Bear Lake Village Zoning Ordinance

Adopted July 17th, 2019

Effective July 30th, 2019

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Article 1
Title, Purposes and Legal Clauses

101) Short Title
This Ordinance shall be known and may be cited as the Village of Bear Lake Zoning Ordinance.

102) Purposes
The purposes of this Ordinance are:

A. To promote the public health, safety and general welfare.
B. To encourage the use of lands in accordance with their character and capabilities and to limit the improper use of the land.
C. To conserve natural resources and energy.
D. To meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land.
E. To ensure that uses of land shall be situated in appropriate locations and relationships.
F. To avoid overcrowding of population.
G. To provide adequate light and air.
H. To lessen congestion on the public roads and streets.
I. To reduce hazards to life and property.
J. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
K. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and property.
L. To reasonably consider the character of each Land Use District, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.
M. To prevent economic and ecological damages due to unwise development within environmentally sensitive areas and to prevent the degradation of the shorelands.
N. To prevent unwise patterns of development.
O. To assure proper reclamation of mining sites and facilities relating to the production, processing and storage of oil and gas.
P. To create Zoning Districts which conform to the policies established in the Land Use Section of the Village of Bear Lake Master Plan.

103) Legal Basis
This Ordinance is adopted under the authority granted to the Village by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

104) Effective Date
Public hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect upon passage by the Village Council pursuant to the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006 as amended.

Public Hearing: June 25th, 2019

Village Planning Commission recommendation for approval: June 25th, 2019

Village Council Adoption: July 17th, 2019

Effective Date: July 30th, 2019

_____ _____

Barb Farfsing, Planning Chairperson Marla Evans, Village President

_____

Cindi McPherson, Village Clerk

105) Scope
No building or structure or part thereof, shall hereafter be erected, constructed, reconstructed or altered and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of this Ordinance. Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted.

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

107) Conflict with Other Laws.
It is not intended by this Ordinance to repeal, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Section 9806 of this Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

Provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Article 5
Interpretations and Definitions

501) Interpretations
The following rules of construction apply to the text of this Ordinance:

A. The particular shall control the general.
B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, (and the plural number shall include the singular) unless the context clearly indicates the contrary.
E. A "building" or "structure" includes any part thereof.
F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, including units of government and agencies and departments thereof, unless otherwise exempted by law.
H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

    a. “And" indicates that all the connected items, conditions, provisions, or events shall apply.
    b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

I. The terms “his” and “her” shall be used interchangeably and shall be considered to have the same meaning.
J. The word “lot” includes the word “plot,” “tract” or “parcel.”
K. The words “this Ordinance” means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.
L. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
M. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

502) Definitions
<u>Abutting (lot or parcel):</u> A lot or parcel, which shares a common property line with the subject lot or parcel.

<u>Accessory Building:</u> A supplementary building on the same lot or parcel of land as the main (principal) building or buildings or part of the main building, the use of which is incidental or

secondary to that of the main building or structure, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings, except as otherwise specifically allowed by this Ordinance. Accessory Buildings include, but are not limited to garages, boathouses, storage sheds and pole barns.

Accessory Structure: A supplementary structure on the same lot or parcel of land as the main (principal) building or buildings or part of the main building, the use of which is incidental or secondary to that of the main building. Accessory structures include, but are not limited to play-ground equipment, sports courts, children's playhouses, doghouses or similar pet accommodations, fallout shelters, swimming pools, gazebos, barbecue pits and stoves, satellite receiving dishes, television and radio antennas and towers, parking lots, loading docks, signs and fences. Under no circumstances shall a septic system and tile field be considered an accessory structure.

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces) located on the same zoning lot as the principal use to which it is related.

Acreage: Any tract or parcel of land, which has not been subdivided or plotted.

Addition: An extension or increase in floor area or height of a building or structure.

Adult: A person having arrived at the legal age of adulthood defined by the laws of the state of Michigan.

Adult Entertainment Uses: Any use of land, whether vacant or combined with structures or vehicles thereon which is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."

Adult Foster Care Facility: A governmental or non-governmental establishment that provides foster care to more than six (6) adults. This includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. “Adult Foster Care Facility” does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility.

Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Agricultural Equipment Sales and Service: An establishment for the repair or sale of equipment or machinery directly associated with the operation of a farm.

Agricultural Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, including, but not limited to, marketing of produce at roadside stands or farm markets; related noise, odors, dust and fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical

fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Agricultural Storage Facility: A building or structure or part of a building or structure used for the storage of agricultural products to be later sold or distributed for use by other than the person producing the products. This definition shall include commercial grain elevator facilities but shall not include on-site storage facilities for individual farming operations.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; any change in the dimensions or configuration of the roof, exterior walls or foundation, or any change which may be referred to herein as altered or reconstructed.

Animals, Exotic: For the purposes of this Ordinance, exotic animals shall be considered to be all animals except those described herein as household pets or livestock.

Animals, Farm: See Livestock

Animals, Household Pet: An animal kept at home for companionship, interest or amusement. This definition includes domesticated dogs, cats, birds, rabbits, ferrets, guinea pigs, hamsters and reptiles in numbers less than that used in defining a kennel or boarding operation

Apartment: See Dwelling Unit.

Apartment House: See Dwelling, Multiple-family.

