordinances, including, without limitation, all ordinances relative to standards and design relative to building sites, street, roads, and highways as well as drainage, floodplains, and wetlands.

(b) The Planning Commission shall also ascertain whether, based upon the submission, it appears that the preliminary plan will conform with all requirements for site plan review.

(c) If the preliminary plan conforms to all respects, it shall be approved by the Planning Commission. If the preliminary plan fails to conform, the Planning Commission shall either deny the application, or grant with conditions with a time limit for compliance with such conditions and resubmission, as deemed appropriate by the Planning Commission.

(d) Preliminary plan approval shall confer upon the developer a commitment of approval for a period of one year with regard to the size, shape and layout of building sites, and street layout. Such preliminary plan approval may be extended if applied for by the proprietor within the effective period and approved by the Village Council.

(4) Following approval of the preliminary plan, the developer shall submit an application for site plan approval in accordance with the requirements of this Ordinance. In addition to any information required to be submitted under this Ordinance, the developer shall include with the application for site plan approval sufficient information for determination whether the project conforms with all applicable laws, codes, ordinances, rules and regulations enforceable by the Village.

(a) The application for site plan review shall also include a copy of the proposed master deed and any additional

documentation to be recorded with the Register of Deeds, for review and approval by appropriate Village consultants.

(b) Site plan approval shall be effective for a period of one year. Such approval may be extended if applied for by the developer within the effective period and granted by the Village Council.

(5) Following the grant of the site plan approval, a developer shall submit an application for final engineering approval, which shall include plans and information in sufficient detail for the Township, and appropriate consultants, to determine compliance with all applicable laws, codes, ordinances, rules, and regulations enforceable by the Village. Subject to applicable provisions of Subsection (6), immediately following, a building permit for construction shall be issuable at such a time as the final engineering plan has been approved, and all improvements for the project have been constructed, provided however, the Planning Commission may determine that certain improvements need not be constructed prior to issuance of a certificate of occupancy on the condition that all improvements will be completed prior to issuance of a certificate of occupancy and the developer posts chas, or a letter of credit in the form and amount determined appropriate by the Planning Commission following advice of Village Consultants, for the timely completion of such improvements.

(6) Additional regulations applicable to site condominium projects.

(a) Each building site shall front on and have direct access to a public street.

(b) There shall be compliance with all requirements of the Schedule of Regulations, and other provisions of this Ordinance and other applicable ordinances, with the understanding that reference to "lot" in such regulations shall mean and refer to "building site" as defined in this Section, and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "building envelope" as defined under this Section. In the review

of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Subdivision Control Act. However, the review of plans submitted under this Section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Subdivision Control Act.

- (c) Prior to the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, water supply, sewage disposal and all underground utilities.
- (d) Prior to issuance of certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction, and the director shall determine that all improvements have been completed in accordance with approved plans, If the director determines that a temporary certificate of occupancy may be issued prior to full completion, such a temporary certificate of occupancy may be granted for a specified period on the condition that a suitable letter of credit or corporate surety bond, issued by a company license to do business in following advice from Village consultants. The security shall be in an amount equal to one and one-half times the cost of the improvement based upon either a contract executed for completion of the improvement or estimate of the cost by the Village engineer, as determined appropriate by the director.
- (e) With respect to each building envelope, within 30 days following final inspection of the improvement, the developer shall submit to the director an "as-built" survey, including dimensions between each improvement and the boundaries of the building site, and the distance if each improvement from any wetland, floodplain and/or floodway. The corners of each building site shall be staked in the customary manner

in connection with the survey performed for the project.

- (f) The fees for all reviews shall be established by ordinance and/or resolution adopted by the Village Council.
- (g) Any proposed amendment of a master deed which would have any direct or indirect effect upon any matter reviewed or approved under this Section shall be reviewed and approved by the Planning Commission prior to recordation.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
VILLAGE OF ORTONVILLE  
ORDINANCE NO. \_\_\_\_\_

TEXT AMENDMENT TO ZONING ORDINANCE  
(Wireless Communication Facilities)

An Ordinance to amend the Village of Ortonville Zoning Ordinance for the purpose of providing regulations for the application, review, construction and maintenance of wireless communication facilities.

THE VILLAGE OF ORTONVILLE ORDAINS AS FOLLOWS:

Section 1 of Ordinance

The Village of Ortonville Zoning Ordinance shall be amended by adding definitions to Article II and adding a new Section 5.10 to Article V, reading as follows:

ARTICLE II - DEFINITIONS:

The following definitions are added to Article II.

WIRELESS COMMUNICATION FACILITIES: The following definitions, related primarily to Section 5.10, shall apply in the interpretation of this Ordinance.

1. *Wireless Communication Facilities* shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, This may include, but shall not be limited to, radio towers, television towers, telephone devices

and exchanges, micro-wave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities, federally license amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

2. *Attached Wireless Communication Facilities* shall mean Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A Wireless Communication Support Structure proposed to be newly established shall not be included within this definition.

3. *Wireless Communication Support Structures* shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

4. *Colocation* shall mean the location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

#### SECTION 5.10. *WIRELESS COMMUNICATION FACILITIES*

##### A. Purpose and Intent.

It is the general purpose and intent of the Village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Village to provide for such authorization in a manner which will retain the integrity of the neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Section to:

1. Facilitate adequate and efficient provision of sites for Wireless Communication Facilities.

2. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of Wireless Communication Facilities, subject to applicable Village standards and conditions.

3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

4. Ensure that Wireless Communication Facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

5. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

6. Promote the public health, safety and welfare.

7. Provide for adequate information about plans for Wireless Communication Facilities in order to permit the community to effectively plan for the location of such facilities.

8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

9. Minimize the negative visual impact of Wireless Communication Facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public right-of-ways. This contemplates the establishment of as few structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.

10. The Village Council finds that the presence of numerous tower and/or pole structures, particularly if located within or abutting residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

B. Permitted Uses.

Subject to the standards and conditions set forth in subsection E.1., Wireless Communication Facilities shall be permitted uses in the following circumstances.

1. An existing structure which will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Building Inspector, proposed to be either materially altered or materially changed in appearance.
2. A proposed collocation upon an Attached Wireless Communication Facility which had been preapproved for such collocation as part of an earlier approval by the Village.
3. An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Building Inspector, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

C. Special Land Uses.

1. Within the B-2 zoning district.
2. On municipal, school or other governmentally owned property.

D. Special Land Uses in Non-Permitted Districts or Zones.

If it is demonstrated by an applicant that there is no reasonable difference of opinion that a Wireless Communication Facility may not reasonably be established as a permitted use under subsection B, or as a special land use under subsection C, a Wireless Communication Facility may be permitted elsewhere in the Village as a special land use, subject to all the criteria and standards of subsection E.

