ZONING ORDINANCE

VILLAGE OF SAND LAKE

KENT COUNTY, MICHIGAN

Adopted May 18, 1998

TABLE OF CONTENTS

CHAPTER 16

CHAPTER 17

CHAPTER 18

CHAPTER 19

CHAPTER 1

PURPOSE AND EFFECT OF ZONING

VILLAGE OF SAND LAKE

KENT COUNTY, MICHIGAN

ZONING ORDINANCE

An Ordinance To Establish Zoning Regulations Which Shall Govern The Location, Construction, And Use Of Buildings, Structures, And The Use Of Land In The Village of Sand Lake; And For Such Purposes, Dividing The Village Into Districts.

SECTION 1.01. ENACTMENT AND AUTHORITY. The Village Council of Sand Lake in the County of Kent, under the authority of the City or Village Zoning Act, also known as Act 207 of the Public Acts of 1921 of the State of Michigan, as amended, hereby ordains, enacts and publishes this Ordinance.

SECTION 1.02. SHORT TITLE. This ordinance shall be known as the "Village of Sand Lake Zoning Ordinance."

SECTION 1.03. PURPOSES. The Village of Sand Lake Zoning Ordinance is hereby established in accordance with the needs of the Village of Sand Lake. The text, map, and schedules contained herein shall constitute this Ordinance. Said Ordinance is adopted for the following purposes.

(a) To protect and promote the public health, safety and general welfare of the Village;

(b) To guide and protect the future of the Village in an orderly manner and in accordance with the growth and development goals of the Village of Sand Lake, some of which are summarized as follows:

(1.) To preserve and enhance the supply of affordable, decent, safe and sanitary dwellings in the Village;

(2) To ensure that development will not adversely affect the natural environment, recognizing the capabilities and constraints which exist therein;

(3) To provide for a wide range of housing opportunities in an orderly pattern and manner within the Village, and with residential densities of varying scales;

(4) To assure that the residential housing environment of the Village is safe, healthful and free of blighting appearances:

(5) To meet the needs of the Village's citizens for food, fiber, energy and other natural resources:

(6) To limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;

(7) To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;

and further,

(c) To protect and preserve the value of land throughout the Village and the value of buildings appropriate to the various districts established by this Ordinance; and

(d) To prevent against conflicts among the uses of land and buildings.

SECTION 1.04. EFFECT OF ZONING. The regulations set by this ordinance throughout the Township and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.

CHAPTER 2

DEFINITIONS

SECTION 2.01. RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

(a) The particular shall control the general.

(b) With the exception of this Article, the headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.

(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.

(e) A "building" or "structure" includes any part thereof.

(f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.

(g) The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".

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

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 2.02. ACCESSORY USE OR STRUCTURE. A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure, including a garage.

SECTION 2.02A. ADULT CARE FACILITY. An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks excluding adults related by blood, marriage, or adoption.

SECTION 2.02B. ADULT FOSTER CARE FACILITY. An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services.

SECTION 2.03. ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

SECTION 2.04. AUTOMOBILE REPAIR. General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

SECTION 2.05. BASEMENT. A portion of a building partly below grade, but so located that the vertical distance from 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 four (4) feet or more, such basement shall be counted as a story.

SECTION 2.06. BILLBOARDS AND SIGNS.

(a) Billboard - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

(b) Business Sign - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

(c) Real Estate Sign - Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

(d) Identifying Sign - Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) to tell the name or address of an apartment house, hotel, or motels; or (3) to inform the public as to the use of a parking lot.

(e) Nameplate - A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

SECTION 2.07. BUILDING. Anything which is constructed or erected, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property, or carrying on business activities or other similar uses. Truck trailers, truck bodies, or bus bodies are not considered to be a building.

SECTION 2.08. BUILDING HEIGHT. The vertical distance measured from the top of grade to the average height of the highest roof surface. Average height shall be determined using the lowest point of the eave to the highest point of the roof. Where a building is located on a terrace, the height may be measured from the average ground level of the terrace at the building wall.

SECTION 2.09. BUILDING SETBACK. The minimal horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

SECTION 2.10. CHILD DAY CARE FACILITY. A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 166 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services.

SECTION 2.11. DWELLING. Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

(a) Dwelling, Single Family - A building designed for use and occupancy by one (1) family only.

(b) Dwelling, Two Family - A building designed for use and occupancy by two (2) families only.

(c) Dwelling, Multi Family - A building designed for use and occupancy by three (3) or more families.

SECTION 2.12. DWELLING UNIT. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

SECTION 2.13. ESSENTIAL SERVICES. Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, piping conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonably necessary for the furnishing of utility service by such public utilities or municipal department or commission or for the public health, safety or general welfare.

SECTION 2.14. FAMILY.

(a) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated persons who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit or;

(b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any

society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

SECTION 2.15. FLOOR AREA. The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

SECTION 2.16. GRADE. That surface of the earth or finished material located immediately adjacent to the structure.

SECTION 2.17. HOME OCCUPATION. An occupation customarily conducted within a dwelling by its occupants as a subordinate use.

SECTION 2.18. IMPROVEMENTS. Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

SECTION 2.19. JUNKYARD. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

SECTION 2.20. KENNEL. Any land, building or structure where four (4) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred.

SECTION 2.21. LOT AND LOT WIDTH. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance.

(a) Area, Lot - The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-ways.

(b) Corner Lot - A lot located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is one hundred thirty-five (135) degrees or less, or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five (135) degrees or less.

(c) Depth, Lot - The distance between the front and the rear lot lines, measured along the median between the side lot lines.

(d) Double Frontage Lot - Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.

(e) Width, Lot - The continuous distance between the side lot lines, measured at the minimum building setback line and at right angles to the lot depth.

SECTION 2.22. - MANUFACTURED HOUSING. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration, except for incidental assembly, unpacking, foundation work or construction, utility connections, site preparation, and any other minor work, construction or installation. In the event of any controversy concerning whether or not a particular unit is included within the foregoing definition, the Zoning Board of Appeals shall have the right and authority to determine whether the same is so included.

SECTION 2.23. MOBILE HOME. Any movable or portable dwelling, office or other occupiable business-type structure constructed to be towed on its chassis, connected to utilities, with or without a permanent foundation for year-round occupancy as a single-family dwelling, office or other occupiable business use. Said foundation shall be designed to permit the removal of such mobile home and its re-adaptation to transportation upon public streets or highways. A mobile home may contain parts that may be combined, folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity.

(a) A single wide mobile home is a transportable structure which exceeds either eight (8) body feet in width or thirty-two (32) body feet in length, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(b) A double wide mobile home is a mobile home consisting of two sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

(c) An expandable mobile home is a mobile home with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

SECTION 2.24. MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use.

SECTION 2.25. MODULAR UNIT. A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

SECTION 2.26. MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, travelers. The term shall include any building or building groups designated as motor

lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 2.27. MOTOR VEHICLE. Every vehicle which is self-propelled.

SECTION 2.28. PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

SECTION 2.29. PLANNING COMMISSION. The Village of Sand Lake Planning Commission, created by Michigan Public Act 285 of 1931 of the Michigan Compiled Laws.

SECTION 2.30. PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

SECTION 2.31. SATELLITE DISH. A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as apart of the apparatus or device the main reflector, subreflector feed, and support structure.

SECTION 2.32. RECREATION VEHICLE OR UNIT.

(a) A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.

(b) Recreational units shall include, but shall not be limited to, the following: boats, jet skies, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, and similar equipment. If a boat, snowmobile(s), jet ski(s), or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.

SECTION 2.33. ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SECTION 2.34. SECTIONAL HOME. A dwelling made of two or more modular units factory fabricated and transported to the home site where they are put on a foundation and joined to make a single home.

SECTION 2.35. SIGN. Any object, device, or structure or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SECTION 2.36. STREET. A right-of-way which affords traffic circulation and principal means of access to abutting property with a minimum width of sixty-six (66) feet, except an alley.

SECTION 2.37. STRUCTURE. Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

SECTION 2.38. SWIMMING POOL. A constructed basin or structure for the holding of water for swimming and aquatic recreation. This definition shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred fifty (250) square feet, except when such pools are permanently equipped with a water recirculation system or involve structural materials.

SECTION 2.39. TRAVEL TRAILER, MOTOR HOME. A vehicular portable structure which can be drawn by automobile or a self-propelled motor vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. This shall include trailer caps and campers.

SECTION 2.40. USABLE FLOOR AREA. The floor area of a dwelling, exclusive of garages, porches, basement or exterior utility area.

SECTION 2.41. VEHICLE. Every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

SECTION 2.42. VILLAGE. Village of Sand Lake, Kent County, Michigan.

SECTION 2.43. YARD. A required open space, other than a court, unoccupied and unobstructed by any building or structure or portion thereof from thirty (30) inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

SECTION 2.44. YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the rear yard.

SECTION 2.45. YARD - REAR. A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

SECTION 2.46. YARD - SIDE. A yard between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the building.

SECTION 2.47. ZONING ACT. Michigan Act 207 of 1921, as amended.

SECTION 2.48. ZONING ADMINISTRATOR. The Village of Sand Lake Zoning Administrator.

SECTION 2.49. ZONING BOARD OF APPEALS. The Village of Sand Lake Zoning Board of Appeals created under Michigan Public Act 207 of 1921, as amended.

CHAPTER 3

GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts except as otherwise noted.

SECTION 3.01. ACCESSORY BUILDINGS AND STRUCTURES. In any Residential Zoning District an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. Such accessory building or structure shall comply in all respects with the yard requirements of this Ordinance applicable to the permitted principal building and the following requirements:

(a) No accessory buildings may be built or placed on any lot on which there is no principal building.

(b) Adjoining lots in a single ownership shall be considered as one lot.

(c) Detached garages and other accessory buildings shall not be erected in any required front or side yard. In all residential districts, accessory buildings shall not exceed a height of twelve (12) feet and seven hundred sixty-eight (768) square feet in size. In all non-residential districts, accessory buildings shall not exceed a height of sixteen (16) feet and a size that is fifty (50) percent of the gross floor area of the principal building located on the lot or parcel. In all zoning districts, accessory buildings shall be at least ten (10) feet from any dwelling and at least five (5) feet from any other building on the lot.

(d) Accessory buildings in the rear yard are permitted three (3) feet from lot lines.

(e) Where a corner lot adjoins in the rear, the rear of another corner lot, a detached accessory building may be erected three (3) feet from such common rear lot line, provided the side street setback is maintained.

(f) A lot or parcel shall contain no more than one (1) detached garage or accessory building.

SECTION 3.02. AREA, FRONTAGE AND USE CONDITIONS

(a) Required Area or Space - A lot, yard, court, parking area, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership, or a yard, court, parking area, or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

(b) Existing Lots of Records - A lot which is platted or otherwise of record as of the effective date of this Ordinance may be used for a single family use, provided the lot can meet the provisions of Section 3.23 (water and sewer). The structure shall be sized, designed and located on

the lot to assure maximum compliance with all yard and setback requirements for the Zoning District in which the lot is located.

SECTION 3.03. BASEMENT AND GARAGE DWELLINGS. The use of the basement or garage of a partially built or planned building as a residence or dwelling unit is prohibited in all Districts. The use of a basement more than four feet below grade in a completed dwelling for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside.

SECTION 3.04. CLEAR VISION CORNERS. On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three and one half (3 1/2) feet and eight (8) feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty-five (25) feet from the intersection of the right-of-way lines.

SECTION 3.05. CONTINUATION OF EXISTING USES. Any building, structure or use lawfully existing at the time of the effective date of this Ordinance may be continued, except as hereinafter provided in Chapter -; and provided further that nonconforming uses under the Zoning Ordinance being repealed by this Ordinance shall be treated or considered as nonconforming uses under this Ordinance and shall not have the status of a conforming use.

SECTION 3.06. CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS. Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

SECTION 3.07. DRAINAGE. No premises shall be filled or graded so as to discharge surface runoff on abutting premises or roads in such a manner as to cause ponding or surface accumulation of such runoff thereon.

SECTION 3.08. DWELLINGS SITUATED OUTSIDE OF MOBILE HOME PARK, MINIMUM REQUIREMENTS.

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

(a) All dwelling units must conform to the minimum floor area requirements for the districts in which they are located.

(b) All dwelling units shall provide a minimum height between the floor and ceiling of seven feet six inches (7'-6"); or if a mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.

(c) The minimum width of any single family dwelling unit shall be twenty-two (22) feet for at least sixty-seven (67) percent of its length, measured between the exterior part of the walls having the greatest length.

(d) All dwelling units shall comply in all respects with the Michigan State Construction Code (BOCA) as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 30 of 1972, as amended, being MCL 125.1501 et. seq. or the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.

(1) Foundations: A permanent foundation constructed on-site in accordance with said State Construction Code (BOCA) and shall have the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the said State Construction Code (BOCA) for dwellings or, in the case of mobile homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code (BOCA) , whichever is stricter, and with the wheels removed shall not have any exposed towing mechanism, undercarriage, or chassis.

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

(e) All dwellings without basements, except slab on grade construction, shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth, with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.