Auction Sales Establishment: A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

Automobile Sales, Storage: See Vehicle Sales, Storage

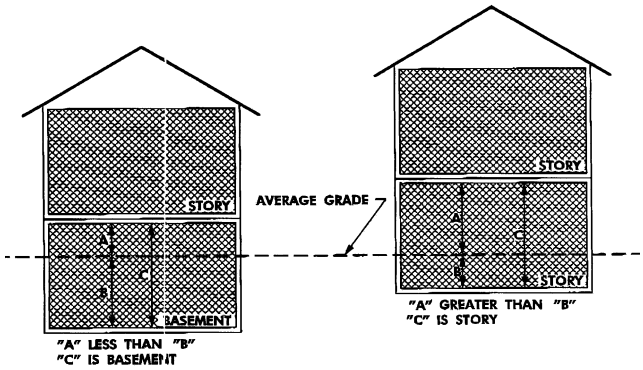
Automobile Filling Station: See Vehicle Filling Station

Automobile Filling Station, Accessory Retail Use: See Vehicle Filling Station

Automobile Service and Repair Facility: See Vehicle Service and Repair

Basement: That portion of a building which is partly or wholly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the average grade to the ceiling is six and one-half (6.5') feet or more, such basement shall be considered as a story. Refer to illustration 1.

Illustration 1. Basement and Story.



Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom. Bedrooms shall meet all current Building code requirements.

Bed and Breakfast Lodgings: A structure which was constructed for, and is used as, a single-family residence and is occupied by the owner but which may be used as temporary lodging for travelers/guests. Bedrooms are rented on a nightly basis, with breakfast, as regulated and limited by the State, included in the price of the room subject to the limitations outlined in the Ordinance.

Berm: A mound of earth, a minimum of eighteen (18") inches in height, graded, shaped and improved with sod or landscaping to provide a visual and/or noise screen and a transition between differing uses.

Block: The platted lots or property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Village.

Bluffline: The line which is the edge or crest of the elevated segment of the shoreline above Bear Lake, which normally has a precipitous front inclining steeply (greater than 10 percent) on the lakeward side. Where there is no precipitous front indicating the bluffline, the line of permanent tree growth or the location of the bluffline on adjacent properties may be considered as indications of the location of the bluffline.

Boathouse: Any structure or building designed or used for the temporary or permanent storage of a boat for private use and located on the water's edge. A boathouse shall not exceed 18 feet in height from average grade to its peak. (See Grade)

Board: The Bear Lake Village Council.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods

of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Buffer Zone: A strip of land of definite width and location reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties of differing land use, intensity or density.

Buffer Zone (Shoreline): A strip of land of definite width and location reserved for plant material that is meant to protect/conserve shoreline and promote water quality.

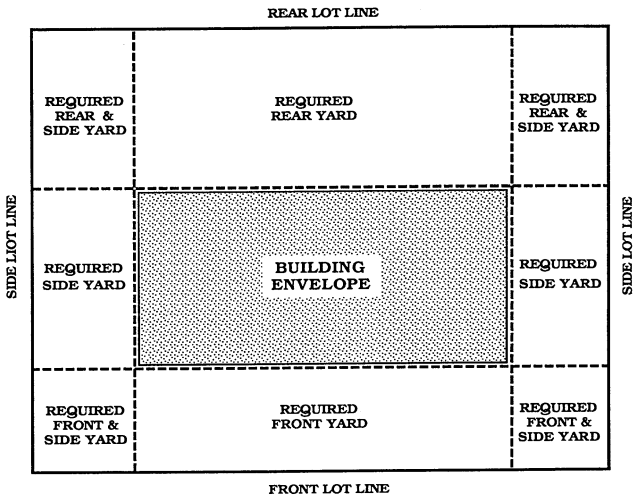
Buildable Area: See Building Envelope.

Building: Any structure, either temporary or permanent, above or below ground, which is used for the purpose of, or capable of supporting, housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to: patios, decks, fences, sheds, garages, greenhouses situated on private property and used for the purposes of a building, and other principal or accessory structures. This shall not include buildings of less than six (6) square feet, such as a doghouse.

Building Contractor's Yard: An establishment for the storing of tools and materials used in the construction trades.

Building Envelope: The space remaining after compliance with the minimum required setbacks and the minimum open space requirements of this Ordinance. Refer to Illustration 2.

Illustration 2. Building Envelope.



Building Front: The side of a principal building which fronts and accesses a public or private road from which the address is determined.

Building Height: The vertical distance measured from the finished grade at the front of the building to the highest point of the roof (excluding chimneys and other structures defined in

Section 108.B.a of this Ordinance). Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the front building wall.

Building Line: A line established, in general, parallel to the front street right-of-way line at the minimum front yard setback distance. For the purposes of this Ordinance, a minimum building line shall be the same as a front setback line.

Building Materials: means lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

Building Permit: An authorization issued by the State of Michigan to move, erect or alter a structure within the Village.

Building Site: A lot, parcel of land, or combination or portion of the two, which is used for the construction of a single principal structure.

Building (Site Built): A structure which is constructed on-site or is largely assembled on site. This doesn't include any type of travel trailer, or similar constructed mobile homes which arrive to a site on a chassis, but does include modular structures which can be assembled on-site.

Cabin: Any building, tent or similar structure which is maintained, offered, or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, motels, lodging houses or tourist homes.

Cabin Court or Cabin Park: Any tract or parcel of land on which two or more cabins as herein defined, are maintained, offered or used for dwelling or sleeping quarters, for transients.