E. General Regulations.

1. *Standards and Conditions Applicable to All Facilities*

All applications for Wireless Communication Facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its direction.

- a. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
- b. Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a Certification of Compliance by the applicant's licensed engineer.
- c. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- d. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure) which in no event shall exceed 195 feet. Any accessory building contemplated to enclose such things as switching equipment, shall be limited to the maximum height for accessory structures of buildings within the respective district.
- e. The setback of the support structure from any residential district shall be at least the one and one-half (1 1/2) times the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
- f. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structures, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located and

otherwise sufficient, taking into account the information required by Subsection F3.

- g.* There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through ro over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- h.* The division of property for the purpose of locating a Wireless Communication Facility is prohibited unless all zoning requirements and conditions are met.
- i.* Where an Attached Wireless Communication Facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be visually and architecturally compatible with the principle building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard set-backs. For colocation facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- j.* The design and appearance of the support structure and equipment enclosure shall minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the Wireless Communication Facility in a neat and orderly condition.
- k.* The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, license in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

- l. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
- m. The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
- n. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a license operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a Wireless Communication Facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to colocate on the facility that has been newly granted final approval.

2. *Standards and Conditions Applicable to Special Land Use Facilities*

Applications for Wireless Communication Facilities which may be approved as special land uses under subsection C, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subsection E1, the following additional standards:

- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
  1. Proximity to an interstate or major thoroughfare.
  2. Areas of population concentration.
  3. Concentration of commercial, industrial, and/or other business centers.

4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
6. Other specifically identified reason(s) creating facility need.

- b. The proposal shall be reviewed in conformity with the colocation requirements of this Section.

3. *Standards and Conditions Applicable to Special Land Uses in Non-Permitted Districts or Areas.*

For facilities which are not permitted uses under subsection B, and proposed to be located outside of a district or area identified in subsection C, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subsections E1 E2.

- a. At the time of the submittal, the applicant shall demonstrate that a location within a designated district or area cannot reasonably meet the coverage and/or capacity needs of the applicant.
- b. Wireless Communication Facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Village.
- c. In single-family residential neighborhoods, site locations outside a district or area identified in subsections B or C may only be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
  - (1) Municipally owned site.
  - (2) Other governmentally owned site.
  - (3) Religious or other institutional site.
  - (4) Public park and other large permanent open-space areas when compatible.
  - (5) Public or private school site.
  - (6) Other locations if none of the above is available.

F. Application Requirements

1. A site plan prepared in accordance with Section 4.31 of this Ordinance shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base and equipment enclosure.

3. The application shall include a signed certification by a State of Michigan license professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

4. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility, when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, to be held by the Village and recorded if needed, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.

5. The application shall include a map showing existing and known proposed Wireless Communication Facilities within the Village, and further show existing and known proposed Wireless Communication Facilities within areas surrounding the borders of the Village in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Village, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial

disadvantage to the applicant, any be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Village.

6. The name, address, and phone number of the person to contact for engineering, maintenance and other notice purposes. Written notice of any changes in this information shall be provided to the Village immediately. This application information shall also be confirmed in writing on an annual basis.

7. The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in the General Resolutions, above.

8. The application fee, in the amount specified by Village Council Resolution.

#### G. Colocation

##### 1. Statement of Policy.

It is the policy of the Village to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Village, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in subsection A. Each licensed provider of a Wireless Communication Facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Village that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above and in subsection A. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Village. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Village.

2. Feasibility of Colcation. Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

a. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.

b. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical adjustments

d. and other adjustments in relation to the structure, antennas, and the like.

e. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the several standards contained in parts D and F of this section, above.

3. Requirements for Colocation.

a. A special land use approval for the construction and use of a new Wireless Communication Facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

b. All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate colocation.

c. The policy of the Village is for colocation. Thus, if a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

d. If a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new Wireless Communication Support Structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Village, and, consequently such party shall take responsibility for the

violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Village for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. Incentive.

Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subsection B, shall be expedited by the Village.

H. Removal.

1. A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - b. Six months after new technology is available at reasonable cost as determined by the Village Council, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.
2. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, specified in paragraph 1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the

application deadline, and after at least thirty (30) days written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

5. The person who had used the facility shall immediately notify the Village Clerk in writing if and as soon as use of a facility ceases.

I. Effect and Approval.

1. Subject to the following subparagraph 2., final approval under this section shall be effective for a period of six (6) months.
2. If construction of a Wireless Communication Facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Village of the commencement of the other facility unless the applicant granted approval of that facility which has not been commenced demonstrate that it would not be feasible for it to colocate on the facility that has been newly commenced.

Section 2 of Ordinance

Amended only as specified above, the Village of Ortonville Zoning Ordinance Code shall remain in full force and effect.

Section 3 of Ordinance

The provisions of this Ordinance area hereby ordered to take effect immediately upon publication in the manner prescribed by law.

CERTIFICATION

The foregoing ordinance was adopted by the Village Council of the Village of Ortonville at a meeting of the Village Council duly called and held on the 14<sup>th</sup> day of July, 1997.

INTRODUCED: 1-7-97

ADOPTED: 7-14-97

EFFECTIVE: 7-27-97

PUBLISHED: 7-27-97

State of Michigan

County of Oakland

Village of Ortonville

Ordinance No. Z-01-10-2000

Text Amendment to Zoning Ordinance  
(Regulated Uses; Severability)

An Ordinance to amend Article V of the Village of Ortonville Zoning Ordinance, to add definitions and dispersal requirement for certain uses deemed to be regulated uses, and to amend Article III, Section 3.01 of such Ordinance by adding a new subsection 8, providing a severability clause.