(f) All dwellings shall be connected to a sewer system and water supply system as provided in Section 3.23 (water and sewer section).

(g) Additions of rooms or other areas shall be constructed with similar quality workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation, and no addition shall involve placing a bearing load on a mobile home.

(h) All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than eight (8) inches between any door and the surrounding grade.

(i) A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed, or other structure approved by the Building Inspector.

(j) All dwellings shall have a double pitched roof of not less than two and one-half (2.5) feet of rise for each twelve (12) feet of run unless twenty (20) percent of the single family dwellings within one-half (1/2) mile have a lesser pitched roof, then a pitch equal to an average of those twenty (20) percent single family dwellings shall be provided, and the roof shall be covered by either asphalt, fiberglass, or shake shingles.

(k) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the dwellings.

(1) The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section, as well as the character, design, and appearance of residential dwellings located outside of mobile home parks within five hundred (500) feet of the subject dwelling.

(2) The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(l) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.

(m) All dwellings shall provide a minimum of two (2) points of ingress and egress.

(n) The Building Inspector shall have a minimum of three (3) working days to review plans prior to issuing a Building Permit.

SECTION 3.09. EFFECT OF ZONING. Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected or altered, except in conformity with this Ordinance.

SECTION 3.10. ESSENTIAL SERVICES. Essential services as defined in Article II are permitted in any Zoning District subject to the following conditions:

(a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.

(b) Public utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 3.11. FENCES AND WALLS.

(a) In residential zoning districts, fences, walls, or plantings of a solid or completely opaque nature shall not exceed a height of three (3) feet within the required front yard. A "see

through" type fence in the required front yard shall not exceed four (4) feet in height. The height shall be measured from the average grade within a twenty-five (25) foot radius of the fence, wall, or landscaping

(b) For all other areas, a fence or wall shall not exceed six (6) feet in height.

(c) For corner lots, a six (6) foot privacy fence or wall may be erected within the front setback area parallel to the side of the house which faces the street subject to the restrictions for clear vision corners as contained herein.

(d) All fences shall be erected so that the finished or smooth side of the fence faces toward the adjacent property. The Zoning Administrator shall determine which is the smooth or finished side of the fence.

(e) All fences and walls shall be maintained in good condition.

SECTION 3.12. GARAGE AND YARD SALES. The incidental and customary sale of household goods in a garage sale, yard sale or similar types of sale is permitted in any residential zoning district provided that such activity shall be for not more than three (3) consecutive days and that not more than two (2) such activities may take place by any person or location during a twelve (12) month period

SECTION 3.13. HEIGHT EXCEPTIONS. The following buildings and structures shall be exempt from height regulations in all Zoning Districts: parapet walls not exceeding three (3) feet in height, chimneys, cooling towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, church spires, penthouses, housing necessary for mechanical appurtenances, electrical transmission towers, and television and radio transmission antennas and towers, so long as they do not exceed seventy-five (75) feet in height.

SECTION 3.14. HOME OCCUPATIONS. It is the intent of these regulations to insure the compatibility of home occupations with other permitted uses in the area and with the character of the neighborhood. To this end, any home occupation shall be clearly incidental to the principal residential use of the property and shall be so located and conducted that neighbors, under normal circumstances, would not be aware of its existence.

A home occupation shall be permitted in all residential dwelling units in residential zoning districts upon approval of a Special Use Permit by the Planning Commission in accordance with the provisions of Chapter herein. In addition, a home occupation shall comply with all of the following regulations:

(a) The home occupation shall be conducted in the home building by members of the family residing in such building and one (1) other person.

(b) No home occupation shall occupy more than forty (40) percent of the usable floor area of the home building; provided, however, that in no event shall the occupation occupy more than four hundred (400) square feet.

(c) For purposes of identification, one (1) non-illuminated nameplate or identifying sign not exceeding two (2) square feet in area shall be permitted. Such identification nameplate shall identify only the name and profession, vocation or trade of the person or persons operating the home occupation. No other sign shall be utilized in connection with such home occupation.

(d) In no event shall the use of a home building for a home occupation alter the residential character of the home building.

(e) No merchandise or articles for sale shall be displayed on the lot utilized for the home occupation.

(f) Occupies no garage or accessory building provided that the Planning Commission may permit such use if the attached garage, garage or accessory building is located twenty (20) feet or more from an adjoining property line.

(g) Any proposed home occupation meeting the foregoing provisions in their entirety may be issued an annual permit. The permit may be renewed annually, provided the above standards and conditions still exist as determined by the Planning Commission.

SECTION 3.15. KEEPING OF PETS. No more than three (3) adult dogs and/or cats in combination shall be kept or housed in one(1) dwelling unit in any residential zone.

SECTION 3.16. LOTS HAVING FRONTAGE ON TWO STREETS. Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with the yard requirements as stated in the District.

SECTION 3.17. OUTSTANDING APPLICATIONS FOR BUILDING PERMITS. Any building permit issued prior to the effective date of this Ordinance shall be valid.

SECTION 3.18. POWERLINES AND PIPELINES. The installation, use and maintenance of electric powerlines and underground pipelines shall be permitted in any Zoning District. However, all such pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall powerlines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

Where a pipeline or powerline is proposed to pass through land not previously so used as a site for powerlines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township containing a statement of the proposed use and location, and the time for a hearing thereon which shall be not less than seven (7) nor more than fifteen (15) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use be detrimental to the

public health, safety or general welfare, then the Planning Commission shall notify the utility company of the comments received at the public hearing.

SECTION 3.19. PRINCIPAL USE. No lot may contain more than one (1) principal building, provided that groups of apartment units or retail business buildings under single ownership shall be deemed a principal use collectively.

SECTION 3.20. PRIVATE SWIMMING POOLS.

(a) The pool shall be maintained in a clean and healthful condition in accordance with County Health Regulations.

(b) No swimming pool shall be emptied in any manner that will cause water to flow upon another lot, or be emptied on any land if a storm drain is readily accessible to the premises.

(c) Every swimming pool, the top of which is less than five (5) feet above ground level shall be completely enclosed with a permanent, substantial fence of at least five (5) feet in height with gates of a self-closing and latching type with the latch on the inside of the gate so that access to the pool is prevented except under the supervision of the possessor or by permission.

(d) Swimming pools which are five or more feet above ground level shall be equipped with removable steps or other pool entry device which is capable of preventing entry to the pool by children.

(e) No swimming pool shall be closer than ten (10) feet to any side or rear lot line and no part of any pool or its required fencing shall be constructed within the front yard or a required side street yard on a corner lot.

SECTION 3.21. RESTORATION OF UNSAFE BUILDINGS. Subject to the provisions of the Nonconforming Uses Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of an original building or structure which is unsafe.

SECTION 3.22. SATELLITE DISH ANTENNA. In all zoning districts, the installation and/or use of satellite dish antennas is permitted upon the approval of the Zoning Administrator, provided the provisions of this section are satisfied.

(a) The satellite dish antenna shall be permanently anchored to a foundation.

(b) No portion of the satellite dish antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.

(c) No satellite dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.

(d) A satellite dish antenna shall only be located in a rear yard and shall not be closer to a property line than its height.

(e) A satellite dish antenna may be mounted on the roof of a principle or accessory building, provided it shall not exceed a height of five (5) feet.

SECTION 3.23. SEWAGE DISPOSAL AND WATER SUPPLY. In all districts other than the R-1 District no building permit shall be issued for any building to be occupied by human beings unless such building is served by a public sewer system. In the absence of public sewer and/or water, a safe and sanitary means of collection and disposal of sewage, and safe and sanitary water supply system in accordance with the requirements of the Kent County Health Department, the State of Michigan, and the Federal Government.

SECTION 3.24. SIGNS.

(a) Generally:

(1) No sign shall project into or be placed within the right-of-way of a street.

(2) Signs mounted on and parallel to a building wall shall not project more than one (1) foot from the exterior surface of said building wall; however, such signs shall not extend beyond the intersection of a perpendicular exterior wall surface.

(3) There shall be no flashing or intermittent illumination on any sign, nor interference with traffic visibility along any highway, street or road, or at any intersection of two (2) or more streets.

(4) There shall be no moving signs or sign components other than minor elements of clocks or thermometers.

(5) All illuminated signs shall be so placed as to prevent the rays of illumination from being cast upon neighboring residences within a residential district and shall be located not less than one hundred (100) feet from such residential district.

(6) The color saturation and hue of any illuminated sign shall be such as to preclude confusion with traffic signals.

(7) All signs and billboards shall conform to the regulations as set forth in this Ordinance, and any sign or billboard not conforming thereto shall be deemed a non-conforming structure subject to the provisions of this Ordinance.

(8) Vehicle signs are prohibited in all districts.

(9) The bottom height of a freestanding sign or part thereof shall be six (6) feet above the average ground elevation of the front lot line.

(10) Off-street directional signs not exceeding four (4) square feet are permitted, provided said sign is a minimum of ten (10) feet from any property line.

(b) Signs in Residential Districts - In Residential Districts, signs are permitted as follows:

(1) For principal and accessory uses other than dwellings, one (1) sign not exceeding twenty (20) square feet in the area. No sign shall be located nearer to a front lot line than one-half (1/2) the depth of the required front yard.

(2) One (1) "For Sale" or "For Rent" sign not to exceed six (6) square feet in area advertising only the premises on which erected. Such sign(s) shall be removed within thirty (30) days after the premises are sold or rented.

(3) In subdivision developments, one (1) temporary subdivision sign advertising the sale of dwellings therein, having an area of not more than thirty-two (32) square feet. The permit for any such sign shall expire within two (2) years.

(4) No sign shall be illuminated by other than continuous white light nor shall contain any visible moving parts.

(5) Special decorative displays, signs, pennants, flags or banners used for holidays, public demonstrations for promotion of civic welfare, or charitable purposes wherein the same shall be used for not more than forty-five (45) days.

(6) A bazaar or garage sale sign placed upon a lot which there is a dwelling or church or other nonprofit institution not to exceed (6) square feet in area. Such sign shall be placed within the property line of the premises on which said sale is conducted and shall be removed immediately after the completion of th garage sale. Any such garage sign shall be erected for not more that three (3) times, for seventy two (72) hour periods within any calendar year. Each such seventy two (72) hour period must be at least thirty (30) days apart.

(c) Signs in Business and Industrial Districts - In Business and Industrial Districts, identification, business and advertising signs are permitted as follows:

(1) Any sign permitted in residential districts.

(2) One (1) or more on-site signs, the total surface area of all such signs not exceeding ten percent (10%) of the wall surface area facing front lot line or fifty (50) square feet, whichever is less.

(3) No sign or part thereof shall be closer than twenty (20) feet to the front lot line or ten (10) feet to any other lot line.

(4) The maximum height of a freestanding sign or a part thereof shall be twenty (20) feet above the average ground elevation of the front lot line.

(5) The maximum height of a sign which is attached to a building shall be the height of the building plus one (1) foot.

SECTION 3.25. TEMPORARY SPECIAL USE PERMITS. The Zoning Administrator may issue Temporary Special Use Permits for the following uses after determining that such uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second Temporary Special Use Permit may be issued by the Building Inspector at the end of such time limit for good cause shown. A third Temporary Special Use Permit may only be authorized by the Planning Commission as a special use.

(a) Mobile Homes: An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed on the same premises. A Temporary Special Permit must be issued prior to any such use.

(b) Signs and Supplies: The storage of building supplies and machinery, temporary storage buildings, the assembly of materials and customary trade, contractor, architect and identification signs in connection with a construction project may be authorized by the Building Inspector for a period of up to twelve (12) months.

(c) Seasonal Uses: The Building Inspector may authorize a Temporary Special Permit for up to thirty (30) days for seasonal or unusual non-recurrent temporary uses and signs.

(d) Parking Areas: Temporary special permits may be issued by the Building Inspector for the use of unimproved parking areas in accordance with Section 16.10.

(e) Reasonable conditions may be required with the approval of a Temporary Special Permit by the Building Inspector. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.

(2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(f) The conditions imposed with respect to the approval of a Temporary Special Permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Building Inspector and the landowners, in writing. The Building Inspector shall maintain a record of conditions which are changed.

(g) A fee shall be paid as determined by the Village Council.

SECTION 3.26. TRAVEL TRAILERS, MOTOR HOMES, CAMPERS AND TENTS. Travel trailers, motor homes, campers, tents or other similar type of facilities to be used for dwelling purposes or any other use are prohibited except as a temporary use as may be permitted in Section 3.25.

SECTION 3.27. UNCLASSIFIED USES. Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use as a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the Zoning Ordinance and master plan are not impaired by permitting such use at the proposed location.

SECTION 3.28 UNLAWFUL STRUCTURES AND USES, EFFECT ON. Structures or uses which were unlawfully existing at the time of the effective date of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.

SECTION 3.29 UNLICENSED OR INOPERABLE VEHICLES.

(a) No person shall abandon any vehicle within the Village and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonable to appear to have been abandoned.

(b) No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Village.