Campground: A parcel or tract of land under the control of a person on which sites are offered for use by the public or members of an organization either free of charge or for a fee, for the establishment of five or more temporary living quarters or temporary dwellings used for recreational purposes.

Caretaker: Any person who is responsible for the safekeeping of a property. This may be the owner, manager, or any person designated by the owner, manager or court.

Carport: A partially open structure, intended to shelter one or more vehicles.

Car wash: Any building or premises or portions thereof regularly used for washing vehicles.

Cellar: A cellar is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than six and one-half (6.5') feet.

Cemetery: Property, including crematories, mausoleums, and/or columbarium, used or intended to be used solely for the perpetual interment of deceased human beings or their cremated remains.

Cemetery, Pet: Property, including crematories, mausoleums, and/or columbarium, used or intended to be used solely for the perpetual interment of deceased household animals or their cremated remains.

Central Production Facility: One or a series of tanks, heater treaters, and/or other equipment of whatever type used or designed for processing or treating the natural hydrocarbon products extracted from an oil or gas well, or the later products thereof but which does not involve the removal of sulfur or other impurities from natural gas unless the operation is designed to remove small quantities of sulfur by use of a sponge scrubber or similar type equipment. A central production facility shall not include a facility which is both located at a wellhead and designed to service only that oil or gas well.

Certificate of Occupancy: A document issued by the State of Michigan allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable codes and ordinances.

Change of Use: Any use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Child Care Center: See Day Care Center.

Churches, Synagogues, Temples and other places of worship: A building primarily designed and constructed for organized religious services, maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily associated with such primary purpose.

Clinic: An establishment where human patients are admitted for examinations and treatment on an outpatient basis by one or more physicians, dentists other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

Clinic, Veterinary: An establishment where non-human animal patients are admitted for examinations and treatment on an outpatient basis by one or more veterinarians and where patients may or may not be usually lodged overnight.

Club: See Recreation Facility, Private

Commission: The Village of Bear Lake Planning Commission.

Common Elements**:** Portions of a condominium project other than condominium units, as described in the condominium master deed as required by State law.

Common Open Space: Land within or related to a development, not individually owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests, including such improvements as necessary.

Communication Tower: See Wireless Communication Support Facility (WCSF).

Composting Facilities: A facility dealing with the controlled process of degrading organic matter.

Comprehensive Plan: The statement of policy by the Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions, and includes any unit or part of such plan, and any amendment of such plan or parts thereof. (Also referred to as Master Plan.)

Condominium Documents: All those documents required by the Michigan Condominium Act and its amendments to be recorded with a county register of deeds.

Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Michigan Condominium Act, PA 59 of 1978, MCL 559.101 et seq.

Condominium Subdivision**:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, 1996 PA 591, also known as a site condominium.

Condominium Subdivision Plan: The drawings and information required by the Michigan Condominium Act and its amendments to be recorded with a county register of deeds. For the purpose of this Ordinance, a condominium subdivision plan shall be equivalent to the term "condominium documents" as applied to a condominium subdivision.

Condominium Unit: That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Congregate Care Facility: See Housing for the Elderly.

Convalescent Homes: A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing center provides.

Corral: A pen or enclosure for confining animals or livestock, but not a grazing area.

Cul-de-sac Street: A street terminated on one end with a turning radius.

Dangerous Building: means a building or structure that has one or more of the following defects or has one or more of the following conditions:

A. A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code, or the property is otherwise a fire hazard in a manner dangerous to the safety of persons or property;

B. A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of MCL 125-523, et seq, or the applicable building code for a new building or structure, purpose, or location;
C. A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property;
D. A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction of MCL 125-523, et seq, or the applicable building code;
E. The building or structure, or a part thereof, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way;
F. The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used;
G. The building or structure is hazardous to the safety, health, or general welfare of the people of the Village because of dilapidation; decay; damage, by fire, wind, flood, or otherwise; faulty construction; abandonment; inadequate maintenance. This includes a building or structure which: is unsanitary or unfit for its intended use or for human use or is an attractive nuisance to children; becomes a harbor for vagrants, criminals, or immoral persons; enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act; or is open at the doors and windows such that the interior of the building is exposed to the elements or entrance by trespassers.
H. The building or structure that has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
I. A building or structure, or part thereof, which is likely to partially or entirely collapse, or some part of the foundation or underpinning is likely to fall or give way so as to injure persons or damage property;
J. The building or structure has become damaged or dilapidated to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds 50 percent of the assessed valuation of the structure or property, at the time when repairs are to be made;
K. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, environmental factors, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling;
L. The building or structure has had the utilities, plumbing, heating, or sewerage disconnected, destroyed, removed, or rendered ineffective for a period of 1 year or more so that the property is unfit for its intended use; or
M. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a licensed real estate broker

or otherwise listed as 'for sale by owner'; unless 30 days of the building becoming unoccupied, or the effective date of this ordinance, whichever is later, the owner or the owner's agent notifies the County Sheriff and the Enforcement Officer in writing that the building or structure will remain unoccupied for a period of 180 consecutive days AND the exterior of the building is otherwise maintained in compliance with this ordinance. The notice shall be renewed at least every 180 days in order to be effective. This subsection shall not apply to building or structure that is the secondary dwelling of the owner if the owner notifies the County police and the Enforcement Officer that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year.