THE VILLAGE OF ORTONVILLE ORDAINS AS FOLLOWS:

Section One of Ordinance

Article V of the Zoning Ordinance shall be amended by the addition of new Section 5.09, reading as follows:

**Section 5.11-Regulated Uses**

1. Intent and Purpose.

In the development and execution of this Ordinance, it is recognized, based upon studies undertaken and reported by other communities, that there are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances thereby having a deleterious affect upon adjacent areas, as well as the community as a whole. Relying on such studies, the Village Council has concluded that special regulation of these uses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

2. Regulated Uses

The following uses are considered "regulated uses" for the purposes of this Section:

A. Adult Uses, *including the following*:

- (1) Adult Arcade, defined as a place to which the public is permitted or invited to view motion pictures, video or laser disc pictures or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
- (2) Adult book stores, adult novelty store or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- (3) Adult cabaret, defined as a night club, bar, restaurant, or similar commercial establishment which regularly features: persons who appear in a state of nudity or semi-nudity; live performances which 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 which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(4) Adult motion picture theater, defined as a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(5) Adult theater, defined as a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

B. Licensed establishments whose primary business is the sale of beer or intoxicating beverages for consumption on the premises.

C. *Motels* defined as an establishment for temporary lodging where each individual room has a main entry door on the exterior of the building or where the rooms are advertised for rent for less than a twelve (12) hour period of time, or both.

D. *Massage parlors*, defined as Turkish bath parlor, steam bath, sauna, magnetic healing institute, or any room, place, establishment, institution, or the like where treatment of any nature for the human body is given by means of massage, and where a massage, alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is given. Massage parlor does not include a massage school recognized by the State Board of Massage employing one or more competent licensed massagists as instructors and which has minimum requirements or a

continuous course of study and training consisting of study in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics, and practical massage.

- E. *Pawnshops*, as contemplated in Act No. 273 of the Public Acts of 1917, as amended and/or Act No. 231 of the Public Acts of 1945, as amended.
- F. *Pool and billiard halls*.
- G. *Precious metal and gem dealers*, as contemplated under Act 95 of the Public Acts of 1981, as amended.
- H. *Second-hand dealers*; defined as any person, corporation, partnership, firm or other entity, a substantial portion of whose business is that of purchasing, storing, exchanging and receiving second-hand property of any kind or description, excepting businesses whose primary products are bona fide antiques.

3. Other Definitions

- A. *Nudity* or a *state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering or any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state.
- B. *Semi-nude* or *semi-nude condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- C. *Specified anatomical areas* means: the human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, public region, buttocks or a female breast below a point immediately above the top of the areola.
- D. *Specified sexual activities* means any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts,

normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

4. Dispersal Requirement

In addition to compliance with the other provisions of this Ordinance, the following apply to regulated uses:

- A. No regulated use may be located within 1,000 feet of another regulated use; and
- B. No regulated use may be located within 250 feet of any residential zoning district, school property, church, public park or other use which is primarily oriented to youth (less than 18 years of age) activities.

5. Existing Structures

Existing structures and/or uses which are in violation of this Section shall be subject to the regulation set forth in Article III of this Ordinance, governing non-conforming structures and uses.

Section Two of Ordinance

Article III, Section 3.01 shall be amended by adding to the title of Section 3.01, and by adding a new subsection 8, reading as follows:

Section 3.01 Conformity to Ordinance Regulations; Interpretation

1.-7. [NO CHANGE]

8. The invalidity of any term, section, clause or provision of this ordinance shall not affect the validity of any other party of this ordinance which can be given effect without the portion determined to be invalid.

Section Three of Ordinance

All the regulations of the Zoning Ordinance shall remain in effect, amended only as provided above.

Section Four of Ordinance

Any and all criminal or civil proceedings initiated by the Village and pending, and all vested rights on the effective date of this Ordinance, are saved and may be consummated according to the law and ordinance enforced at the time they were commenced.

Section Five of Ordinance

The provisions of this Ordinance shall be effective twenty days from the date of publication.

CERTIFICATION

The foregoing amendment was adopted by the Village Council of the Village of Ortonville at a meeting duly called and held on the 10<sup>th</sup> day of January, 2000.

VILLAGE OF ORTONVILLE

Cynthia A. VanMegroet

INTRODUCED: 1-10-2000

ADOPTED: 1-10-2000

EFFECTIVE: 2-5-2000

PUBLISHED: 1-16-2000

ARTICLE VI- ZONING CLASSIFICATIONS AND MAP

Section 6.01 Zoning Districts Established. For purposes of this Ordinance, the Village of Ortonville is hereby classified and divided into the following several Zoning Districts:

R-1 and R-2 - Single-Family Residential Districts

RM- Multi-Family Residential

MHP - Mobile Home Park

B-1 - Local Business

B-2 - General Business

M-1 - Light Industrial

Section 6.02 Zoning Map. The boundaries of several districts bearing the classification set forth, above, are hereby established as set forth on the Official Zoning Map, which shall, and by this reference does, constitute a part of this Ordinance.

Section 6.03 Interpretation of District Boundaries.

Where, due to the scale, lack of details, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any Zoning District boundary, interpretation concerning the exact location of district boundary lines, or the like, shall be determined upon written application to the ZBA. The ZBA, in

arriving at a decision on such matters, shall apply the following standards:

1. The boundaries of the Zoning Districts are intended to follow center liens of alleys, streets, or other right-of-ways, water courses, or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are otherwise clearly indicated on the Zoning Map.
2. Where district boundaries are so indicated that they approximately follow lot record lines, such lines shall be construed to be boundaries.
3. With respect to acreage property, i.e., property which has not been subdivided, and/or where a district boundary divides a lot of record, the location of such boundary, unless shown by dimensions of the Zoning Map, shall be determined by the use of the map scale shown thereon.

Section 6.04 Zoning of Vacated Areas. Whenever any street, alley or other public way within the Village of Ortonville shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zoning District as the property to which it attaches by ownership.

ARTICLE VII - SINGLE FAMILY RESIDENTIAL CLASSIFICATION (R-1 R-2)

Section 7.01 Intent. The single-family residential classification is intended to provide a residential environment for individuals and families insulated, to the extent possible from through-traffic vehicular interference and/or business impact, and limited to an environment including relatively lower density one-family dwelling units and residentially related facilities.

Section 7.02 Principal Uses Permitted.

1. Single-family detached residences.
2. Publicly owned and operated libraries, museums, parks, parkways and recreational facilities.

Section 7.03 Special Uses Permitted. The following special uses shall be permitted in R-1 and R-2 classifications (unless the text limits application to R-1 or R-2 only), subject to review and determination by the Village Council, following recommendation by the Planning Commission, in accordance with the standards and requirements set forth in this Ordinance.

1. In R-2 districts only, two family units shall be permitted, subject to the following:
  - a. Minimum lot area shall be fifteen thousand square feet.

- b. Minimum road frontage and lot width of one hundred feet.
- c. Adequate on-site vehicular parking facilities.
- d. Compliance with all other area and dimensional regulations, e.g., yard setbacks applicable to single-family residential.