(c) No person in charge or control of any property with the Village, whether as owner, tenant, occupant, lessee, or otherwise shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than thirty (30) days; and no person shall leave any such vehicle on any property within the Village for a longer time than thirty (30) days, except that this section shall not apply with regard to a vehicle in an

enclosed building, a vehicle on the premises of a business enterprise operated in lawful place and manner, in an appropriate storage place or depository maintained in a lawful place and manner by the Village.

CHAPTER 4

MAPPED DISTRICTS

SECTION 4.01 ZONE DISTRICTS. The Village of Sand Lake is hereby divided into the following zoning districts:

(a) R-1, Single Family Residential District
(b) R-2, Single Family Residential District
(c) R-3, Single Family Residential Distirct
(d) MFR, Multi-family Residential District
(e) MH, Mobile Home Park District
(f) B-1, Business District
(g) I, Industrial District

SECTION 4.02 ZONING MAP. The location and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map, Village of Sand Lake, Kent County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

(a) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall construed as centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following village boundaries shall be construed as following village boundaries.

(d) Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, as in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.

(e) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.

(f) Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT. In every case where land has not been included within a district on the zoning map, such land shall be in the R-1 Zoning District.

CHAPTER 5

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE. This Zoning District is intended primarily for agricultural uses and low density one family residences.

SECTION 5.02 USE REGULATIONS. In the "R-1" District, no land or buildings shall be used, and no buildings or structures shall be erected or concerted, for any use or under any condition other than the following:

(a) Single family dwellings as regulated in Section 3.08, Dwellings Situated Outside of Mobile Home Park Minimum Requirements.

(b) Farms for both generalized and specialized agricultural activities, including one (1) one family accessory dwelling and the sale and processing, including, but not limited to, sorting, cleaning, trimming, curing and storage of products produced by the owner of the premises.

(c) Animal husbandry, hatcheries, poultry farms, apiaries, kennels and dairying, and the sale and processing, including, but not limited to, sorting, separating, cooling and handling of livestock and products produced by the owner of the premises and one (1) one family accessory dwelling.

(d) Greenhouses, nurseries and landscaping firms when accessory to a nursery, including the outdoor display and sale of products produced by the owner of the premises together with commercial products customarily essential to the growing and care of products grown by the owner of the premises, but not including sales of machinery or implements.

(e) Accessory parking areas and signs as regulated by this Ordinance.

(f) Transitional and temporary uses.

(g) The Planning Commission shall permit one accessory structure (see Section 3.01) to be used for the storage of equipment and supplies associated with the non-farming occupation of said owner, provided:

(1) The lot is at least two (2) acres in area;

(2) No type of business activity shall be allowed on the property. All vehicles, equipment and supplies shall be kept within said accessory building at all times and said storage shall not be evident in any way from the outside of said accessory building.

(3) Not more than one individual who is not a resident of the premises shall participate in any way in the storage of supplies and equipment in said accessory building.

(h) Veterinary clinic or animal hospital provided the following requirements are met:

(1) The lot or parcel is at least four (4) acres in area.

(2) The animal holding area shall be enclosed to a height and constructed with suitable material to contain animals on the premises.

(3) Kennels, pens, animal holding areas, and/or stalls shall be at least fifty (50) feet from any property line and no closer than one hundred (100) feet from the front property line.

(4) Any building or enclosed structure shall meet the setback and yard requirements of the district.

SECTION 5.03. SPECIAL USES. The following use may be approved by the Planning Commission but are subject to the provisions contained in Chapter 14, Special Uses.

(a) Home occupations. In considering such authorization, the Planning Commission shall consider the following standards:

(1) the nature of the home occupation,
(2) the effect of the home occupation on the surrounding neighborhood,
(3) the environmental effects of the home occupations,
(4) the nature of the surrounding neighborhood,
(5) potential traffic congestion as a result of the home occupation,
(6) provision for parking for traffic or clientele which may result from the operation of the home occupation, and
(7) the standards of Section 3.14, Home Occupations.

SECTION 5.04. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 ½) stories, whichever is less.

SECTION 5.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage.

(a) Front Yard - There shall be a front yard no less than thirty five (35) feet.

(b) Side Yard - There shall be a least two side yards totaling at least fifty (50) feet, and no side yard shall be less than twenty (20) feet, provided, however, that when a side lot line adjoins a street, a minimum of twenty five (25) feet is required. For all other types of principle buildings, minimum side yards of thirty (30) feet on either side shall be required, or as stated elsewhere in this ordinance.

(c) Rear Yard - There shall be a rear yard of at least thirty (30) feet.

(d) Lot Area - There shall be a lot area of at least fifty thousand (50,000) square feet for single family dwellings. All other use shall have a lot area of at least two (2) acres.

(e) Lot Width - The minimum lot width measured at the minimum front yard setback line, shall be one hundred and seventy (170) feet.

(f) Floor Area - There shall be a minimum floor area of one thousand two hundred (1,200) square feet.

CHAPTER 6

"R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for the expansion of low to medium density single family residential uses into areas which can eventually be served with necessary public sanitary sewer services. Certain complimentary recreational, religious, and educational facilities may also be permitted.

SECTION 6.02 USE REGULATIONS. In the "R-2" District, no land or buildings shall be used, and no buildings or structures shall be erected or concerted, for any use or under any condition other than the following:

(a) Single family dwellings as regulated in Section 3.08, Dwellings Situated Outside of Mobile Home Park Minimum Requirements.

(b) Parks, playgrounds, community centers, churches, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization, provided a site is submitted for review in accordance with Chapter 15, Site Plan Review.

SECTION 6.03. SPECIAL USES. The following use may be approved by the Planning Commission but are subject to the provisions contained in Chapter 14, Special Uses.

(a) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or non-profit organization and when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

(1) the size, nature and character of the proposed use,
(2) the proximity of the proposed use to adjoining properties,
(3) the parking facilities provided for the proposed use,
(4) any traffic congestion or hazards which will be occasioned by the proposed use, and
(5) how well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhoods.

(b) Home occupations. In considering such authorization, the Planning Commission shall consider the following standards:

(1) the nature of the home occupation,
(2) the effect of the home occupation on the surrounding neighborhood,
(3) the environmental effects of the home occupations,

(4) the nature of the surrounding neighborhood,
(5) potential traffic congestion as a result of the home occupation,
(6) provision for parking for traffic or clientele which may result from the operation of the home occupation, and
(7) the standards of Section 3.14, Home Occupations.

SECTION 6.04. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 ½) stories, whichever is less.

SECTION 6.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage.

(a) Front Yard - There shall be a front yard no less than thirty five (35) feet.

(b) Side Yard - There shall be a least two side yards totaling at least twenty five (25) feet, and no side yard shall be less than ten (10) feet, provided, however, that when a side lot line adjoins a street, a minimum of twenty (20) feet is required. For all other types of principle buildings, minimum side yards of thirty (30) feet on either side shall be required, or as stated elsewhere in this ordinance.

(c) Rear Yard - There shall be a rear yard of at least thirty (30) feet.

(d) Lot Area - There shall be a lot area of at least forty three thousand five hundred and sixty (43,560) square feet; provided that where a public sewer is installed, the lot area may be reduced to fifteen thousand (15,000) square feet.

(e) Lot Width - The minimum lot width measured at the minimum front yard setback line, shall be one hundred (150) feet, provided that where a public sewer is installed, the lot width may be reduced to one hundred (100) feet.

(f) Floor Area - There shall be a minimum floor area of one thousand two hundred (1,200) square feet.

CHAPTER 7

"R-3" SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE. This Zoning District recognizes the existing single family residential character of the Village. Therefore, this District is intended to preserve and promote single family residential uses consistent in character to the Village's existing housing stock. Certain complimentary recreational, religious, and educational facilities may also be permitted.

SECTION 7.02 USE REGULATIONS. In the "R-3" District, no land or buildings shall be used, and no buildings or structures shall be erected or concerted, for any use or under any condition other than the following:

(a) Single family dwellings as regulated in Section 3.08, Dwellings Situated Outside of Mobile Home Park Minimum Requirements.

(b) Parks, playgrounds, community centers, churches, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization, provided a site is submitted for review in accordance with Chapter 15, Site Plan Review.

SECTION 7.03. SPECIAL USES. The following use may be approved by the Planning Commission but are subject to the provisions contained in Chapter 14, Special Uses.

(a) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or non-profit organization and when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

(1) the size, nature and character of the proposed use,
(2) the proximity of the proposed use to adjoining properties,
(3) the parking facilities provided for the proposed use,
(4) any traffic congestion or hazards which will be occasioned by the proposed use, and
(5) how well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhoods.

(b) Home occupations. In considering such authorization, the Planning Commission shall consider the following standards:

(1) the nature of the home occupation,
(2) the effect of the home occupation on the surrounding neighborhood,
(3) the environmental effects of the home occupations,

(4) the nature of the surrounding neighborhood,
(5) potential traffic congestion as a result of the home occupation,
(6) provision for parking for traffic or clientele which may result from the operation of the home occupation, and
(7) the standards of Section 3.14, Home Occupations.

SECTION 7.04. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 ½) stories, whichever is less.

SECTION 7.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage.

(a) Front Yard - There shall be a front yard no less than twenty (20) feet.

(b) Side Yard - There shall be a least two side yards totaling at least twenty (20) feet, and no side yard shall be less than six (6) feet, provided, however, that when a side lot line adjoins a street, a minimum of fifteen (15) feet is required. For all other types of principle buildings, minimum side yards of twenty-five (25) feet on either side shall be required, or as stated elsewhere in this ordinance.

(c) Rear Yard - There shall be a rear yard of at least twenty-five (25) feet.

(d) Lot Area - There shall be a lot area of at least eight thousand six hundred (8,600) square feet.

(e) Lot Width - The minimum lot width measured at the minimum front yard setback line shall be sixty six (66) feet.

(f) Floor Area - There shall be a minimum floor area of one thousand (1,000) square feet.

CHAPTER 8

"MFR" MULTI-FAMILY RESIDENTIAL DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for multi-family dwellings which are consistent with the Village Master Plan.

SECTION 8.02 USE REGULATIONS. In the "MFR" District, no land or buildings shall be used, and no buildings or structures shall be erected or concerted, for any use or under any condition other than the following:

(a) Two-family and multi-family dwelling units.

(b) Nursing homes, senior citizen housing, foster care facilities, and similar group housing.

(c) Office buildings.

SECTION 8.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 ½) stories, whichever is less.

SECTION 8.04 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage.

(a) Front Yard - There shall be a front yard no less than thirty five (35) feet.

(b) Side Yard - No building shall be closer to a side lot line than a distance equal to the height of the building wall facing the side lot line. In no case shall the building be closer than twenty (20) feet to the side lot line.

(c) Rear Yard - There shall be a rear yard of at least thirty (30) feet.

(d) Lot Area - There shall be a lot area of at least forty three thousand five hundred and sixty (43,560) square feet.

(e) Lot Width - The minimum lot width measured at the minimum front yard setback line shall be one hundred and twenty five (125) feet.

(f) Floor Area - Apartment units shall have a floor area of at least six hundred (600) square feet per dwelling.

(g) Density - There shall be at least five thousand five hundred (5,500) square feet of lot area, exclusive of streets dedicated to the public, for each dwelling unit.

(h) Zone Separation - Where a MFR District abuts an R District, any permitted use shall provide an additional twenty (20) feet of landscaped yard area adjacent to such R District over and above the minimum requirements of the MFR District.

(i) Site Plan - A Site Plan is required in accordance with Chapter 15, Site Plan Review.

SECTION 8.05 SPECIAL CONDITIONS. The following requirements shall be met:

(a) No apartment building shall contain more than twelve (12) dwelling units.

(b) Every apartment and office building shall be connected to public sewer.

(c) Access: In order to achieve a development with an orderly internal circulation system that does not impose on surrounding lower density uses and districts, the following access controls shall apply to all MFR permitted uses:

(1) Dwelling entrances shall be located not more than three hundred (300) feet from a public street and/or private street.
(2) Dwelling structures shall be located within one-hundred fifty (150) feet of an off-street parking area.
(3) Dwelling structures shall not front on a one family residentially zoned street nor have its principal means of access through such a residential district.

(d) Group Buildings:

(1) Where there is more than one building located on a lot, no building shall be located in front of the main entrance wall of another unless separated by a common yard of at least fifty (50) feet in which event the front yard required under Section 8.4 shall be maintained.

(2) No building shall be located in back of the rear entrance wall of another unless separated by a common yard of at least one hundred (100) feet.

(3) Every group building shall have a landscaped rear yard of at least thirty (30) feet unobstructed by any accessory building, provided such space may be located across a driveway leading to a garage within the building.

(4) Groups of apartment buildings are required to be in single ownership and shall be located on one parcel of land.

(5) No group building shall be located closer than a distance equal to its total height to any other building.

(e) Refuse - For all group buildings there shall be provided a screened area or a building or a portion thereof for the collection of garbage or waste so that such refuse shall not be visible from any building, adjacent property, or public street.

CHAPTER 9

"M-H" MOBILE HOME PARK DISTRICT

SECTION 9.01. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Village for mobile home parks.

SECTION 9.02. USE REGULATIONS. In the "M-H" District, no land or buildings shall be used, and no buildings or structure shall be erected or converted, for any use or under any condition other than the following:

(a) Mobile home parks as regulated by the State of Michigan pursuant to Public Act 419 of 1976.