Dangerous Building Hearing Officer or Hearing Officer: means a person appointed by and serving at the pleasure of the Village President. The Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the Village or a person whose advice is sought by the Enforcement Officer, shall not be appointed as the Hearing Officer.

Day Care Center: A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Such a facility is also referred to as a day nursery, nursery school, child care center, parent cooperative preschool, playgroup, or drop-in center. A day care center does not include any of the following:

A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a calendar year.
B. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.
C. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
D. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Day Care, Family Home: A private home in which six (6) or fewer minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or

adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Deck: A structure abutting a dwelling with no solid roof or walls, which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads, unless otherwise specified in this ordinance.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Direct Access: Access not requiring trespass over adjacent property.

District: A portion of the Village within which certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. Also known as a zone or zoning district.

Drive-in Establishment: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a public or private street or alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance.

Dwelling: A building or a portion thereof which is occupied as the home, residence or sleeping place of one or more human beings, either permanently or as transients. In no case shall a travel trailer, recreational vehicle, vehicle chassis or tent be considered a dwelling. In the case where a building is occupied in part as a dwelling unit, the part so occupied shall comply with the provisions relative to dwellings.

A. Dwelling, Attached: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.
B. Dwelling, Detached**:** A dwelling which is not attached to any other dwelling by any means.
C. Dwelling, Multiple-Family: A building containing three (3) or more dwelling units designed for residential use where each unit may have access to common hallways, stairs, and elevators,

or in a low-rise building, where each unit may have individual access to a street or common courtyard.

D. Dwelling, Single-Family: A building designed, arranged or occupied as a dwelling unit for one family only.
E. Dwelling, Semi-Detached: A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other.
F. Dwelling, Townhouse: A one-family dwelling in a row of two (2) but no more than four (4) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.
G. Dwelling, Two-Family: A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. (Also known as the term "duplex".)

Dwelling Unit: A room or rooms within a dwelling connected together, constituting separate independent living quarters for one household, physically separated from any other rooms or dwelling units and containing permanent provisions for its own independent bathroom, sleeping and kitchen facilities.

A. Dwelling Unit, Efficiency: A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.
B. Dwelling Unit, Manufactured: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located. Refer to definitions of Manufactured Home and Mobile Home.
C. Dwelling Unit, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Easement: A grant by one person to another person or the public of rights to use or occupy property belonging to the person or the rights to use or occupy property reserved by a person in a conveyance of the property to another person.

Enforcement Officer: means the Village or such other officials or agencies designated by the Village or otherwise empowered under law or this ordinance to enforce the provisions of this ordinance. Such persons are authorized to seek advice from a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. *(See also Zoning Administrator)*

Environmental Impact Statement: Statement and/or drawings and studies detailing the change to a parcel of land or its environment by a particular use of that land.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Erosion Control Device: Any structural or physical method used to control shoreland erosion processes. Erosion control devises include, but are not limited to, structures such as groines, seawalls, revetments or beachwalls and may include any type of beach nourishment by filing approved by the DEQ and the Zoning Administrator.

Essential Services: The erection, construction, alteration, or maintenance by public utilities, private companies or municipal departments of underground, surface or overhead gas, communication, cable, internet, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities, companies or municipal departments for the general public health, safety, convenience, or welfare, but **not** including towers, office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. (Refer to Public Utility Facilities.) Nothing in this Ordinance shall relieve the provider of essential services that are located in a public street or highway in the Village from the obligation for obtaining a franchise from the Village.

Establishment: Any business or enterprise, which utilizes any building, structure, premises, parcel, place, or area.

Existing Building: A building existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance or any subsequent amendment hereto.

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and having an intentionally structured relationship providing organization and stability, distinguished from a group occupying a boarding house, lodging house, dormitory, club, fraternity/sorority or hotel/motel.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which agricultural operations are carried on directly by the owner operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including cultivating of soil; growing and harvesting of any agriculture, horticulture or floriculture commodity; dairying; raising of livestock, bees, fish, fur-bearing animals or poultry; turf and tree farming; and performing any practices on a farm as an incident to, or in conjunction with these farming operations. Commercial storage, processing, distribution, marketing, or shipping operations shall not be considered part of the farming operation. No agricultural operation shall be operated for the disposal of garbage, sewage, rubbish, offal or

rendering plants, or for the slaughtering of animals except such animals as have been maintained on the premises thereto for the use and consumption by persons residing on the premises.

Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or erected on a farm which is essential to and customarily used on farms of that type for the pursuit of their agricultural operations.

Farm Market: A temporary or permanent structure for the display and sale of farm products for a period of time exceeding 10 days per month for a period exceeding three (3) months.

Farm Operation: See Agricultural Operation.

Farm Product: Those plants, products or animals useful to human beings including, but not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar products, or any other product which incorporates the above.

Fence: A structure made of wood, posts, and/or wire, erected to enclose parcel/lot or to provide privacy.

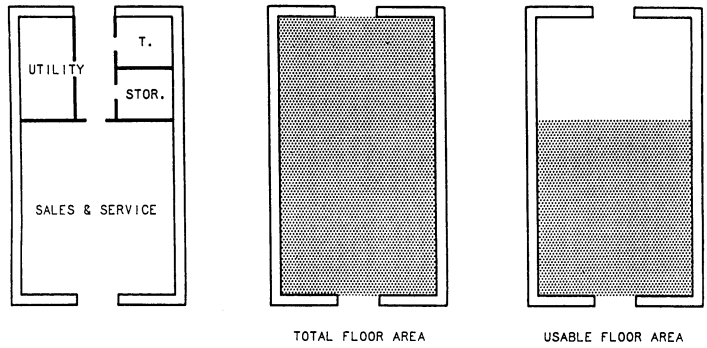
Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening.