2. Churches, subject to the following:

a. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.

b. At least one boundary of the lot upon which the church is to be constructed shall border a street designed as a collector thoroughfare having an existing and/or planned right-of-way of at least sixty-six feet in width.

3. Cluster residential in R-1 districts only, subject to the following:

a. This special use is intended to apply where there are several lots or parcels being established, and where, owing to natural characteristics of the land, previous improvement in the area, and/or other reason, it would be either impractical to improve the land under the otherwise applicable requirements of the Article, or it would be in the clearly demonstrated public interest (including the preservation of natural resources) to improve on a cluster basis.

b. The lots or parcels may be divided, for purposes of meeting minimum area requirements for this Ordinance (and subject to all other applicable law and ordinances) as follows, provided in all events that no lot or parcel shall be less than twelve thousand square

feet, and, the maximum number of lots or parcels created as a result of the division shall be equal to the quotient of the total land area involved (in square footage) divided by fifteen thousand:

(1) Some lots or parcels may be established with square footage larger than fifteen thousand, and some smaller; or

(2) All parcels may be established with square footage smaller than fifteen thousand square feet, with an open space area irrevocably deed restricted and reserved to and for open space, with the beneficiaries thereof being the Village, all owners and transferees of the property in question, and all abutting owners of property; or

(3) All front, side and rear yard requirements and the minimum lot width requirement shall be the same as regularly required for R-2.

4. Functional Equivalent Family: Additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged upon a demonstration by the applicant of all of the following:

a. There are adequate provisions on the subject property for off street parking for each adult proposed to reside on the premise, and adequate storage for each person proposed to reside on the premises.

b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonable projected population concentration in the area, place an unreasonable burden upon public services, facilities, and/or schools.

c. There shall be a minimum of 125 square feet of usable floor space per person on the premises.

d. An approval under this subsection shall be conditioned upon approval by the Oakland County Health Department of the number of persons on the premises in relation to sanitary sewage and water facilities.

e. If the Planning Commission grants an application under this provision, the determination shall include the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

Section 7.04 Accessory Uses Permitted. Garage; tool shed; non-commercial greenhouse; off-street parking of vehicles less than seven thousand pounds; non-commercial swimming pool; home occupations (as defined) without signs; indoor storage of vehicles and equipment; and outdoor storage of the following where such storage occurs behind the front building line and not within the rear and/or side yard setback areas; a boat less than sixteen feet long, a small utility trailer, a travel trailer less than twenty feet long and less than seven thousand pounds, a motor home which is twenty feet long, or less, provided such items must be owned by the occupant of the premises.

Section 7.05 Regulations. For further regulations applicable to this classification, refer to Article XIII, Schedule of Regulations.

ARTICLE VIII - MULTIPLE-FAMILY RESIDENTIAL (R-M)

Section 8.01 Intent. The multiple-family residential classification is intended to provide for relatively higher density residential living, however, high density is not a requirement under this Article. In certain instances, depending upon the manner in which land has been improved for multiple-family residential, districts under this classification may serve as transition zones between nonresidential uses and single-family detached residential uses.

Section 8.02 Principal Uses Permitted.

1. Low-rise multiple-family dwellings, and, but not limited to, garden apartments, row houses, townhouses, and attached condominiums.

2. Principal uses permitted under Section 7.02.

Section 8.03 Special Uses Permitted. The following special uses shall be permitted in R-M classifications, subject to review and determination by the Village Council, following recommendation by the Planning Commission, in accordance with the standards and requirements set forth in this Ordinance.

1. Nursery schools, children's homes and orphanages licensed as such by the State of Michigan.

2. Nursing homes licensed as such by the State of Michigan.

Section 8.04 Accessory Uses Permitted. Structures and uses customarily incidental to the uses permitted under this Article.

Section 8.05 Regulations. For further regulations applicable to this classification, refer to Article XIII, Schedule of Regulations.

#### ARTICLE IX - MOBILE HOME PARK (MHP)

Section 9.01 Intent. The mobile home park classification is intended to provide standards and regulations applicable to the development and use of mobile home parks.

Section 9.02 Applicable Law. The law, code, standards and regulations applicable to mobile home parks shall be Act 419 of the P.A. 1976, as amended, and the code, rules, and regulations adopted and administered pursuant thereto.

Section 9.03 Zoning Map Authorization. In the event there is no available land expressly designated on the official zoning map for mobile home park, such use may be developed and used within districts classifies as M-1, light industrial.

ARTICLE X - LOCAL BUSINESS (B-1)

Section 10.01 Intent. The local business classification is intended to provide for the day-to-day convenience shopping and service needs of local residents, and for specialty shops serving the wider geographic market. In addition, this classification is intended to provide for office facilities within the Village area, to service the needs of both local residents and the wider geographic market.

Section 10.02 Principal Uses Permitted.

1. Retail stores, shops and markets.
2. Personal service shops.
3. Offices.
4. Restaurants and private clubs.
5. Funeral homes.
6. Banks, savings and loans and other similar institutional uses.
7. Publicly owned and operated libraries, museums, community centers and churches.
8. Local business uses similar to the above in terms of use and impact.

Section 10.03 Special Uses Permitted. The following special uses shall be permitted in the B-1 classification subject to review and determination by the Village Council, following recommendation by the

Planning Commission, in accordance with the standards and requirements set forth in this Ordinance:

1. Local business/residential combination: uses having a combination of local business and residential facilities shall be permitted, subject to the following:

- a. The principal use of the structure, utilizing no less than half of the floor space, shall be for business purposes.
- b. If the uses are on separate levels, or floors, the business use shall occupy the ground floor.
- c. Residential facilities shall have at least two exits and two private off-street parking spaces.
- d. The premises shall not adjoin State Highway M-15, Ortonville Road.
- e. A site plan shall be required for all new structures.
- f. Both the residence and the business facility shall be subject to regular fire code inspections, as established by local fire code inspector.

2. Veterinary offices for small non-farm animals, subject to the following:

- b. All facilities shall be completely enclosed in a building in such a manner as to produce no offensive odor or audible sound at the lot line.
- c. Refuse storage and disposal shall be accomplished by an adequate and enclosed unit, maintained in a location and under such circumstances that the same

is not visible to the general public and not a nuisance.