CHAPTER 10

"B-1" BUSINESS DISTRICT

SECTION 10.01 DESCRIPTION AND PURPOSE. This Zoning District recognizes the character and market of the Village's existing "downtown business district". Therefore, this District is intended for areas in the Village where local services, offices, and convenience shopping facilities can be clustered together so as to serve the day-to-day needs of Village residents.

SECTION 10.02 USE REGULATIONS. In the "B-1" District, no land or buildings shall be used, and no buildings or structures shall be erected or concerted, for any use or under any condition other than the following:

(a) Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, alcoholic beverages, baked goods or other foods, ice cream, drugs, dry goods, notions, hardware, paint and wallpaper, books, stationery and school supplies, records and video cassette sales, flowers, periodicals, shoes, sporting goods, small household articles, and tobacco products.

(b) Retail or service establishments which offer comparison goods for residents such as: bicycle sales, jewelry stores, hobby shops, music stores, clothing and shoe stores, notions, bookstores, sporting goods stores, office supply stores, carpet stores, furniture stores, building material sales (including hardware, glass and paint), household appliance stores, paint and wallpaper stores, auto equipment sales stores, and similar specialty retail stores.

(c) Specialty shops, "five and ten" stores, and other variety stores including notions.

(e) Establishments which perform services within a completely enclosed building such as: beauty and barber shops; watch, radio, television, clothing and shoe repair; locksmiths; photo processing outlets; and similar establishments.

(f) Office buildings and uses, including offices for administrative services, accounting, clerical, drafting, education, executive, insurance, professional, real estate, research, sales agent, stock broker, technical training, stenographic, writing, and medical and dental practices.

(g) Restaurants, taverns and cafes, including carry-out restaurants, but excluding drive-in or drive-through restaurants.

(h) Financial institutions, including banks, credit unions, and savings and loan associations.

(i) Municipal, county, or state service buildings without storage yards; and community buildings such as libraries, museums, post offices, and recreational, educational, and human service centers.

(j) Newspaper offices and printing shops.

(k) Photographers.

(l) Video rental establishments.

(m) Laundromats and dry cleaning outlets, provided that all services performed on the premises shall be sold at retail on the premises where performed.

SECTION 10.03. SPECIAL USE. The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 14, Special Uses.

(a) Churches and other religious buildings and facilities customarily incidental thereto, provided all primary ingress and egress from said sites shall be directly onto a major thoroughfare.

(b) Outdoor cafe's or eating areas where patrons are served while seated in the open air, subject to the following conditions:

(1.) The outdoor eating area shall not exceed fifteen (15) percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area.

(2.) The outdoor eating area shall be located no closer than fifteen (15) feet from any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.

(3.) The outdoor eating area shall not be located within fifty (50) feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring fence or greenbelt.

(4.) The outdoor eating area shall be kept clean and void of litter at all times.

(5.) All vending machines shall be located within a completely enclosed.

(c) Drive-in and drive-through restaurants.

(d) Other uses similar to the above and consistent with the intent and general character of the district.

SECTION 10.04. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 ½) stories, whichever is less.

SECTION 10.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage.

(a) Front Yard - Each business/commercial building shall have a front yard of at least five (5) feet, provided that where an existing lesser setback line has been established by existing business/commercial buildings occupying forty (40) percent or more of the business-zoned frontage on the same block, said setback shall apply.

(b) Side Yard - No side yard shall be required for a business/commercial building, except that where a side yard of business-zoned lot adjoins a residential district or side street, a ten (10) foot side yard shall be required, unless a lesser side yard has been established by existing business buildings occupying forty (40) percent or more of the business-zoned frontage on the same block, said setback shall apply.

(c) Rear Yard - There shall be a rear yard of at least five (5) feet.

(d) Lot Area and Width - No minimum lot size or width is required.

(e) Site Plan Review - Site plan review is required in accordance with Chapter 15, Site Plan Review.

(f) Obscuring Greenbelt or Fence - Wherever a commercial use abuts any residential zoning district, an obscuring greenbelt or fence shall be provided and maintained. Approval of such obscuring greenbelt or fence must be obtained from the Zoning Administrator.

CHAPTER 11

"I" INDUSTRIAL DISTRICT

SECTION 11.01 DESCRIPTION AND PURPOSE. This Zoning District is intended to provide areas for industrial uses which generally require large land and accessibility needs and utilities. Therefore, this District is intended to accommodate such uses as wholesale activities, warehouses and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect, in a detrimental way, any of the surrounding districts.

SECTION 11.02 USE REGULATIONS. In the "I" District, no land or buildings shall be used, and no buildings or structures shall be erected or concerted, for any use or under any condition other than the following:

(a) The manufacture, compounding, processing, packing or treatment of such products as cosmetics, candy, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.

(b) The manufacture, compounding, processing, packing or treatment of articles from the following previously prepared materials: aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.

(c) The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.

(d) Petroleum storage located at least five hundred (500) feet from any residentially zoned property.

(e) Auto service and/or repair shops.

(f) Auto wash.

(g) Bottling plants and dairies.

(h) Contractor yards.

(i) Crating and packing service.

(j) Dry cleaning and laundry.

(k) Machine shop.

(l) Printing shops.

(m) Sign painting and servicing shops.

(n) Taxidermist.

(o) Warehouses and storage.

(p) Wholesale sales.

The above uses, (a) through (p), shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall.

(q) Parking lots.

SECTION 11.03. SPECIAL USES. The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 14, Special Uses.

(a) Other similar industrial uses to be of the same general character as the above permitted uses. In considering such authorization, the Planning Commission shall consider Chapter 15, Site Plan Review, and the following:

(1) Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

(2) Off-street parking and loading areas, where required, with particular attention to the items in subparagraph (1) above and the economic, noise, glare, dust, or odor effects of the use on adjoining properties and the surrounding neighborhood;

(3) Refuse and service areas, with particular reference to the items in subparagraphs (1) and (2) above;

(4) Utilities, with reference to locations, availability and compatibility;

(5) Screening and buffering, with reference to type, dimensions and character;

(6) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties;

(7) Required yards and other open spaces; and

(8) General compatibility with adjacent properties and the surrounding neighborhood.

SECTION 11.04. HEIGHT REGULATIONS. No building or structure shall exceed three (3) stories or forty-five (45) feet, whichever is less, except as provided in Section 3.13, Height Exceptions.

SECTION 11.05. AREA REGULATIONS. No building or structure, nor any enlargement thereof, shall be hereafter erected, except in conformance with the following yard and lot area requirements:

(a) Front Yard - There shall be a front yard of no less than thirty-five (35) feet.

(b) Side Yard - In all cases, there shall be two side yards of no less than twenty (20) feet, except when such side yard abuts a residential zone; then each side yard shall be at least fifty (50) feet.

(c) Rear Yard - There shall be a rear yard of no less than twenty-five (25) feet, except when such rear yard abuts a residential zone; then the rear yard shall be at least fifty (50) feet.

(d) Lot Area - There shall be a lot area of at least twenty-one thousand seven hundred eighty (21,780) square feet.

(e) Lot Width - The minimum lot width measured at the minimum front yard setback line shall be one hundred fifty (150) feet.

SECTION 11.06. GENERAL PERFORMANCE STANDARDS. The following shall be considered to be the minimum performance standards, subject to county, state or federal standards and requirements which may be more restrictive:

(a) Fire and Explosive Hazards - All activities shall be carried on only in a building conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosive hazards as to produce no explosion hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Every factory or manufacturing building shall be equipped with automatic fire extinguishers approved by the fire chief as being sufficient in view of the nature and extent of the fire risk.

(b) Atmospheric Pollution - There shall be no emission of smoke, atomic radiation, fumes, gas, dust, odors, or other atmospheric pollutant which will disseminate beyond the lot in such a manner as to create a public nuisance, cause damage or inconvenience to other buildings or properties, or imperil the health of humans or animals.

(c) Liquid or Solid Waste - No industrial operation shall directly discharge untreated industrial waste of any kind into any river, stream or reservoir, pond or lake. All methods of sewage and waste disposal shall conform to county and state health department regulations or other applicable statutes.

(d) Vibration - There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

(e) Noise - There shall be no noise emanating from the operation which will create a public nuisance or adversely affect the surrounding areas.

(f) Glare - There shall be no direct or sky reflected glare which would be damaging to the human eyes or cause a hazardous condition on a public street.

(g) Outdoor Storage - Any outdoor storage of materials must be screened from the view of neighboring properties or from the street through the use of a landscaped screen, wall or solid fence at lest six (6) feet high but in any event such screen wall or fence shall be high enough to completely screen the stored materials.

In addition, such outdoor storage areas shall be kept neat and clean, with vegetation, insects, and animals controlled to minimize the hazards of fire and other threats to public health and safety.

SECTION 11.07. ENVIRONMENTAL PERFORMANCE REGULATIONS

(a) Intent - The intent of these regulations is to protect the groundwater and surface water quality in the Village of Sand Lake by establishing regulations for the storage of hazardous substances requiring groundwater protection measures and requiring the disclosure of the location of storage, use, and disposal areas of hazardous substances as a condition of site plan review.

(b) Applicability - These regulations apply to all businesses or facilities which generate, store, or handle hazardous substances. For the purpose of this section, hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by Michigan Department of Natural Resources. Petroleum products and waste oil are also considered hazardous substances.

(c) Pollution Prevention Plan - Any use generating, handling, or storing hazardous substances shall have a Pollution Incident Prevention Plan approved by the Michigan Department of Natural Resources. This approved plan shall be submitted to the Planning Commission before the site plan will be approved.

(d) Any use generating, handling, or storing hazardous substances shall provide a list of these substances to the Zoning Administrator at the time of site plan review application.

(e) Above Ground Storage -

(1) Hazardous substances stored drums or other containers shall be product-tight.

(2) Secondary containment of hazardous substances shall be provided by all uses which are subject to the site plan review procedures as contained herein. Secondary containment shall be designed to trap leaks and spills before they reach the ground and such containment measures shall be sufficient to store the hazardous substances for the maximum anticipated period of time necessary for the recovery of any released substance.

Such secondary containment facilities shall include but are not limited to: a concrete structure with concrete floor, concrete dike, an enclosed storage building with concrete floor provided no floor drains are installed, drip pans under spigots, and chemical storage cabinets.

(3) Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from damage by weather or vandalism. Secondary containment shall be provided and shall be sufficient to store any released substance for the maximum anticipated period of time necessary for its recovery including an allowance for an expected accumulation of precipitation.

(4) At a minimum, state and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal of hazardous substance shall be met.

(5) The location of the above ground storage of hazardous substances and methods of primary and secondary containment shall be clearly illustrated on the site plan.

(f) Below Ground Storage -

(1) Any hazardous substance stored underground shall comply with the requirements of the Michigan Department of Natural Resources and the Michigan Fire Marshal.

(2) All underground storage tanks which have been out of service for nine (9) months shall be removed from the site.

SECTION 11.08. BUFFER ZONES AND BERMS

Side yards and rear yards of the Industrial District which abut any lot in a Residential district shall be screened according to the following guidelines:

(a) Earthen berms, of a minimum of three (3) feet in height, and not exceeding a 3:1 slope, shall be located within the side or rear yards of any lot used for an industrial use which abuts a lot in a residential zoning district.

(b) For each fifty (50) feet of length or portion thereof of the earthen berm, plantings shall consist of:

(1) One (1) deciduous canopy tree
(2) One (1) deciduous understory tree
(3) Three (3) evergreen trees
(4) Four (4) shrubs

(c) Plant materials required herein shall meet the following minimum size standards:

Plant Material Type	Size
TREE	
Canopy tree single stem	2" caliper
Understory Tree	1-1/2" caliper or clump form
Evergreen Tree (well brushed and dense)	5-6 feet (height)
SHRUB	
Deciduous	36 inches (height)
Evergreen	24 inches (height)

(d) All required plant material shall be placed on the top and side slope facing the exterior of the site.

(e) Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.

(f) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or abstract vision for reasons of safety, ingress or egress.

(g) All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be replaced within a reasonable period of time but no longer than one growing season.

(h) Additional planting requirements: For reasons of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the Planning Commission may increase recommended landscape plantings in any required buffer zone if in its discretion

an increase is found to be necessary to reasonably achieve the intent of this Chapter. In making such determination, the following shall be considered:

(1) That such screening, buffering, or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking, or other similar impact on adjoining parcels.

(2) That absent such conditions, the development would adversely affect the reasonable use, enjoyment, and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

a. Reductions and substitutions of plantings: If a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Commission may approve modifications to the planting and berming recommendations of this document. The Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with the intent of this document and the criteria listed under (h) above.

CHAPTER 12

"PUD" PLANNED UNIT DEVELOMENT

SECTION 12.01. INTENT. This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this Chapter to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

(a) To encourage the use of land in accordance with its character and adaptability.

(b) To promote the conservation of natural features and resources.

(c) To encourage innovation in land use planning and development.

(d) To promote the enhancement of residential, employment, shopping, traffic circulation, and recreational opportunities for the people of the Village.