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

Floor Area, Gross: Area measured to the exterior face of exterior walls and to the centerline of interior partitions; plus, similarly measured, that area of all other stories having more than six and one-half (6.5') feet of headroom which may be made usable for human habitation; but excluding the floor area of cellars, attics, garages, breezeways, porches and accessory buildings.

Floor Area, Usable: For the purpose of computing parking, that area used for, or intended to be used for, the sale of merchandise or services, or to serve patrons, clients, or customers. For the

Illustration 3. Usable Floor Area.



purposes of computing parking need, accessory floor area which is used, or intended to be used,

principally for the storage or processing of merchandise, hallways, utility, and sanitary facilities, dance floors, stages, or other areas that do not generate any additional parking demand beyond that required for the primary use shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Refer to illustration 3.

Footing: That portion of the foundation of a structure, which spreads and transmits loads directly to the soil or the pilings.

Forestry: The use of land for the management and harvesting of trees from their natural setting for purposes of producing lumber, pulp or firewood.

Front Building Face Area: The facade of the building facing the front line calculated as its width multiplied by the building height.

Frontage: See Lot Frontage.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Funneling: Funneling is defined as the use of a waterfront property, parcel or lot as common open space for waterfront access for a larger development located away from the waterfront. More particularly, funneling includes, but is not limited to, the use of a waterfront property, parcel or lot for waterfront access by the owners, lessees, or licensees (or by members of the family or occasional guests of any such persons) of any of the following types of property and who are not also the owners, lessees or licensees (or members of the family or occasional guests of any such persons) of the subject waterfront property, parcel or lot:

A. Waterfront property under a separate legal description on the County Tax Roll or property accrued under separate deed on file with the County Register of Deeds, as of the effective date of this ordinance.
B. Non-riparian property as of the effective date of this ordinance.
C. Properties separated from shoreline properties by a public road.

Garage, Private: Any building or part thereof, accessory or otherwise, for storage of motor vehicles, or trailer coaches, or recreational vehicles, where no servicing for a fee is conducted

Garage, Public/Commercial: Any building, other than a private garage, or garage operated by a municipality, used for storage, repair, greasing, washing, rental, sales, servicing, adjusting, or equipping of automobiles, cars, motor driven vehicles, trailers, trailer coaches, or recreational vehicles, for remuneration, hire, or sale or where any such vehicle or engine may be fueled, repaired, rebuilt, or reconstructed, and including undercoating, or over-all painting when conducted in an enclosed booth.

Garbage: means the accumulation of trash, refuse, or litter specifically including, but not limited to, containers once containing edible products, drinkable products or usable materials, as well as dead animals (or parts thereof) and discarded edible or drinkable items.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Governmental Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, Village, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the grade on each face of the building and then averaging the elevation of the grade so determined.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale. May include associated lands and vegetation grown thereon.

Highway: A roadway, street or thoroughfare, public or private, contained within the limits of a right-of-way dedicated or maintained for the operation of vehicular traffic.

Home and Garden Centers: See Landscaping/Home and Garden Center

Home for the Aged: See Housing for the Elderly.

Home Occupation: Any non-residential use conducted within an owner-occupied dwelling or accessory building and carried on only by the inhabitants thereof or by one additional person from outside the household and which use is clearly incidental and secondary to the use of the subject site as a single-family residence.

Household: All persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters, regardless of their relationship to one another.

Housing for the Elderly: A building or group of buildings containing dwellings where occupancy is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, nursing home, or convalescent home.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into land.

Incinerator: A device used to burn waste substances and in which all the combustion factors – temperature, retention time, turbulence, and combustion air – can be controlled.

Industrial Building: A building or structure housing a manufacturing, assembly, chemical, or processing operation or transportation facilities.

Institutional Building: A building occupied by a municipal or non-profit corporation and open to the public.

Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

Inn: A structure originally constructed for residential purposes and used as temporary lodging and meals for travelers/guests where bedrooms are rented on a nightly basis and managed either by an owner/occupant or resident manager subject to the limitations outlined in this Ordinance. Meals may or may not be included in the price of the room.

Junk: means unusable or otherwise dilapidated furniture, parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

Junk Vehicle: means a motor vehicle, boat, all-terrain vehicle, recreational vehicle, snowmobile, trailer, or wheeled vehicle which is designated to be self-propelled, which is partially or totally dismantled or inoperable due to any other cause, including without limit disrepair, accident, or lack of licensing.

Junk Yard or Salvage Yard: Includes vehicle wrecking yards and any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of motorized vehicles, or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel, Private: Any lot or premises on which more than two (2) dogs or cats or more household pets, six (6) months old or over, that are owned by the resident, are kept.

Kennel, Commercial or Boarding: Any lot or premises on which three (3) or more dogs and/or cats or other household pets, six (6) months old or over, are kept either temporarily or permanently for sale, boarding, breeding, training, competition, or showing.

Landfill: Any premises used primarily for disposal of solid waste and that is licensed as such by the State of Michigan.

Landscaped: (1) An expanse of natural scenery; (2) Lawns, trees, plants, including existing vegetation, and other natural materials such as rocks and wood chips.