3. Amusement centers, subject to the following:

a. An amusement center shall not abut a residence, in a residential zone. "Abut" means to share a property line.

b. Site plan review shall include a scrutiny of the exterior appearance of the structure, or proposed structure, as the case may be, including the aesthetics of such structure. In this respect, the appearance of the building shall not materially deviate from the office and/or retail appearance of other buildings situated in the Village. It is not the intent of this provision to unreasonably restrict the property owner in the design and construction of the building, but to maintain a business appearance to structures in the B-1 district in the interest of preserving property values and generally promoting the attraction of business within the community.

Section 10.04 Accessory Uses Permitted. Structures and uses customarily incidental to uses permitted under this Article.

Section 10.05 Regulations. For further regulations applicable to this classification, refer to Article XIII, Schedule of Regulations.

ARTICLE XI - GENERAL BUSINESS (B-2)

Section 11.01 Intent. The general business classification is intended to provide for business activities customarily situated on a major thoroughfare and utilizing relatively more land area.

Section 11.02 Principal Uses Permitted.

1. Vehicular sales and service.
2. Mass transportation stations and/or platforms.
3. Churches.
4. Hotels and motels.
5. Outdoor, or combination indoor/outdoor retail sales of home garden supplies, small boats (eighteen feet or less in length) lawn furniture and equipment.
6. All principal uses permitted under Article X.
7. General business uses similar to the above in terms of use and impact.

Section 11.03 Special Uses Permitted. The following special uses shall be permitted in the B-2 classification subject to review and determination by the Village Council, following recommendation by the Planning Commission, in accordance with the standards and requirements set forth in this Ordinance:

1. Vehicular service stations having a significant portion of its business the sale of oil and/or petroleum products, subject to the following:

a. The lot for the automobile service station shall have one hundred sixty feet of frontage on the principle streets serving the station.

b. The lot shall contain an area of not less than fourteen thousand square feet.

c. All buildings shall be set back not less than fifty feet from right-of-way lines.

d. Curbs, curb cuts, driveway widths, acceleration or deceleration lanes shall meet the requirements of all agencies having jurisdiction.

e. No structure shall be located closer than one hundred feet from any residentially zoned land.

f. Gasoline storage tanks shall be located no closer than one hundred feet from any property line.

g. Pump islands shall be located no closer than twenty-five feet from any property line.

h. All trash, waste and/or discarded material shall be screened from view and confined so as to be completely contained within an enclosure, and the site plan shall make provision to insure compliance with this subparagraph.

2. Theaters (drive-in and/or indoor) for the display of motion pictures, subject to the following:

a. The entire premises, including parking area, shall be situated at least two hundred fifty feet from: property classified for residential use, property used for church purposes, sale of alcoholic beverages by the glass and/or any other theater.

3. Commercial indoor recreation uses, including archery, bowling alleys, and the like, subject to:

a. Determination that the activity conducted will not endanger those participating and/or adjoining uses and/or vehicular and/or pedestrian traffic as a result of the location of the use in relation to thoroughfares, adjoining uses, and the like.

b. The entire premises shall be situated at least two hundred fifty feet from property classified for residential use.

4. Commercial outdoor recreation uses such as amusement parks, golf driving ranges, and similar uses, subject to the following requirements:

a. The property in question shall not share a common boundary line with land zoned for residential purposes.

b. A wall, at least six feet in height, shall be provided along any common boundary with property zone for B-1 and/or B-2 purposes.

c. All driveway approaches, curbs, curb cuts and road drainage shall meet the requirements of all agencies having jurisdiction.

d. Devices for the transmission or broadcasting of voices or music shall be directed and muffled in such a manner as to prevent sounds or music from being audible beyond the boundary of the property in question.

5. Off-premises Signs, subject to the following regulations imposed for the purposes of insuring adequate motor vehicle

sight distance and clear view, promoting traffic safety, promoting and protecting the appearance and other aesthetic objectives of the Village, and regulating gathering places for paper and refuse:

a. An off-premises sign is deemed to constitute a principal use of land, and therefore, there shall be not more than one off-premises sign on any lot or parcel, and there shall be no other principal use permitted on such lot or parcel.

b. All requirements in Article XIII, Schedule of Regulations, applicable to this zoning classification shall apply to off-premises signs.

c. The location of the sign on the premises shall not be such as to create a traffic danger or hazard, and/or other unreasonable obstruction, including, without limitation, an obstruction to the clear view of other commercial signs and premises.

d. The sign shall be constructed of such materials and in such a manner as to carry appropriate wind and weight loads, and not create or increase the danger of fire.

e. The sign shall not be materially incompatible with surrounding improvements, as determined in the reasonable discretion of the Planning Commission.

f. The property on which the sign is to be situated shall abut a street, road or highway having a posted speed limit in excess of 35 miles per hour.

g. The area of the sign, as measured by multiplying the height and width at their highest and widest points, respectively,

shall not be more than 100 square feet per each of not more than two faces.

h. The sign may be illuminated, but shall not have moving parts and/or intermittently flashing illumination.

Section 11.04 Accessory Uses Permitted. Structures and uses customarily incidental to uses permitted under this Article.

Section 11.05 Regulations. For further regulations applicable to this classification, refer to Article XIII, Schedule of Regulations.

#### ARTICLE XII - LIGHT INDUSTRIAL (M-1)

Section 12.01 Intent. The light industrial classification is intended to provide places for industrial activities, however, in view of the relatively small size of the Village, and degree of residential development, it is necessary to limit such industrial uses to those with external impact which is minimal. In addition, this classification is intended to provide for warehousing and intensive service activities of a nature which would be inconsistent with such uses in the business districts. All uses within the light industrial district are intended to be compatible with each other, and, to the maximum extent feasible, compatible with surrounding districts, and to this end, it is intended that uses in the light industrial district not produce sound and/or vibration discernible at the property line in excess of the normal intensity of street or traffic noises or vibrations, perceived at such point.

Section 12.02 Principal Uses Permitted. The following uses shall be permitted, each of which shall meet the performance standards described above, and be subject to any limitations described herein.

All manufacturing activities shall be conducted within an enclosed building.

1. The manufacture, compounding, processing, packaging, or treatment of the following products:

a. Baked goods, candy and other food products, but excluding slaughter houses.

b. Cosmetics, pharmaceutical, biological and chemical products and toiletries.

c. Hardware and cutlery.

d. Tools, dyes, machine products, metal working, machinery and equipment, general industrial and service machinery and equipment.

2. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, sheet metal (excluding large stamping such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

3. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

4. Manufacture of musical instruments, toys, novelties, sporting and athletic goods, and metal or rubber stamps, or other small molded rubber products.