(e) To promote and ensure greater compatibility of design and use between neighboring properties.

(f) To provide for the regulation of land uses not otherwise authorized within this Ordinance.

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

SECTION 12.02. QUALIFYING CONDITIONS.

(a) In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of two (2) acres.

(b) Public water and sanitary sewer shall be available to service the site.

SECTION 12.03. DEVELOPMENT REQUIREMENTS.

(a) In each case, the Planning Commission shall review the development based on the following standards. The proposed use(s) shall:

(1) Be designed, constructed, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the character of the area in which it is proposed.

(2) Be served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer.

(3) Not create excessive additional requirements at public cost for public facilities and services.

(4) Be developed in accordance with the intent for a Planned Unit Development as contained herein.

(b) Green Space: Each PUD shall contain green space areas equal to a minimum of ten (10) percent of the total site area (net). Such open space shall be maintained by the developer or homeowner's association and shall be set aside for the common use of the home or lot owners within the PUD with written assurances that the required green space shall remain green and be properly maintained.

For purposes of this section, green space shall only be considered to be those areas having a minimum dimension fifty (50) feet by one hundred (100) feet. Land in streets, sidewalks, and parking areas shall not be considered as green space. Required yard setback area may be include in the green space area.

SECTION 12.04. APPLICABLE REGULATIONS.

(a) Unless specifically waived by the Village Council upon the recommendation of the Planning Commission through the provisions of 12.04(b) below, all regulations of the underlying zoning district prior to the PUD request relative to lot size, lot width, yard area, structure height, setback, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply.

(b) To encourage flexibility and creativity in development consistent with the Planned Unit Development concept, departures from the regulations outlined in the immediately preceding 12.03(a) may be granted at the discretion of the Village Council upon the recommendation of the Planning Commission as part of the approval of a Planned Unit Development. Such departures may be authorized if there are features or planning mechanisms designed into the project which would achieve the objectives of each of the regulations from which a departure is being requested.

SECTION 12.05. PUD DESIGN CONSIDERATIONS. A proposed Planned Unit Development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

(a) Perimeter setbacks.

(b) Street drainage and utility design with respect to location, availability, ownership, and compatibility.

(c) Underground installation of utilities.

(d) Insulation of pedestrian ways from vehicular streets and ways.

(e) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.

(f) Where proposed non-residential uses adjoin residential uses, noise reduction and visual screening mechanisms.

(g) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.

(h) Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.

(i) Screening and buffering with respect to dimensions and character.

(j) Yard areas and other open space.

(k) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.

(l) The preservation of natural resources and natural features.

SECTION 12.06. APPLICATION AND PROCESSING PROCEDURES.

(a) Effects: The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the zoning ordinance.

(b) Preapplication Conference: Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Zoning Administrator, and such consultants as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:

(1) A legal description of the property in question;

(2) The total number of acres to be included in the project;

(3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential uses;

(4) The approximate number of acres to be occupied and/or devoted to or by each type of use;

(5) Departures from the regulations of the Ordinance which may be requested;

(6) The number of acres to be preserved as open space or recreation space; and

(7) All known natural resources and natural features.

(c) Preliminary Site Development Plan - SUBMISSION AND CONTENT: Following the above conference or conferences, copies of a preliminary site development plan and application for a PUD rezoning request shall be submitted at least two weeks prior to the next Planning Commission meeting. The submission shall be made to the Zoning Administrator who shall present it to the Planning Commission for consideration at a regular or special

meeting. The plan shall be accompanied by an application form and fee as determined by the Village Council. The preliminary site development plan shall contain the following information unless specifically waived by the Zoning Administrator:

(1) Date, north arrow, and scale which shall not be more than 1" = 100'.

(2) Locational sketch of site in relation to surrounding area.

(3) Legal description of property including common street address.

(4) Size of parcel (gross).

(5) All lot or property lines with dimensions.

(6) General location of all buildings within one hundred (100) feet of the property lines.

(7) General location and size of all existing structures on the site.

(8) General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is constructed.

(9) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.

(10) General size and location of all areas devoted to green space and a plan stating how this green space is to be maintained

(11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.

(12) Existing topographical contours at a minimum of five (5) foot intervals.

(13) A narrative describing:

a) The nature of the project.

b) The proposed density, number, and types of residential dwelling units.

c) A statement describing how the proposed project meets the objectives of the PUD.

d) A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.

e) Proof of ownership or legal interest in property.

(14) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.

(15) Proposed phases of project.

16) Documents And Written Information In Addition To Plans - In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or

information shall be provided. The following is a representative list of the types of information or documents that may be requested at the discretion of the Planning Commission:

a) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

b) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.

c) Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.

d) Bonds, letters of credit, or other surety devices.

e) Time schedules for the completion of phases in staged development.

f) The environmental impact assessment of the development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

g) A fiscal impact analysis of the development on the Village and other governmental units (e.g., schools, public safety, roads, etc.).

h) A traffic impact analysis of the proposed development on the Village and other governmental units.

i) Calculations for drainage and stormwater design detention/retention.

(17) Number Of Copies Of Plans And Documents - With respect to all plans and other documents required by this Article, the developer shall submit the number of copies that the Zoning Administrator deems necessary to expedite the review process and to provide necessary permanent records.

(d) Preliminary Site Development Plan - Planning Commission Review: The Planning Commission shall review the preliminary site development plan and shall make reasonable inquiries of the applicant.

The Planning Commission shall review the Preliminary Site Development Plan according to the provisions of 12.03 through 12.06 herein and transmit its recommendations for changes or modifications of the Preliminary Site Development Plan to the applicant.

(e) Public Hearing: Prior to setting the public hearing, the applicant shall submit all required and requested information to the Village. Once complete, the Zoning Administrator shall transmit the complete application to the Planning Commission. The Planning Commission, at a regular or special public meeting, shall set a time and place for a public hearing and provide for the legal publishing and proper posting of notices of such hearing, as required in the City or Village Zoning Act (Public Act 207 of 1921).

SECTION 12.07. STANDARDS FOR ZONING APPROVAL. Following the public hearing, the Planning Commission shall recommend either approve, deny, or approve with conditions the

PUD rezoning request and preliminary site development plan and make its recommendation to the Village Council.

In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

(a) Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

(b) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

(c) The proposed development shall be compatible with the Master Plan of the Village and shall be consistent with the intent and spirit of this Chapter.

(d) The Planned Unit Development shall not change the essential character of the surrounding area.

(e) The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator .

SECTION 12.08. VILLAGE COUNCIL APPROVAL. After receiving the recommendation of the Planning Commission, the Village Council shall either approve, deny, or approve with conditions the PUD application and preliminary site development plan in accordance with the standards for approval and conditions for a PUD as contained herein. A building permit shall not be issued until Planning Commission approval of the PUD final site development plan.

Where provisions of Michigan Public Act 288, of 1967, as amended shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.

SECTION 12.09. EFFECT OF APPROVAL. The Planned Unit Development amendment including the preliminary site development plan as approved and narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the preliminary site development plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this amendment. The applicant shall record an affidavit with the Kent County Register of Deeds which shall contain the following:

(a) Date of approval of the PUD by the Village Council.

(b) Legal description of the required green space along with a plan stating how this green space is to be maintained.

(c) A statement that the property will be developed in accordance with the approved PUD final site development plan and any conditions imposed by the Village Council or Planning Commission unless an amendment thereto is duly approved by the Village upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

SECTION 12.10. FINAL SITE DEVELOPMENT PLAN. After receiving the PUD rezoning and preliminary site development plan approval from the Village Council, the applicant shall submit a final site development plan for review and approval by the Planning Commission prior to starting any construction.

(a) Contents Of Final Site Development Plan: The final site development plan shall contain the same information required for the preliminary site development plan and shall contain the following additional information as well as information specifically requested by the Planning Commission in its review of the preliminary site development plan:

(1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.

(2) Proposed contour lines at not greater than two (2) foot intervals.

(3) Proposed landscaping including type, number, and size of trees and shrubs.

(4) Location and type of signs and exterior lighting.

(5) Location of sidewalk, foot paths, or other pedestrian walkways.

(6) Distance of all buildings from lot lines, right-of-ways, and other principal buildings.

SECTION 12.11. STANDARDS FOR PUD FINAL SITE DEVELOPMENT PLAN APPROVAL. The Planning Commission shall either approve, deny, or approve with conditions the final site development plan.

In making its decision, the Planning Commission shall find that the proposed PUD meets the following standards:

(a) Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency.

(b) Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.

(c) Sewer, water, and storm drainage with reference to locations, availability, and compatibility.

(d) Screening and buffering with reference to type, dimensions, and character.

(e) Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

SECTION 12.12. CONDITIONS.

(a) In approving a PUD final site development plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(b) The conditions imposed with respect to the approval of a PUD final site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are unchanged. The final site development plan, as approved, shall act as a restriction upon the development. The development must conform with the final site development plan.

SECTION 12.13. PERFORMANCE GUARANTEES. The Planning Commission may require a performance guarantee in accordance with Section 15.09 to ensure the completion of required improvements.

SECTION 12.14. MODIFICATION OF A PUD. Minor changes to a PUD final site development plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Village regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final development plan that were not part of the preliminary site development plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided that are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission,

and building size that does not exceed three thousand (3,000) square feet or five (5) percent of the gross floor area, whichever is smaller.

A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

CHAPTER 13

PARKING AND LOADING

SECTION 13.01. DESCRIPTION AND PURPOSE. The purpose of this Chapter is to permit and regulate off-street parking of motor vehicles and the off-street loading and unloading of vehicles in all zoning districts.

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of buildings erected, altered, or extended after the effective date of this Ordinance shall be provided as prescribed herein. Such areas shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of spaces and area are provided elsewhere on the site in accordance with this Ordinance.

SECTION 13.02. SIZE AND UNITS OF MEASUREMENT. All off-street parking facilities required by this Article shall be of adequate size and design to provide safe ingress and egress to all parking spaces. For the purposes of this Ordinance, the average parking area consisting of one parking space with maneuvering lane shall be three hundred (300) square feet.

(a). Minimum Size Standards: The minimum standards for parking spaces and aisles are as indicated in the following table:

MINIMUM PARKING SPACE AND MANEUVERING LANE STANDARDS

Parking Pattern	Lane Width One-way (ft)	Lane Width Two-way (ft)	Parking Space Width[1] (ft)	Length[2] (ft)	Total Width of Two Tiers Plus Lane One-way (ft)	Total Width of Two Tiers Plus Lane Two-way (ft)
Parallel	11	17	9	25	30	36
30°-50°	12	20	9	21	47	55
54°-74°	13	24	9	21	49	60
75°-90°	15	26	9	20	55	66

(1) Measured Perpendicular to the space centerline.
(2) Measured along the space centerline.

SECTION 13.03. INTERNAL ACCESS DRIVES. Each lane of driveway providing access to parking areas shall be a minimum of ten (10) feet in width. Where a turning radius is necessary, it shall be of an arc that allows unobstructed vehicle flow.

SECTION 13.04. REQUIRED CONSTRUCTION. All parking and loading facilities and access drives for uses other than one and two family residential, agricultural, and accessory farm produce sales shall be provided with a pavement surface consisting of asphalt or concrete. Driveways shall be constructed with materials equal to or better than the standards set forth by the Kent County Road Commission for commercial driveways. Parking lots and driveways shall be completely constructed prior to the issuance of an occupancy permit, weather permitting. All parking surface shall be maintained in good condition, free from dust, trash, and debris. All paved parking areas with more than four spaces shall have such spaces legibly designated on the paved surface.

SECTION 13.05. LOCATION OF OFF-STREET PARKING FACILITIES. Required off-street parking facilities shall be located on the same lot as the permitted principal use in all Residential zones and may be located within the required side or rear yard area. In Business and I Districts, off-street parking may be permitted in all front, side, and rear yard areas and as a permitted principal use on a separate lot.

SECTION 13.06. Drainage. All off-street parking and loading areas shall be graded and drained to dispose of surface water. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained.

All drainage plans shall be approved by the Kent County Drain Commissioner and/or the Kent County Road Commission and/or the Village Engineer.

SECTION 13.07. LIGHTING. With the exception of facilities for one and two-family dwellings and permitted agricultural uses, the parking and loading facilities utilized during night-time hours shall be artificially illuminated. Lighting fixtures providing illumination for or within parking facilities shall be designed and arranged to:

(a) Deflect light away from adjacent properties, streets, and highways. The source of illumination in any parking facility located within two hundred (200) feet of a residential use or district shall not be more than twenty (20) feet above the parking surface and shall be shrouded to prevent glare.

SECTION 13.08. BUFFERING. Except when accessory to one or two family dwellings and permitted agricultural uses, every parking area with four (4) or more parking spaces hereafter established or enlarged which is adjacent to or opposing a residential use or district shall be screened as follows:

(a) Industrial, commercial, and institutional uses. Parking areas for such uses shall be screened by an evergreen hedge or berm with natural landscaping consisting of a combination of evergreens, deciduous trees, and shrubs. The effective height of such trees

or trees and berm in combination at the time of installation shall be at least eight (8) feet in height and sufficiently dense that the visibility of the parking area is obscured. If the owners of the adjacent or opposing properties agree, this screening may be a solid uniformly painted fence or wall kept in good repair, a minimum of four (4) feet in height.