Landscaping/Home and Garden Center: A commercial sales establishment selling landscaping materials, home improvement materials and tools and related accessories.

Land Use Permit: A standard form issued by the Village of Bear Lake Zoning Administrator or their agent upon application by an owner or his agent, for the proposed construction of a building or structure and/or the use of land in compliance with the provisions of this Ordinance.

Library: An establishment which lends reading material, music, video, and related products to the public and which may also provide related services and part-time social activities.

Limited Common Elements: Portions of the common elements reserved in the condominium master deed for the exclusive use of less than all of the co-owners.

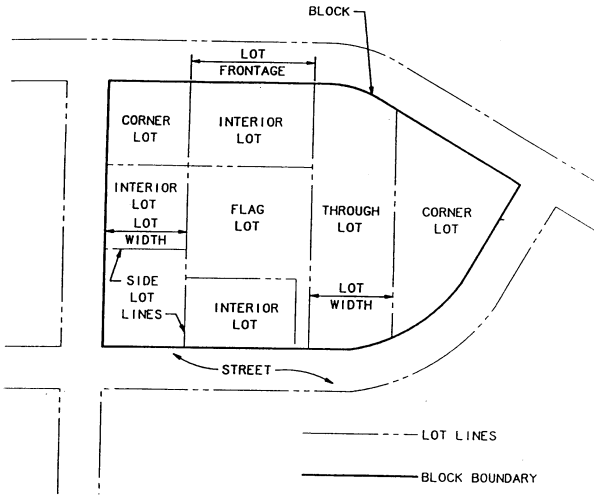
Livestock: Domesticated animals, such as cattle, horses, sheep, hogs, chickens, geese, or goats raised and/or boarded for home use or for profit.

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

Lot: Land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be included in a plat filed under the Land Division Act or its predecessor acts. Refer to illustration 4.

A. Lot, Corner: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, and any two (2) corners of which form an angle of one hundred thirty-five (135) degrees or less. Each yard must also comply with the front set back.
B. Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. For determining Lot Width of a Flag Lot, the narrow, private road or driveway may be excluded.
C. Lot, Interior: Any lot other than a corner lot.
D. Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.
E. Lot, Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot line. For irregular shaped lots, Lot Width may be determined by the Z.A. to be the average width of the lot over its entire length by the formula: Lot Width at the Front Lot Line plus Lot Width at the Rear Lot Line divided by 2.

Illustration 4. Lot Types.



Lot, Zoning: A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot

is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the Manistee County Register of Deeds, but may include one (1) or more lots of record.

Lot Area: The total lot area as deeded.

Lot Coverage: The amount of a lot, stated as a percentage, that is covered by all buildings, located thereon, including roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but not including fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot Depth: The average distance measured from the front lot line to the rear lot line as deeded excluding any portion occupied by a public road right of way.

Lot Frontage: The length of the front lot line, as deeded, measured at the road right-of-way line, except as provided for flag lots.

Lot Line (Front): The front lot line shall mean the line of the street right-of-way.

Lot Line (Rear): Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or flared lot, the rear lot line shall be a line at least ten (10') feet in length entirely within the lot parallel to and at the maximum distance from the front lot line as deeded.

Lot Line (Side): Any lot line not a front lot line or a rear lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the Manistee County Register of Deeds, or a lot or parcel described by metes and bounds, the separate description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single zoning lot, or combined two (2) or more lots contained on any recorded plat in the records of the Village Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot Size Averaging: The allowance for a change in lot area and width in a development, but with the average lot area meeting the minimum area as required in this Ordinance for that particular zoning district.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare: See Streets.

Manufactured Home: A factory built, single-family dwelling that meets the national manufactured Home Construction and Safety Standards Act, commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

Manufacturing, Light: Establishments engaged in the mechanical transformation of materials or substances into new products, including the assembling of component parts and the creation of products. Light industrial uses shall not include outdoor storage or result in dust or noise to neighboring properties beyond that which would be produced by a commercial use.

Manufacturing, Heavy: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Marginal Access Drive or Alley: A street that is parallel to and adjacent to a primary street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the
through traffic on the primary street and so that the flow of traffic on the primary street is not impeded by direct driveway access from a large number of abutting properties.

Marina: A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

Massage Establishment: See Adult Physical Culture Establishment.

Master Deed: The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project. The master deed shall include all the information required by MCL 559.108.

Master Plan: See Comprehensive Plan.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mineral: A naturally occurring element or combination of elements that occur in the earth in a solid state, but shall not include soil, sand or gravel.

Mining: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas.

Mining Permit: A special use permit for mining, whether on a regular or temporary basis, as required by this Ordinance. It does not replace or otherwise eliminate the need to apply for any state mining permits otherwise required by law.

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

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, connected to the

required utilities, and built prior to the enactment of the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).

Mobile/Manufactured Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile/manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile/manufactured home or trailer coaches.

Mobile/Manufactured Home Site (Mobile/Manufactured Home Lot): A parcel of land, within a mobile/manufactured home park, designed for the placement of a single mobile/manufactured home.

Modular (Pre-Manufactured) Dwelling: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A building or a group of buildings operated and used as a unit to furnish overnight sleeping accommodations, primarily for transient occupancy. The term "Motel" shall include tourist cabins, motor courts, motor lodges and similar facilities, but it shall not include rooming houses, boarding houses, tourist homes, apartments, or multiple dwellings. Not more than ten (10%) percent of the units shall have kitchenettes or cooking facilities. This definition shall also include the term "Hotel."