5. Industrial, scientific and business research, development and testing laboratories.

6. The manufacture or assembly of electrical and electronic machinery, components and supplies, radios, phonographs and television sets, electrical appliances, office, computing and accounting machines.

7. The manufacture or assembly of professional and scientific instruments, photographic and optical goods.

8. The manufacture and repair of electrical signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.

9. Printing, publishing, or allied industries.

10. Warehouse and wholesale establishments and truck terminal facilities necessary to serve such use.

11. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumers at retail.

12. Building and construction material wholesalers and contractors.

13. Trade or industrial schools.

14. Other light manufacturing plants and uses similar to the above having performance characteristics which are consistent with those described above.

Section 12.03 Special Uses Permitted. The following special uses shall be permitted in the M-1 classification subject to review and determination by the Planning Commission, in accordance with the standards and requirements set forth in this Ordinance:

1. Storage facilities for building materials, sand, gravel, lumber, and construction contractors' equipment, subject to the following:

a. The site shall not share a common boundary with any land except land within an M-1 district.

b. All storage shall be enclosed within a building, provided however, on those sides abutting any public thoroughfare, storage shall be permitted if surrounded by an obscuring wall constructed to a minimum height so as to screen the stored item having the greatest height on the property.

2. Automobile repair garages, painting and varnishing shops, lumber and planing mills, subject to the following:

a. The site shall not share a common boundary with any land except land with an M-1 district.

b. Devices and controls adequate to meet the standards enumerated in this Ordinance relative to sound, vibration, smoke, odor, and/or grass shall be installed.

c. The front, rear, and side yard setback requirements shall be two times the applicable requirements in the M-1 district.

Section 12.04 Accessory Uses Permitted. Structures and uses customarily incidental to uses permitted under this Article.

Section 12.05 Regulations. For further regulations applicable to this classification, refer to Article XIII, Schedule of Regulations.

ARTICLE XIII - SCHEDULE OF REGULATIONS

Section 13.01 General Schedule of Regulations.

(SEE PAGE 13.3)

Section 13.02 Additional Regulations.

1. Regulations applicable to R-M Multiple.

a. Minimum lot area and floor area per unit for R-M district shall be as follows:

<u>Number of Bedrooms</u>	<u>Minimum Lot Area</u>	<u>Minimum Floor Area per</u>
	<u>Square footage</u>	<u>Unit</u>
Efficiency Unit	4,200	600
1- Bedroom Unit	4,200	600
2- Bedroom Unit	5,445	800
3- Bedroom Unit	6,800	1,000

b. The minimum lot width for R-M districts shall be dependent upon site arrangement, however, development of one lot shall meet requirements set forth in Section 13.01.

c. Spacing of multiple dwellings shall be controlled by the following schedule:

<u>Building Relationship</u>	<u>Distance Between Buildings</u>
Front to Front	50 feet
Front to Rear	60 Feet
Rear to Rear	60 Feet
Rear to Side	45 Feet
Side to Side	20 Feet
Corner to Corner	15 Feet

d. Parking may be permitted in up to fifty (50%) percent of a required yard, provided that there shall be at least twenty feet of yard space between said parking area and the multiple family building.

2. Yard requirements for B-1 and B-2, Business.

a. Front yard setbacks shall be measured from the edge of the existing and/or planned right-of-way, based upon the officially adopted Thoroughfare Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district, considering each side as a front yard area. In B-2, measurements shall be from the right-of-way line based upon the Master Right-of-Way Plan adopted by the County of Oakland, State of Michigan.

b. No side yards shall be required along interior lot lines, except as required by the Building Code, provided that walls situated on interior lot lines shall be solid and shall not contain any windows, doors or other openings. On exterior lot lines, the minimum setbacks shall be maintained.

c. In any one block, where fifty (50%) percent of the lots on the same side of the street have been developed for business

purposes, the front setback shall be the average of the front setbacks of the existing business uses on such block.

#### ARTICLE XIV - LAND DIVISION

Section 14.01 Intent. It is the intent of this Section to insure that divisions of subdivided or acreage property prior or incidental to development result in lots and parcels of property which comply with this Ordinance.

Section 14.02 Standards. Divisions of land shall be approved only upon a showing that all resultant lots and parcels equal or exceed the minimum requirements of this Ordinance unless one of the following exceptions applies:

1. All resultant lots or parcels which would otherwise fail to meet the requirements of this Ordinance are concurrently being proposed to be merged with adjoining lots or parcels, and, following such merger, the requirements of this Ordinance shall be met.

2. The ZBA shall have approved such variances as are necessary to obviate violation of this Ordinance.

Section 14.03 Application.

1. The owner of any land who desires to split or divide the same shall first make application pursuant to this Ordinance, and no land shall be split, and/or divided without first making such application and obtaining approval under this Ordinance.

2. Such application shall be prepared in duplicate on the form approved by the Village Council and provided by the Building Department. One copy of the application shall be submitted to the Building Department and one copy of the application shall be submitted to the Village Clerk, together with the fee established by the resolution or ordinance of the Village Council. The application shall contain and include at least the following:

a. The name and address of each and every owner of any legal or equitable interest in the property, including all fee interest holders and land contract interest holders.

b. The signature of the applicant, set forth under the representation that "the undersigned is (are) authorized by all holders of an interest in the property which is the subject of this application to request the land division sought herein".

c. The legal description of the land, including a statement of the total acreage therein.

d. A copy of the most recent tax bill pertaining to the land.

e. A preliminary drawing made to a reasonable scale, taking into consideration the size of the property sought to be divided, showing the property as it exists prior to the division, and further showing each lot or parcel as they will appear following the proposed division, including the dimensions and square footage of each resultant

lot or parcel; and the dimensions from each existing and proposed boundary.

f. A statement, made under oath, indicating whether there are any restrictions and/or covenants which apply to or run with the land, having bearing upon the proposed division, and the beneficiaries of such restrictions and/or covenants.

g. Proof of ownership such as warranty deed or title policy, or notarized signature of all holders of such documents, authorizing the requested division.

h. In all instances where there shall be proposed a merger of all or a portion of divided property with adjoining property, the owner of all adjoining property to which all or a portion of the subject shall be merged shall sign the application under a representation that such merger shall take place immediately following the grant of the division.

i. The name, address and telephone number of the person to whom all contact and/or correspondence concerning the application is to be directed.

Section 14.04 Review of Application.

1. Upon submission, the Clerk shall forward the application to the Planning Commission, and the Commission shall place the matter of the proposed application on its agenda for a special or regular meeting. The applicant and the Building Inspector shall be advised of the date, time and place of the meeting.