(b) When the use of a berm is employed, this berm shall be one of three types. Generally, it shall be a continuous undulating serpentine form. It shall have a maximum slope ratio of four (4) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest is required to be four (4) feet in width. The berm shall range in height from three (3) to ten (10) feet, depending upon the specific existing natural and proposed architectural conditions. Capacity requirements are to be sixty (60) percent in winter and eighty (80) percent in summer within two (2) years after planting.

If existing trees are six (6) inches diameter at breadth height or greater, the berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on each side of the berm (i.e., red twig dogwood, fragrant sumac, arrowroot viburnum). The berm shall be hydrosphere.

The minimum sizes of all plants when planted are to be five (5) feet in height for evergreen trees, three (3) inch caliper for deciduous trees, two (2) inch caliper for small deciduous trees, thirty (30) inch for small shrubs. Spacing to be in a triple spacing or equilateral triangle format. Evergreen trees shall be a minimum of ten (10) feet on center, deciduous trees fifteen (15) feet on center. All plants are to be mulched with four (4) inch shredded hardwood bark.

SECTION 13.09. REQUIRED PARKING PER USE. The amount of required off-street parking area and spaces by type of use shall be determined and provided in accordance with the following schedule. Handicapped parking spaces as required to meet state standards shall be provided and included in the calculations for meeting the standards of this Ordinance.

Use	Minimum Number of Spaces Per Unit of Measure
(1) Residential	
a. One or two family	2 per dwelling unit
b. Multiple family	2 per dwelling unit
c. Housing for the elderly	1 per unit plus 1 per 5 units
(2) Institutional	
a. Church	1 per each 4 seats or 8 feet of pew in the main place of assembly
b. Hospital	2 per bed
c. Nursing homes, sanitariums	1 per bed plus 1 per employee during the maximum shift
d. Elementary and junior high	2 per classroom plus additional for

	schools	auditorium requirements and 1 space for each 300 s.f. of administrative office area
e.	Senior high school	7 per classroom plus auditorium requirements and one space for each 300 s.f. of administrative office area
f.	Day Care Centers	1 per employee plus 1 for each ten students
g.	Private Clubs & Lodges	1 per each 3 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code, whichever is most restrictive
h.	Public or private swimming pool clubs, tennis clubs, and similar uses	1 per each 1,000 feet of net floor area
i.	Auditorium, stadium, sports arena, theater	1 for each 3 seats or each 6 feet of bench
(3)	Business and Commercial	
a.	Retail stores, except as otherwise specified herein	1 per each 200 s.f. of floor area
b.	Auto repair shop and service station	1 per each 300 s.f. of floor area
c.	Auto wash	5 per premises plus sufficient waiting space to accommodate 25% of the hourly rate capacity
d.	Beauty salon or barber shop	1 per 100 s.f. of floor area or 3 for each chair or station, whichever is greater
e.	Bowling alley	5 per lane plus additional for each accessory use
f.	Establishments for the sale and consumption of beverages, food, or refreshments on the premises	1.5 per 100 s.f. of floor area or 1 per each 3 persons allowed for the maximum occupancy load as established by the appropriate fire, health, or building code, whichever is greater
g.	Motel/hotel	1 per each unit plus 1 for each 5 units plus additional per requirements for dining and meeting rooms, based on occupancy load
h.	Vehicle sales, machinery sales, wholesale outlets, furniture and appliance stores, hardware, paint and home improvement stores	1 per each 200 s.f. of floor area plus 1 for each service stall
i.	Loading space	See Section 13.14
(4)	Offices	
a.	Banks, business and general offices	1 per each 200 s.f. of floor area
b.	Medical, dental and veterinary offices and clinics	1 per each 150 s.f. of floor area
c.	Loading Space	See Section 13.14

(5) Industrial

a.	Manufacturing, assembly, research and processing	1 per each 600 s.f. of industrial and office floor area or 1 per each 2 employees, whichever is greater
b.	Warehousing	1 per each 1,000 s.f. of floor area plus additional for offices (1 per 200 s.f.) or 1 per each 2 employees, whichever is greater
c.	Mini storage	5 per premises plus 1 for each 5 storage bays
d.	Loading space	See Section 13.14

SECTION 13.10 MIXED OCCUPANCIES AND JOINT USAGE. Where a parking area is intended for the joint use of two or more distinct land use activities, the total parking area required shall be the same as required for those uses computed separately.

Where a proposed use intends to share parking facilities with another use, the Planning Commission, before authorizing a building permit, shall require guarantees, agreements, covenants or similar arrangements between the parties involved to insure that adequate parking will always be available for both properties.

Exceptions to these provisions may be provided by the Planning Commission in those cases where uses have parking demands that do not coincide in time of day or in the day of the week, such as churches and businesses, theaters and businesses, or churches and schools. However, in no event shall the parking requirements for the respective uses be reduced to less than seventy percent (70%) of that normally required by this Chapter. The Planning Commission, before authorizing a building permit, shall secure such guarantees, agreements, covenants or similar arrangements as are necessary to insure that adequate parking will always be provided. In considering such exceptions, the Planning Commission shall consider:

(a) The nature of the uses and their respective parking demands;

(b) Their hours of operation and the days of the week during which they operate;

(c) The location of the parking area intended for joint use and its proximity to the uses; and

(d) The nature of the surrounding area and the potential impact of a parking area intended for joint usage.

SECTION 13.11 SITE PLAN REQUIRED. Site Development Plan approval is required for all new and expanded parking areas which over four (4) spaces, except for one and two family dwelling units and permitted agricultural uses. Such plans shall be reviewed pursuant to the provisions of Chapter 15, Site Plan Review.

SECTION 13.12 PERMITS. The following permits are required, as appropriate to the circumstances involved, for all parking areas except one and two family dwelling units and permitted agricultural uses:

(a) No parking area may be constructed or enlarged before the issuance of a building permit. Before issuing a building permit, the Zoning Administrator shall be presented with a site development plan, where required, approved by the Planning Commission. In those cases where an approved driveway permit from the County Road Commission is required, said permit shall be submitted to the Zoning Administrator prior to the issuance of a building permit.

(b) No parking area shall be occupied or used as a parking area prior to the issuance of an occupancy permit nor shall it be used or occupied if an occupancy permit has been revoked. The Zoning Administrator is hereby authorized to revoke an occupancy permit for a parking area whenever the occupant fails to comply with the conditions or requirements of the approved site development plan, this Ordinance, or any special conditions imposed by the Board of Appeals. Such use or occupancy shall cease within sixty (60) days following such revocation.

(c) The Zoning Administrator may issue a temporary occupancy permit with special conditions stated thereon where the full improvement of a parking area and drives thereto would not be warranted due to a settling ground, adverse weather conditions, contractor scheduling, or similar reasonable circumstances. A temporary use permit may be issued for up to twelve (12) months and may not be renewed except by direction of the Board of Appeals.

(d) A performance guarantee may be required by the Planning Commission as per Section 15.09 of this Ordinance.

SECTION 13.13 PARKING VARIATION. Where it can be shown, as provided herein, that the parking requirements of this Section would provide an unnecessary amount of parking area for the peculiar needs of a particular use, the Planning Commission may approve a site development plan with a lesser paved area, provided all the following conditions are present:

(a) Said use does not attract or provide services to the general public;

(b) The maximum number of employees and visitors during any one eight-hour period is stated on the site development plan;

(c) A signed agreement is legibly shown on said site development plan to provide additional parking if an increase in employees or visitors shall occur at a future time;

(d) The paved parking area proposed accommodates one car for each stated employee or visitor plus ten percent (10%) more parking area than such number;

(e) An open lawn area, meeting the additional required area of this section, is shown reserved for future parking on the site development plan; and

(f) Said site development plan approval of lesser requirements shall be valid only for the stated use. An occupancy permit for a new use shall not be issued unless a new site development plan is reviewed and approved.

SECTION 13.14 REQUIRED OFF-STREET LOADING AND UNLOADING SPACE. In all districts, every building or part thereof, hereafter erected, which is to be occupied for manufacturing, storage, retail sales, warehousing, wholesale sales, or a hotel, hospital, mortuary or laundry, or uses similarly requiring the receipt or distribution in vehicles of materials or merchandise shall provide and maintain, on the same premises, paved off-street loading spaces in relation to floor area as follows:

Up to 20,000 square feet	- 1 space
20,000 to 50,000 square feet	- 2 spaces
50,000 to 100,000 square feet	- 3 spaces
1 additional space for each additional 100,000 square feet or part thereof	

The following shall apply with regard to off-street loading and unloading spaces:

(a) Each loading space shall be at least ten (10) feet in width, twenty- five (25) feet in length, and fourteen (14) feet in height.

(b) Such space may occupy all or any part of any required yard.

(c) No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall or uniformly painted fence not less than six (6) feet in height.

Such loading spaces as may be required shall be considered separate and distinct from required off-street parking areas but shall meet the requirements of Section 13.04 with regard to surface material.

SECTION 13.15 MISCELLANEOUS OFF-STREET PARKING PROVISIONS

(a) Existing Off-Street Parking at the Effective Date of this Ordinance: Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

(b) Fractional Requirements: When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, the fraction shall be considered one (1) full required space.

(c) Requirements for a use not listed shall be the same for that use which is most similar to the use not listed as determined by the Zoning Administrator and/or the Planning Commission.

(d) For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:

(1) Floor area shall mean net floor area of all floors of a building as defined in Chapter 2.

(2) Joint or collective provision of off-street parking areas for buildings or uses on one or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.

(e) It shall be unlawful to use any off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than parking of licensed vehicles or the loading or unloading of necessary service trucks, unless otherwise provided.

(f) Parking of vehicles shall be deemed to mean the temporary placement of vehicles while making use, by the driver or occupants of such vehicle, of the property on which such vehicle is temporary located, and shall not include the storage of any such vehicles.

CHAPTER 14

SPECIAL USES

SECTION 14.01 PURPOSE. The provisions of this Chapter are intended to set forth the procedure and standards applicable to certain land uses, structures, or activities which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or the community as a whole.

Because of these characteristics, the use of the land for certain purposes in certain districts will not be permitted without first obtaining special approval from the Planning Commission.

SECTION 14.02 APPLICATION AND REVIEW. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

(a) Application - Applications for a special use shall be submitted to the Zoning Administrator who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Village Council to cover the cost of processing the application.

(b) Required Information - An application for a special use shall be accompanied by the following documents and information:

(1) A special use application form supplied by the Zoning Administrator which has been completed in full by the applicant.

(2) A site plan, as specified in Chapter 15, Site Plan Review.

(3) A statement with regard to compliance with the criteria required for approval in Section 14.03, and other criteria imposed by this Ordinance affecting the special use under consideration.

(c) Public Hearing - Upon receipt of an application for a special use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the special use application. A notice shall be published in a newspaper which circulates in the Village, and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date that the application will be considered. The notice shall:

(1) Describe the nature of the special use application.

(2) Indicate the property which is the subject of the special use application and the common address.

(3) State when and where the special use application will be considered.

(4) Indicate when and where written comments will be received concerning the application.

(d) Review and Approval.

(1) Within thirty (30) days following the public hearing, the Planning Commission shall review the application for special use, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the standards for approval of this Chapter.

(2) Upon conclusion of deliberation and considerations, the Planning Commission shall approve, deny, or approve with conditions the request. Such denial, approval, or approval with conditions shall be incorporated in a motion that contains the findings relative to the special use under consideration and which further specifies the basis for the decision and any conditions imposed.

(e) Conditions. Reasonable conditions may be required with the approval of a special use by the Planning Commission. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1.) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners, immediately adjacent to the proposed land use or activity, and the community as a whole.

(2.) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(3.) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a special use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The approving Planning Commission shall maintain a record of conditions which are changed.

SECTION 14.03 SPECIAL USE APPROVAL STANDARDS - GENERAL. In approving any special use, the Planning Commission shall require that the following general standards be satisfied:

(a) Upon review of each application there shall be a determination as to whether each use on the proposed site will:

(1) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.

(2) Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities, and schools.

(3) Not create excessive additional requirements at public cost for public facilities and services.

(4) Not cause traffic congestion by utilizing service roads, minimizing the number of new drivecuts, and increasing the distances between proposed and existing drivecuts.

(5) Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise smoke, fumes, glare, vibration, odor, or traffic.

(b) All applicable federal, state, and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.

(c) As a minimum or unless specifically modified by the provisions set forth for specific special uses, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable chapters of this Ordinance. For uses permitted by right in one district, but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the provisions of this Article.

(d) Upon finding that any condition, safeguard, or requirement has been breached, the Zoning Administrator shall revoke an occupancy permit. All operations shall cease fourteen (14) days following notification by the Zoning Administrator of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefore.

(e) The site plan shall meet the requirements of Chapter 15, and shall be part of the final action by the Planning Commission.