Motor Home: See Recreational Vehicle.

Motor Vehicle, Inoperable: Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Moveable Structure: A building certified for the purpose of this Ordinance to be moveable by a registered engineer or architect or a structure which is of such a design and size that facilitates moving. The structure must be of sufficient structural design to withstand the stress associated with moving and no structure shall be considered moveable if the parcel on which it is placed is not accessible to moving equipment.

Movie Theater (indoor and outdoor): A place where motion pictures are shown to the public for a fee.

Neighborhood: A number of persons forming a loosely cohesive community within a larger community, such as a town or village, and living close or fairly close together in more or less familiar association with each other.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current provisions of the Ordinance in the district in which it is located.

Nonconforming Lot of Record: A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, that fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or of a parcel of land, lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current regulations of the zoning district in which it is located.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursery School: See Day Care Center.

Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Occupied: Includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Office: A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

Off-Street Parking Lot**:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for parking.

Open Air Business Use: As used herein, any business not conducted from a wholly enclosed building:

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Storage: Includes outside storage or keeping of building materials, sand, gravel, stone, equipment and other supplies. Vehicles shall be termed stored or in open storage if for a period

exceeding seven (7) days they have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale.

Operator: Any person or an agency either public or private, engaged or who has applied for a special use permit to engage in mining or the operation of a central production facility, sweetening plant, or bulk storage facility, whether individually, jointly, or through subsidiaries, agents, employees, or any person engaged in managing or controlling such operation.

Outdoor Display: The display of a product that is available for sale to the public. The display shall include a single sample of the product(s) for sale and shall not include the inventory of a single product line in view of a public right-of-way.

Outdoor Storage: The storage of equipment, merchandise, or personal belongings which is maintained outside of a structure and in view from adjacent properties and/or a public right-of-way. Storage differs from Outdoor Display in the primary purpose is not for display for retail sale.

Owner: means a person or other entity with who owns a property or structure in the Village, or a portion of a property or structure, or agent of such person that is registered with the Village.

Parcel: A recorded lot described by metes and bounds, or a lot described in a recorded plat.

Park: A tract of land designated and used by the public for active and passive recreation.

Parking Area, Off-Street: Any public or private area outside of a public right-of-way, designed and used for parking motor vehicles.

Parking Bay: A parking facility unit that has two rows of parking stalls and a central aisle.

Parking Space: Space within a parking area or building, of definite length and width, exclusive of driveways, ramps, aisles, or entrances giving access thereto, for the parking or storage of one (1) permitted vehicle, also known as a parking stall.

Patio: A ground level, courtyard or platform, with no solid roof or walls, extending horizontally out from, but not necessarily attached to the main building or structure.

Pen: A fenced enclosure for animals, but not a grazing area.

Personal Service Establishment: Any business which provides services involving the care of a person or his or her personal goods or apparel. This definition includes, but is not necessarily limited to, repair shops (watches, shoes, radio, television, etc.), tailor shops, barber and beauty shops, hair stylists, photography studios, laundries or any combination.

Planned Unit Development: An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

Planned Unit Development Agreement: A written agreement specifying the details of a planned unit development submittal and the conditions under which the submittal received final approval.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, P.A. 591 of 1996 (MCL 560.101 et seq.), or a predecessor or subsequent statute.

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Plot Plan: A minimal site plan which shows data required in Article 94 of this Ordinance.

Porch: A covered projection on a building or structure containing a floor, which may be either totally enclosed or open except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. A porch shall not be considered as such when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Principal Building: The building on a lot in which the principal use of the lot is conducted.

Principal Structure**:** Any building for any primary use or use subject to Special Land Use review as defined in each zoning classification, not including accessory structures.

Principal Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Private and Industrial Pipe Lines: Any type of pipe line of any size used for private or industrial purposes.

Protected Lands: Any lands within the Village of Bear Lake which are any one of the following:

A. Lands considered landslide risks areas which consist of the steep slopes along the bluffs of the shoreline of Bear Lake.
B. Wetland areas

Private Sanitary Sewage Disposal System: An individual on-site sewage disposal system as defined in the Manistee County Health Department Sanitary Code.

Private Water Supply**:** A well or other water supply system approved by the Manistee County Health Department pursuant to Part 127 of the Public Health Code, PA 368 of 1978, as amended.

Professional Service Establishment: The office or other working space used by a member of a profession for the conduct of that profession. This definition includes but is not limited to, offices

of doctors, dentists, real estate companies, insurance companies, and attorneys. This definition shall not include Adult Personal Service Establishments, as defined herein.

Proprietor, Subdivider, Or Developer: A person who holds any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Public Facility**:** Any facility other than a recreation area which is maintained by public funds, including, but not limited to, libraries, museums, administrative offices, and fire and police stations. This definition does not include schools, community hospitals or any facility involving outdoor storage.

Public Meeting Place: Buildings and outdoor areas where numbers of persons congregate from time to time for educational, religious, social or recreational purposes, including churches, schools, community buildings, clubs, lodges, theaters (indoor and outdoor), places of amusement and similar assemblages.

Public Open Space: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Public Sanitary Sewer: A system of pipes, pumps and related equipment and facilities, including disposal areas owned and maintained by a governmental unit, or an authority or commission comprised of one or more governmental units, used to carry, treat and dispose of human, organic and industrial waste from the point of origin to a point of discharge.