2. The Building Inspector shall review the application and, prior to the Planning Commission meeting date scheduled for consideration thereon, submit a written recommendation. If the recommendation is to deny the division, the specific reasons for such recommendation shall be indicated by the Building Inspector.

3. At the scheduled meeting, the Planning Commission shall consider the application, provided, however, such consideration may be adjourned to one or more subsequent meetings for good cause.

4. If a proposed division of land conforms in all respects to the standards set forth in this Ordinance, and all other applicable ordinances and laws, the Commission shall recommend to the Council a grant of the application, subject to compliance with Section 14.06, below.

5. If it appears the proposed division shall result in a violation of one or more of the standards in this Ordinance, or other applicable ordinance or law, the Commission shall recommend to the Council a denial of the application, provided however, if the violation is subject to being cured by the grant of one or more variances to the Zoning Ordinance by the ZBA, and, provided the proposed division complies in all other respects with the standards of this Ordinance and all other applicable ordinances and law, the Commission shall recommend to the Council a grant of the application subject to the applicant securing specified variances from the Zoning Ordinance prior to consideration by the Council, and subject to compliance with the provisions of Section 14.06, below.

6. In its consideration of an application, the Planning Commission shall make a determination whether the proposed division violates Act 288, P.A. 1967, as amended, the "Subdivision Control Act", or any successor act.

7. Following action of the Planning Commission, and following any necessary action by the ZBA, as specified above, the matter of the division shall be placed on the agenda for a special or regular meeting of the Village Council. If the Council finds that a proposed division of land conforms in all respects to the standards of this Ordinance and all other applicable ordinances and law, the Council shall grant the application, subject to compliance with Section 14.06, below. If the Council determines that the application fails to comply with all such standards, the application shall be denied.

Section 14.05 Standards.

1. Approval of an application shall be conditioned upon compliance by all lots or parcels created as a result of the proposed division with all state and local laws, ordinances and regulations applicable to the property.
2. An application for a land division shall not be granted if, prior to such division, the property which is sought to be divided equals or exceeds the applicable minimum requirements set forth in the Zoning Ordinance, and, following the division, any of the resultant lots or parcels would fail to meet any one or more of such requirements, unless:
  - a. All resultant lots which would otherwise fail to meet any such requirements of the Zoning Ordinance are to be merged with adjoining lots or parcels; or

- b. The ZBA has approved the necessary variances such that the grant of the application will not result in violation of any Zoning Ordinance requirements.
- 3. An application for a land division with respect to lots or parcels which fail to meet the applicable minimum requirements under the Zoning Ordinance prior to the proposed division shall not be granted unless and until all necessary variances are granted by the ZBA such that grant of the application shall not result in violation of any Zoning Ordinance requirements with respect to any of the resultant lots or parcels, or, unless all of the resultant lots or parcels shall be merged with adjoining property.
- 4. In no event shall an application for division of land be granted where such divisions shall be contrary to, or in violation of, the Subdivision Control Act or a successor act.
- 5. In no event shall an application for a land division be approved unless and until each resultant parcel shall have frontage, to the extent of the minimum lot width required under the Zoning Ordinance, on a street, road or highway.

Section 14.06 Final Approval and Entering Land Division on Village Records. As a condition to a grant of final approval of an application and entering the divisions so granted on the Village records, the applicant shall provide the Clerk with a registered survey and legal description of all resultant parcels, as prepare by either a land surveyor or engineer who shall be registered and licensed as such with the state of Michigan.

ARTICLE XV - SITE PLAN REVIEW

Section 15.01 Site Plan Review Requirement. A site plan, including documents and drawings as specified in this Article, shall be submitted for approval prior to commencement of, and in connection with, all proposed land uses and activities, unless exempted hereunder, to insure that a proposed land use or activity is in compliance with this Ordinance and other applicable governmental requirements. Site plans shall be submitted and must be approved as a condition to the issuance of a building permit, and also, as a condition to the occupancy of a parcel of land where the use thereof is proposed to be changed, whether or not a building permit is required, with the exception of construction and improvement expressly exempted hereunder.

Section 15.02 Review Procedure.

1. The Planning Commission shall be the body charged with the authority to review site plans and to grant or deny approval, and, in reviewing and considering proposed site plans, the Planning Commission shall attempt to achieve a fair balance between the maintenance of the integrity of the plan, as submitted, and the protection and promotion of the public health, safety, welfare, convenience, and good.
2. If approved, the site plan shall become a part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the Zoning Ordinance is mutually approved by agreement, in writing, of the proprietor of the proposed development or use and the Planning Commission.
3. The procedure for site plan review shall be as follows:
  - a. A person seeking site plan review with the objective of obtaining a building permit shall submit to the Village Clerk, with a fee required by the Village Ordinance or Resolution, at least six copies of the following documents, drawings and information on the form approved by the Village Council:
    - (1) The name, address and phone number of each and every person owning an interest in the property, and the signature of the proprietor or applicant.
    - (2) Address of property, if any.
    - (3) Legal description of all property in the proposed development.
    - (4) Current zoning classification of all property in the proposed development.

- (5) All existing and intended uses or uses of the property
- (6) Shape, dimensions and area of the property.
- (7) Usable floor area of each existing and proposed building.
- (8) A statement of the reasonably anticipated impact of the proposed use and development upon the environment, including, without limitation, impact upon water, air, noise, light, smoke, dust, run-off, wastes and/or other pollution, and the approximate number of people expected to use the proposed use and development on a daily basis.
- (9) Where the property contains natural resources, such as strands of trees, ponds, lakes, streams, wet-lands or variable terrain, there shall be a statement, including any appropriate drawings, with respect to the disposition and conservation of such resources.
- (10) Evidence of a satisfactory plan for street and/or road maintenance for present and future purposes.
- (11) Drawings, sketches and/or plans shall be submitted showing:

- (a) Location, shape, dimension, height and elevations of all principal structures and accessory buildings, together with a designation of the proposed use for each structure currently on the property and each structure proposed to be constructed altered and/or moved on the property.

(b) Vehicular and pedestrian traffic and circulation on and off the site, including points of ingress and egress.

(c) Location and dimensions of all off-street parking area, including parking spaces, lanes, and other areas.

(d) Existing and finished contour of the site at two foot intervals, unless the engineer reviewing the site plan recommends one foot intervals, and in the latter case, the engineer shall state reasons for his recommendation.

(e) Storm drainage detail.