CHAPTER 15

SITE PLAN REVIEW

SECTION 15.01 DESCRIPTION AND PURPOSE. It is the purpose of this Chapter is to require site plan review and approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained in this Chapter are intended to promote:

(a) Safe and convenient traffic movement, both within a site and in relation to access streets;

(b) Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;

(c) Conservation of natural amenities and resources; and

(d) Compliance with the provisions of this Ordinance and all other applicable Village, state, and federal laws.

SECTION 15.02 APPLICABILITY OF ARTICLE. All land uses permitted by right under the provisions of this Ordinance shall be subject to site development plan review, except uses requiring four (4) or more parking spaces.

SECTION 15.03 SITE PLAN REVIEW PROCEDURE.

(a) Following the filing of a proposed site plan, the Zoning Administrator and/or Planning Consultant shall review the plan with other appropriate Village departments and/or Kent County governmental agencies for design sufficiency. Within thirty (30) days after submittal of the site plan, the Zoning Administrator and/or Planning Consultant shall submit a report to the developer of any site plan deficiencies which shall be corrected prior to review by the Planning Commission. Within twenty (20) days after receipt of a revised site plan, the Zoning Administrator shall submit the site plan with a report and recommendation to and for review by the Planning Commission. If approval is conditioned with changes, the applicant shall agree in writing to the changes prior to the issuance of any building permits.

(b) When an applicant receives site plan approval, the site must be developed exactly as approved by the Planning Commission.

(c) If rezoning of the land is required to allow the proposed development or use of the property as provided for in the site plan, a concept approval of the site plan by the Village Planning Commission shall be considered contingent upon rezoning of the subject property by the Village Council; such concept site approval shall not be construed as any assurance of such rezoning nor shall it be binding on the applicant if the rezoning is approved.

(d) An approved site plan shall be effective for a period of one (1) year from date of Planning Commission approval, or the life of a building permit obtained pursuant to the approved site plan, whichever is longer. If construction is not commenced within the period that the site plan is effective, no construction shall take place unless there has been an extension of the site plan approved by the Planning Commission and before the extension is granted there is compliance with all applicable site plan requirements that are in effect at the time of the extension.

(e) Before a site plan is marked "approved", it shall be revised to reflect any conditions, changes, or corrections required to obtain approval.

(f) All requirements of this Ordinance, and any other applicable Village ordinance, standard, specification or regulation shall be complied with even if not specifically included in an approved site development plan.

(g) Three (3) complete sets of "as-built" drawings certified by the project engineer or architect must be submitted by the applicant at the time of application for an occupancy permit.

SECTION 15.04. ADMINISTRATIVE PLAN REVIEW. Minor changes to a site plan or new site plan may be approved administratively by the Zoning Administrator provided the plan complies with all applicable requirements of this Ordinance and all other Village regulations or state law. The Zoning Administrator may approve a site plan for the following:

(a) Minor changes to an approved site plan which involve the addition or relocation of any of the following items:

(b)

- Sidewalks
- Refuse containers
- Lighting

(c) Decrease in building size from an approved site development plan.

(d) Moving a proposed building on an approved site development plan no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.

(e) An increase in a building size that does not exceed three thousand (3,000) square feet or five (5) percent of the gross floor area to the approved building, whichever is smaller.

SECTION 15.05. REQUIRED SITE PLAN INFORMATION

(a) Graphic Materials Required For Plans - Every application for a site plan approval shall contain plans that locate the site and graphically demonstrate existing and proposed natural, man-made and legal features on and near the site in question. Site plans shall provide the following information:

(1) Name of applicant and property owner

(2) Name of development (if any)

(3) North arrow

(4) Legend

(5) Location. A location map that shows the location of the project in the broad context of the Village.

(6) Scale. Site plans shall be drawn to a readable scale, such that all features required to be shown on the plans are readily discernible. The Zoning Administrator shall make the final determination whether the plans submitted are drawn to the appropriate scale.

(7) All of the features required to be shown on plans in the following Section 15.05(b)(2) and Section 15.05(b)(3) may be included on one set of plans so long as the features are distinctly discernible.

(b) Existing Natural, Man-Made, And Legal Features - Site development plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the plans shall show those features denoted in the following by an asterisk (*) if they are located within one hundred (100) feet of the lot where the development is to take place. The use made of adjoining properties shall all be specified.

(1) Existing natural features:

a) Tree line of wooded areas.

b) Individual trees twelve (12) inches in diameter or more, identified by common or scientific name.

c) Orchards or other agricultural groves by common or scientific name.

d) Streams, ponds, drainage ditches, swamps, boundaries of floodways, and floodplains.

e) Contour lines with no greater than two (2) foot contour intervals.

(2) Existing manmade features:

a) Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.

b) Streets, private roads, sidewalks, and other walkways, all designated by surface material.

c) Curbs and gutters, curb inlets and curb cuts, and drainage grates.

d) Other stormwater or drainage facilities, including manholes, pipes, and drainage ditches, including sizes and materials.

e) Underground and above ground utility lines (sizes and materials), including water, sewer, electric power, telephone, gas, cable television, and other utility facilities.

f) Fire hydrants.

g) Buildings, structures, and signs.

h) Location of exterior light fixtures.

i) Location of dumpsters.

(3) Existing legal features:

a) The zoning of the property, including zoning district lines where applicable.

b) Property lines (with dimensions identified).

c) Street right-of-way lines.

d) Utility or other easement lines.

(c) Proposed Changes In Existing Features Or New Features - Site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:

(1) Lot dimensions, including lot widths.

(2) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way lines.

(3) Building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing exterior building materials, building heights, and proposed wall sign or window sign area.

(4) Areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.

(5) Streets, labeled by classification and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Public roads in subdivisions shall also be shown and clearly labeled as such.

(6) Curbs and gutters, curb inlets and curb cuts, and drainage grates.

(7) Other stormwater or drainage facilities (proposed sizes and materials), including manholes, pipes, drainage ditches, retention ponds, etc.

(8) Sidewalks and walkways, showing widths and surface material.

(9) Bridges.

(10) Outdoor illumination with lighting fixtures sufficiently identified to demonstrate orientation and extent of illumination.

(11) Utility lines (proposed sizes and materials), including water, sewer, electric power, telephone, gas, and cable television. Water and sewer pipe line sizes shall be labeled.

(12) Fire hydrants.

(13) Location and screening of dumpsters.

(14) Proposed contour lines resulting from earth movement (shown as solid lines) at no greater than two-foot contour intervals (existing lines should be shown as dotted lines).

(15) Scale drawings of all signs requiring permits pursuant to the provisions Section 3.24 of this Ordinance, together with an indication of the location and dimensions of all such signs.

(16) Vehicle accommodation areas (including parking areas, handicapped parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways.

(17) Proposed landscaping or construction of other devices to comply with the screening and buffering requirements of this Ordinance. Plans shall label shrubbery by common or scientific name, show the distance between plants, and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, and show the circles of the mature crowns.

(d) Documents And Written Information In Addition To Plans - In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested at the discretion of the Planning Commission:

(1) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

(2) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.

(3) Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.

(4) Bonds, letters of credit, or other surety devices.

(5) Time schedules for the completion of phases in staged development.

(6) The environmental impact assessment of the development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

(7) A fiscal impact analysis of the development on the Village and other governmental units (e.g., schools, public safety, roads, etc.).

(8) A traffic impact analysis of the proposed development on the Village and other governmental units.

(9) Calculations for drainage and stormwater design detention/retention.

(e) Number Of Copies Of Plans And Documents - With respect to all plans and other documents required by this Chapter, the developer shall submit the number of copies that the Zoning Administrator deems necessary to expedite the review process and to provide necessary permanent records.

SECTION 15.06. REVIEW BY PLANNING COMMISSION. The Village Planning Commission shall review the site plan to determine compliance with the provisions, spirit, and intent of this Ordinance. The Planning Commission shall respond to the site plan within sixty (60) days of receiving all requested information and a recommendation by the Zoning Administrator and/or planning consultant, and if denied, shall cite reasons for denial. If approved, a Certificate of Zoning Compliance shall be issued to the applicant by the Zoning Administrator.

SECTION 15.07. CRITERIA FOR SITE PLAN APPROVAL. The Planning Commission shall use the following criteria in evaluating a site plan submittal:

(a) Whether the required information has been furnished in complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.

(b) Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures.

(c) The extent to which natural features and characteristics of the land will be preserved; the regard given to existing trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems; the dedication and/or provision, where appropriate, of scenic easements and natural buffering; and other techniques for preservation and enhancement of the physical environment.

SECTION 15.08. MODIFICATION OF APPROVED SITE DEVELOPMENT PLAN. Once site plan approval has been granted by the Planning Commission, major changes, as defined in Section 14.04, to the approved site plan shall require a resubmission and payment of fee.

SECTION 15.09. POSTING OF FINANCIAL GUARANTEE. The Planning Commission may require an irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the

project. Such performance guarantee shall be deposited with the Clerk of the Village at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved site plan. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the Village to complete the required improvements and to enforce the Zoning Ordinance; and the balance, if any, shall be returned to the applicant.

SECTION 15.10. CONDITIONS.

(a) Reasonable conditions may be required with the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the Zoning ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

CHAPTER 16

NON CONFORMING USES AND LOTS

SECTION 16.01 CONTINUANCE OF NON-CONFORMING USE OR STRUCTURE. The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued in the following manner, even though such use or structure does not conform with the provisions of this Ordinance:

(a) Where a nonfarm structure or use of land is non-conforming because the use is not permitted in the district, such structure or land usage shall not be enlarged or further increased. However, if upon application to the Board of Appeals it shall find upon reasonable evidence that:

(1) there will be no danger to the safety, health, or welfare of the residents of the vicinity;

(2) it will be done in such a manner as to safeguard the character of the zone;

(3) there are no other non-conforming structures within one hundred fifty (150) feet of the proposed extension of the non-conforming structure (measuring from building line to building line); or in the case of a proposed extension of a non-conforming use, in land area the proposed extension must be two hundred (200) feet from any conforming structure (measuring from the building line of the conforming structure to the nearest point of the area which will compose the extended portion of the non-conforming use); and

(4) there is a reasonable need for the extension of a non-conforming use; then the Board of Appeals may allow an extension of fifty percent (50%) from the original existing floor space or existing land area comprised of the non-conforming use, or structure, or both.

(b) The Board of Appeals shall have no power to extend a non-conforming use or non-conforming structure more than fifty percent (50%) of the original non-conforming use or structure. For the purpose of this subsection, "original" shall mean the existing floor space or existing land area at the time of initial application to the Board of Appeals as allowed hereunder. This section shall only apply to legal pre existing, non-conforming structures or uses. The applicant shall further submit to the Board of Appeals a site development plan, at a scale of no less than 1" = 100', indicating:

(1) the structure and/or property in question in relation to other properties within two hundred (200) feet;

(2) a property description; and

(3) the present dimensions of the property and/or structure and the dimensions of the property and/or structure after the proposed extension.

(c) Structures which are permitted uses in the District but do not conform to height, yard, parking or lot area provisions may be extended, altered or modernized provided that no additional encroachment of the provisions of this Ordinance is occasioned thereby.

SECTION 16.02 UNLAWFUL USE NOT AUTHORIZED. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

SECTION 16.03 CHANGE OF USE. The use of a non-conforming building may be changed to another non-conforming use if the Board of Appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming use.

SECTION 16.04 RESTORATION AND REPAIR. Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made. If a non-conforming building or structure is damaged or destroyed to the extent of sixty percent (60%) of its real value by fire, flood, wind or other calamity, its reconstruction and subsequent use shall be in accordance with this Ordinance. A non-conforming building damaged to a lesser extent may be restored to its size at the time prior to such damage and its use resumed. Any such restoration must be started within a period of one year of the time of such damage and diligently prosecuted to completion.

SECTION 16.05 NON-CONFORMING DUE TO RECLASSIFICATION. The foregoing provisions of this Chapter shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

SECTION 16.06 NON-CONFORMING USES DISCONTINUED. No building or premises which is a non-conforming use within its district which is unoccupied or unused for more than twelve (12) months shall thereafter be devoted only to a conforming use except as provided in Section 16.03

SECTION 16.07 PLANS ALREADY FILED. Where plans for a building have been filed which would conform with the zoning regulations then effective but not with subsequently enacted regulations, and where a building permit for a building conforming to the Zoning Ordinance at time of issuance has been issued, such building bay be erected, provided construction is begun within three months of such issuance and diligently pursued to completion.

CHAPTER 17

ZONING BOARD OF APPEALS

SECTION 17.01 MEMBERS, APPOINTMENT, TENURE, PER DIEM EXPENSES AND REMOVAL. There is hereby created and continued a Zoning Board of Appeals of five (5) members. The first member of such Zoning Board of Appeals shall be a member of the Planning Commission. The second member may be a member of the Village Council. The remaining members of the Board shall be appointed by the Village Council from among the electors residing in the Village, provided that no elected officer of the Village nor any employee of the Village Council may serve simultaneously as a member, or as an employee of the Village Zoning Board of Appeals except as specified herein. The Zoning Board of Appeals may appoint an employee of the Village Council to act as Recording Secretary of the Board. The members appointed from among the electors of the Village shall each serve a term of three years staggered in such a way that the term of at least one member expires each year. The total amount allowed such Zoning Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall be a reasonable sum which shall be established by the Village Council. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

SECTION 17.02 OFFICERS. The Board shall elect from its membership a Chairperson, Vice Chairperson and Executive Secretary.

SECTION 17.03 RULES OF PROCEDURE. The Board shall adopt rules of procedure. These rules shall be available for public inspection at the office of the Village Clerk.

(a) Meetings of the Board shall be held at such times as the Board may determine. There shall be a fixed place of meeting and all hearings shall be open to the public.

(b) The presence of three members shall constitute a quorum. The Board shall act by resolution. The concurring vote of three members of said Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variations from the requirements of the Ordinance.

(c) The Board shall keep minutes of its proceedings, showing the action of the Board, the reasons on which it bases its action, and the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official action, all of which shall be filed promptly in the office of the Board and shall be a public record.

(d) A copy of each resolution passed upon by the said Zoning Board of Appeals shall be submitted to the clerk of the Village and to the Secretary of the Planning Commission.

SECTION 17.04 JURISDICTION. The Zoning Board of Appeals, in conjunction with the provisions of this Ordinance, shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of zoning maps. The Board shall hear and decide all appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other administrative officers charged with the enforcement of the provisions of this Ordinance. The Zoning Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

SECTION 17.05 POWERS OF THE BOARD. The Board shall have the power to hear applications:

(a) Where it is alleged that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or any other administrative board or official charged with the enforcement of the provisions of this Ordinance.

(b) Where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or non-dimensional characteristics, extraordinary conditions of land, buildings or structures, or of the development of property immediately adjacent to the property in question, there are practical difficulties or would be unnecessary hardship in carrying out the literal enforcement of the requirements of this Ordinance.

SECTION 17.06 VARIANCES. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board makes findings, based upon competent, material and substantial evidence on the whole record, as follows:

(a) The literal enforcement of the requirements of this Ordinance would involve practical difficulties or cause unnecessary hardship;

(b) That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;

(c) That literal interpretation of the provisions of this ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

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

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

No nonconforming use of neighboring lands, structures or buildings shall in itself be considered grounds for the issuance of a variance.

SECTION 17.07 CONDITIONS OF APPROVAL. In authorizing a variance or exception, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

SECTION 17.08 TIME LIMITATIONS ON VARIANCES. Any variance granted by the Board shall automatically become null and void after a period of twelve (12) months from the date granted unless the owner or his agent shall have taken substantial steps, as determined by the Board, in implementing the variances granted by the Board, provided that the owner, upon application filed prior to the expiration of the variance, may obtain an extension to implement the variances for an additional period of twelve (12) months upon showing that the expiration of the variance will cause an undue hardship to the owner.

SECTION 17.09 PROCEDURE. The following procedure shall be required:

(a) An appeal from any ruling of the Zoning Administrator or other administrative officer administering any portion of this Ordinance may be taken by any person or any governmental department affected or aggrieved thereby.

(b) Fees. Each application for variance shall be accompanied by a filing fee then in effect as established by Village resolution, provided that if the applicant requests that a special meeting of the Zoning Board of Appeals be called for the purpose of hearing the variance request, the filing fee shall be double the amount specified therefor.

(c) When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served.

(1) Notices shall be served either personally or by mail to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. If the name of the occupant is not known the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or special area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or special area shall receive notice. In case of a single structure containing more than four (4) dwelling units or other distinct special areas owned or leased by different individuals, the partnerships, businesses or

organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(2) Notices shall be served at least five (5) days before the hearing. The secretary of the Board shall file an affidavit of service by mail or personal service with the Board prior to the hearing. Each party may appear at the hearing in person or by agent and/or attorney.

SECTION 17.10 DECISIONS OF THE BOARD. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination and to that end, shall have all the powers of the office or body from whom the appeal was taken and may issue or direct the issuance of a permit. A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator within forty-eight (48) hours of such a decision. Such decision shall be binding upon the Zoning Administrator and observed by him/her, and he/she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five days from the date such decision unless immediate effect is necessary for the preservation of property or personal rights, in which case , the Board shall so certify on the record.

SECTION 17.11 STAY OF PROCEEDINGS. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with him/her, that by reason of fact stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Zoning Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

CHAPTER 18

AMENDMENTS AND ADOPTION

18.01 AMENDMENT PROCEDURE. The Planning Commission may initiate, or any interested person or public body may make written request to the Planning Commission to initiate a zoning map change or amendment to this Zoning Ordinance. If such request shows just cause, or if the applicant specifically requests, the following procedure shall be followed:

(a) The applicant shall submit a formal application to the Village Clerk, together with a fee as determined by the Village Council.

(b) The Planning Commission shall authorize the preparation of the proposed amendment to be considered.

(c) The Planning Commission shall set a time and place for a public hearing and provide for the legal publishing and proper posting of notices of such hearing, time and date in a newspaper of general circulation in the Village, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of hearing. Such notices shall include the places and times at which the tentative text or map change may be examined.

(d) At said hearing, the Planning Commission shall establish that the applicant has paid to the Village the fee established by the Village Council and that proper notices have been made.

(e) The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such.

(f) If the Planning Commission votes to approve such amendment without change, it shall forward the amendment to the Village Council with recommendation for approval or denial accompanied by a summary of the comments made at the public hearing.

(g) Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The changed text shall be forwarded as above without further hearing.

(h) If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.

(i) The Planning Commission shall forward the amendment and its recommendation for approval or denial of the amendment to the Village Council.

(j) Following said hearing, the Village Council may adopt or deny said amendment with a concurring vote of a majority of its members, with or without any amendments that have been previously considered at a public hearing.

(k) If the Village Council considers amendment changes, additions or departures advisable to the proposed text or Zoning Ordinance, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Village Council. After review of such report, the Village Council may then proceed to consider the adoption of any such amendment.

CHAPTER 19

VIOLATIONS, PENALTIES, AND ENFORCEMENT

SECTION 19.01 VIOLATIONS, PENALTIES, AND ENFORCEMENT.

(a) Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this Article are hereby declared to be a nuisance pre se. The Court shall order such nuisance abated, and the owner and/or agent in charge of the building or land shall be adjudged guilty of maintaining a nuisance per se.

(b) Any building erected, altered, razed or converted, or uses carried on which do not conform with the Site Plan as approved by the Planning Commission are further hereby declared to be a nuisance per se. Further, failure on the part of the owner of said premises or the lessee or tenant thereof, to comply with the conditions for Site Plan approval recited in said Site Plan approval shall constitute said buildings erected, altered, razed or converted, and or the uses carried on to be a nuisance per se, and shall subject the owner, lessee or tenant to the penalties hereinafter provided.

(c) Any owner, tenant, lessee, builder or contractor who commences construction of a building without first obtaining a zoning permit from the Zoning Administrator, shall be in violation of this Ordinance and subject to the penalties hereinafter provided.

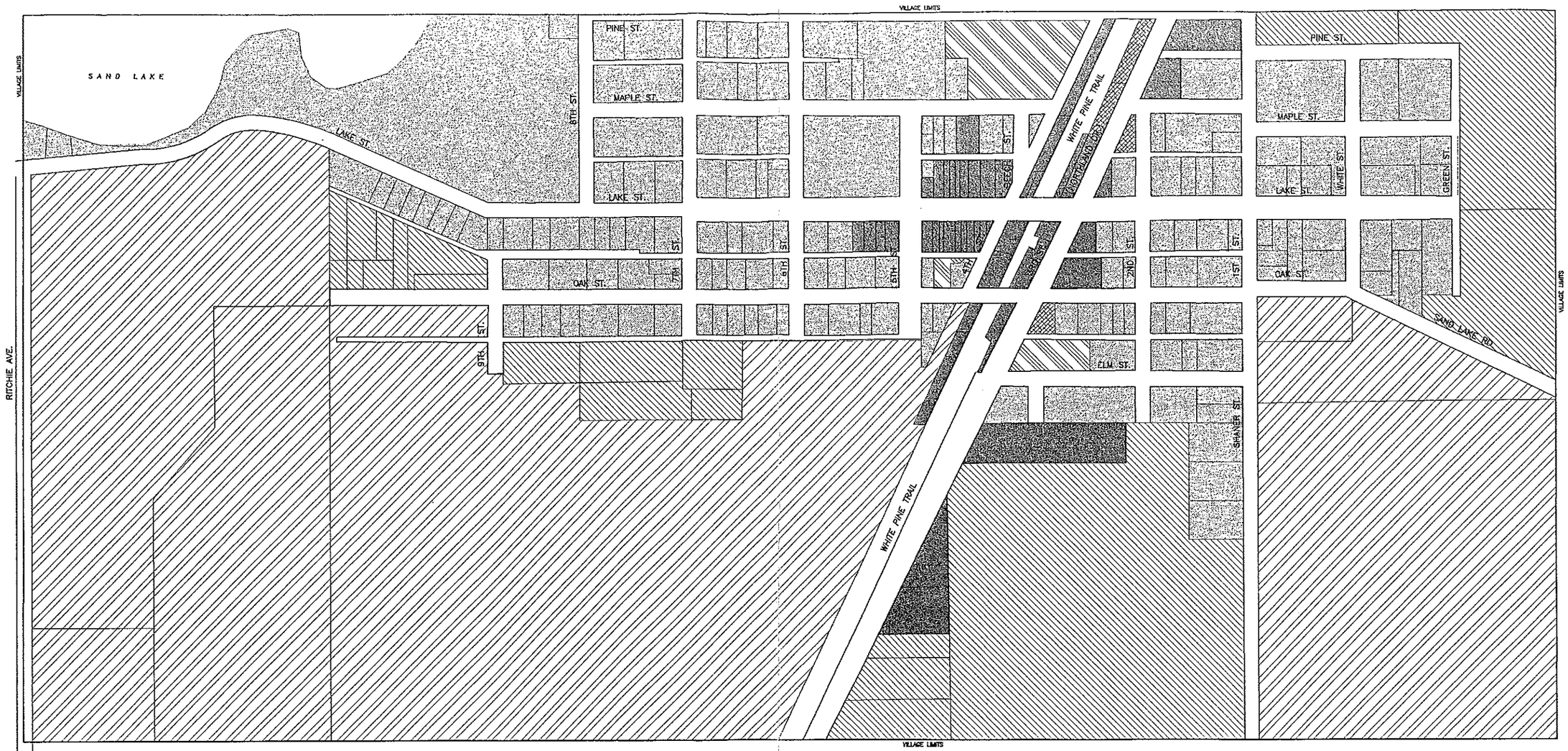
(d) For any and every violation of the provisions of this Article, the owner, agent, architect, builder, lessee, or tenant of the land or building or part thereof where violation has been committed or exists shall be guilty of a misdemeanor and the owner, agent, architect, builder or any person who commits, takes part, or assists in such violation exists, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not more than $??? (to be determined) for each offense, or shall be punished by imprisonment in jail for a period not to exceed ninety (90) days, or both; such fine and imprisonment at the discretion of the court. In case the owner, lessee, or tenant is an unincorporated association or a non-profit membership corporation, every member of such association or corporation shall be deemed guilty of a misdemeanor as herein provided and subject to the penalties herein specified. Each day that a violation is permitted to exist shall constitute a separate offense.

(e) The Village or any interested party may apply to any court of competent jurisdiction to restrain any person, firm or corporation from such disobedience or threatened violation, notwithstanding such disobedience or violation may be punishable by a fine or imprisonment as provided herein.

SECTION 19.02 ADMINISTRATIVE OFFICER.

(a) To administer and enforce regulations and restrictions hereafter set forth, there is hereby established the office of Zoning Administrator to be filled by an appointee of the Village President subject to approval by the Village Council.

(b) The Zoning Administrator may delegate clerical, filing, and recording work to the clerical employees of the Village. The Zoning Administrator shall be responsible for the enforcement of all the provisions of this Article, and he and his authorized assistants, where properly identified, shall have the authority to enter any premises, at any reasonable time, for the purpose of investigating or inspecting any building conditions. It shall be the duty of the Zoning Administrator to receive and examine all applications for permits required by this Article and to approve or reject such application. He shall collect and record all special fees established hereby and turn them in daily to the Village Treasurer. He shall make such inspections as are necessary and he shall have authority to revoke a permit as hereinafter provided.



ZONING DISTRICTS

R-1	SINGLE FAMILY RESIDENTIAL
R-2	SINGLE FAMILY RESIDENTIAL
R-3	SINGLE FAMILY RESIDENTIAL
MFR	MULTI-FAMILY RESIDENTIAL
M-H	MOBILE HOME PARK
B-1	BUSINESS DISTRICT
I	INDUSTRIAL DISTRICT
PUD	PLANNED UNIT DEVELOPMENT (PUD)

ZONING MAP

APRIL, 1998

VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN

ZONING INFORMATION BY:
WILLIAMS & WORKS
549 Ottawa Avenue, N.W.
Grand Rapids, MI 49503
Tel. (616)224-1500 Fax (616)224-1501

BASE MAP PROVIDED BY OMM ENGINEERING, INC. & EARTH TECH