(f) Water supply and sanitary sewage disposal detail, together with all required governmental approvals.

(g) Landscape detail.

(h) Fences and/or walls, where applicable.

(i) Location, materials dimension and lighting of all signs.

(j) Number of units per acre and usable square footage of each unit, in the case of multiple-residential.

(k) Acceleration, deceleration and passing lanes, where required by any governmental entity having jurisdiction.

(l) Zoning classification of all land abutting and across the street from the property.

(m) Interior and exterior sidewalks, if any.

(n) Exterior lighting and screening.

(o) Trash receptacle location and screening.

(p) Transformer pad location and screening.

(q) Dimensions for front, side, and rear yards, and frontage.

(r) Loading and unloading area, if applicable.

(s) Topography of land if development is such that review of drainage shall be required.

(t) Entrance detail.

(u) Miscellaneous inclusions on plans: date, title block, scale, north point, location sketch (one inch equals two thousand feet) and seal of the architect, engineer, surveyor and/or planner responsible for the submission.

(v) Any and all detail to show, with reasonable clarity, the nature and character of the work to be performed.

b. A person seeking occupancy in connection with the proposed change of use of property, where a building permit is not required, shall make all submissions to the Village required under the following paragraph of subparagraph a, immediately preceding: (1) through (10), inclusive, and (1) (b), (c), (g), (h), (i), (n), and (o). Upon receiving this information, it will be reviewed to determine if the proposed use, sign, etc. conform to Ordinance. If so, no formal site plan procedure will be needed. However, prior to occupancy, there must be a fire code inspection, a building code inspection and all violations must be corrected. All necessary local, county, state, etc. permits must be applied for and obtained. All such occupancies will be reported to the Planning Commission and the Village Council. If site plan is needed:

c. The Clark shall refer the proposed site plan to the Planning Commission for processing.

d. The Planning Commission, upon receipt and examination of the proposed site plan, may require such additional information in a particular case as the Planning Commission deems necessary to insure the protection of property rights, public safety and/or natural resources, provided, however, the Planning Commission shall make such requirement and the reasons therefore part of the official Planning Commission minutes in connection with the application in question.

e. The Planning Commission shall provide notice to the application with respect to the time, place and date of the meeting at which the Planning Commission shall initially review and consider the proposed site plan, which review and consideration may be continued from time to time, as required for the proper completion of review and consideration of the proposed site plan.

f. The Planning Commission shall review, consider and may impose conditions with respect to the proposed site plan in accordance with the standards and requirement set forth in this Ordinance and any other applicable ordinance, law or regulation.

g. Following completion of review and consideration, including any reports and recommendations of experts which may have been deemed necessary by the Planning Commission, the Planning Commission shall take action as follows:

- (1) Approve the site plan as submitted, in which case the signature of the presiding Chairman of the Planning Commission, accompanied by the word "Approved", shall be affixed to the site plan; or
- (2) Approve the site plan subject to the imposition of conditions requiring modification of the site plan consistent with the standards and law of

this Ordinance, and in the event the site plan is approved with conditions, the specific conditions shall be set forth in the minutes, and the site plan shall not be considered signed, nor marked "Approved" until the conditions shall have been satisfied; or

- (3) Deny approval of the site plan and set forth the reasons for such denial as part of the minutes.

Section 15.03 Standards and Requirements for Review.

In addition to the other standards and requirements set forth in this Ordinance, the Planning Commission shall specifically take into consideration, and shall have authority to require modification of the site plan, as presented, based upon the following standards, as well as the other applicable requirements of this Ordinance:

- (1) The location and design of roads, drives, entrances, walks, paths and parking areas, in relation to reasonable alternatives, as such aspects of the development bear upon the promotion of the safety and convenience of vehicular and pedestrian traffic within the site and along the adjoining thoroughfares and areas surrounding the proposed development.

- (2) The location and design of buildings, in relation to reasonable alternatives, as such location and design bear upon the use of property in the development as well as adjacent property, with the view toward maximizing the harmony, efficiency and peaceful coexistence of uses in the proposed development, and uses in the area, including, without limitation: the promotion of privacy; the nonoffensive placement of utility storage, lighting and waste disposal facilities, or facilities which would generate noise, dust, and the like.

(3) The development represented in the plan, as presented in relation to reasonable alternatives with respect to one or more aspects of the development, will not unreasonably impair the value of adjoining property.

(4) The development represented in the plan, as presented, will not create a specific and reasonably avoidable detriment to the orderly development and use of property in the Village nor to the public health, safety and/or welfare.

(5) The development represented in the site plan, as presented, will not create specific and reasonably avoidable pollution, threat, danger and/or impairment to the air, water and/or natural resources, or to the public trust therein, either with respect to the property being improved or the surrounding area.

(6) The development represented in the site plan, as presented, in relation to reasonable alternatives, shall not create a clear inconsistency with the Master Plan of the Village of Ortonville, as amended.

Section 15.04 Exemption from Site Plan Requirement. A site plan shall not be required with respect to proposed construction or improvement of individual detached single-family dwelling units and accompanying accessory buildings, except as may be otherwise specifically required in this Ordinance.

Section 15.05 Phase or Stage Development. In the event a development is proposed to be constructed in phases or stages, and site plan approval is not sought for the entire project, the proprietor shall submit, as part of the site plan approval for any part of the project, a sketch plan of the entire project, generally showing the location of roads, parking areas, drainage, water and sanitary sewage facilities and principal structures for such entire project.

Section 15.06 Period of Effectiveness. Approved site plans shall be effective for a period of one year, or for the life of the building permit obtained following site plan approval, whichever is longer. If construction is not commenced within such period of effectiveness, or if construction is not continued during the effective period of the building permit, the site plan approval shall be void, subject to reasonable extensions thereof granted by the Planning Commission on the condition that there is and has been compliance with all site plan requirements in effect at the time of such extension.

Section 15.07 Ordinance Compliance Requirement. All requirements of this Ordinance, and all other applicable ordinances, law and regulation shall be complied with notwithstanding that an approved site plan fails to evidence the requirement of such compliance.

Section 15.08 Fees. The fee for site plan review shall be as set forth by the Village of Ortonville Fee Schedule, which shall be periodically reviewed and revised. Whenever this review shall occur, prior notice shall be given in a newspaper of local circulation in accordance with the law applicable to the adoption of ordinances. The effective date of any revision of fees shall be twenty days after passage of such revision.

Section 15.09 Appeal. A denial of site plan review may be appealed to the ZBA, according to the regular appellate procedures established for appeals before that body.