Public Utility: Any person so designated and duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: electricity, gas, sanitary sewers, steam, communications, cable, internet, telegraph, transportation, or water services.

Public Utility Facilities: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Public Water Course: A stream or creek which may or may not be serving as a drain as defined by the Michigan Drain Code, PA 40 of 1956, as amended, MCL 280.1 et seq., or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water and navigable according to law.

Public Water Supply: A water supply system owned by a governmental unit or an authority or commission comprised of one or more governmental units.

Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care. (See also Excavation.)

Radio and Television Broadcasting Station: An establishment engaged in transmitting audio or video programs to the public and that consists of a studio, transmitter, and antennas.

Reclamation Plan: The owner or operator's proposal for the reclamation of a project site which is submitted under this Ordinance prior to the issuance of a special use permit or where otherwise required by the terms of this Ordinance, including any orders or decisions of the Commission or Zoning Board of Appeals requiring an owner or operator to provide additional site plan information. A reclamation plan shall include:

A. A statement of the maximum life expectancy of the project and all plant and equipment associated with the project.
B. Plans for the disassembly, removal, or other disposition of all plant and equipment, including pipeline, at the project site at the expiration of operations.
C. Plans for the replacement of topsoil and restoration of the property to its original grade and contours.
D. Plans for the restoration of all access roads to original condition unless at the time of reclamation an agreement is reached among the Village Planning Commission, the owner/operator of the project and the affected landowner(s) for some other disposition.
E. Plans for the identification, disposal or treatment of all harmful or toxic materials found on the property, including any contaminated topsoil.
F. The estimated cost of completing the Reclamation Plan within one (1) year of cessation of operations on the property based on anticipated costs for the year in which the reclamation would take place.
G. A statement of the proposed form of the performance guarantee, equal to two (2) times the estimated cost of the Reclamation Plan, which may be required by the Zoning Board.

Recreation Facility, Commercial (outdoor): An outdoor recreation facility operated as a business and open to the public for a fee. Buildings and structures, which may be located on the property, are accessory to the primary outdoor nature of the activities provided. Included in this definition are golf courses, riding stables and campgrounds.

Recreation Facility, Commercial (indoor): A recreation facility, which is completely housed within a building and which is operated as a business and open to the public for a fee. Included in this definition are bowling alleys, movie theaters and arcades.

Recreation Facility, Public: A publicly owned and operated facility, which is open to the general public, with or without a general fee. This definition includes any related buildings or structures

used for recreational purposes including, but not limited to, playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and areas for other leisure time activities.

Recreational, All-Terrain Vehicle: Vehicles primarily designed for travel upon unpaved natural terrain.

Recreational Vehicle: Vehicular-type structures, primarily designed for conveyance upon the public streets or highways, and duly licensable as such, and which permit the occupancy thereof once stationed as a dwelling or sleeping place for one (1) or more persons. These vehicles can either be towed, hauled or affixed to another vehicle or driven from one site to another without requiring a State or County Special Transportation Permit for travel.

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Repair and Light Assembly Shops: Any establishment specializing in the repair or assembly of products that may include bicycles, appliances, electronics, furniture, clothes and similar items.

Replat: The process described in MCL 560.221 through MCL 560.229.

Research facilities: An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

Residential Entranceway Structure: A building or structure placed at the principle opening(s) that afford entry into a residential development used to identify the project or to regulate access into

he development. Such structures shall include, but are not limited to, objects of art, gates, guard houses, signs, fencing, and similar barriers and structures.

Restaurant:

A. Restaurant, Standard: Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes one (1) or both of the following characteristics:

   a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
   b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

B. Restaurant, Carry-Out: Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:

   a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
   b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is intended primarily to be consumed off the premises.

C. Restaurant, Fast-Food: Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises and whose design or principal method of operation includes both of the following characteristics:

   a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
   b. The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

D. Restaurant, Drive-in: Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes one (1) or both of the following characteristics:

   a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.

b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Restrictive Covenant: A provision in a deed restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the Village has an ownership interest in the property, a restrictive covenant is enforced by the parties to the deed, not by the Village. Also known as a deed restriction.

Retail: An establishment in which commodities are sold.

Retail, Commercial & Wholesale Stores: A store, market or shop in which commodities are sold, or offered for sale, in small or large quantities at wholesale or retail.

Retail, Convenience: Any retail establishment offering for sale prepackaged food and beverage products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

River: Means the Big Manistee River, its tributaries, bayous, and estuaries which drain into or are connected with the Big Manistee River. (See also Public Water Course)

Road: See Street.

Roadside Stand: A temporary structure used solely by the owner, manager or tenant of the land on which it is located for the sale of produce grown on said land. This does not allow the sale of produce or other commodities on a state or county road right-of-way.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rubbish/Garbage: means waste paper, tin ware or aluminum ware, tin aluminum cans, tin or aluminum cuttings, box, glass, straw, shavings, barrels, lumber, paper cartons, lawn cuttings and trimmings. Compost piles shall be considered rubbage unless they are located in discrete locations.

School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Schools, Colleges and Universities: An educational institution authorized by the state to award baccalaureate or higher degrees.

Schools, Commercial Trade: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

School, Parochial: A school supported and controlled by a church or religious organization.

A. School, Private: Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.
B. School, Public: Any school licensed by the state and that meets the state requirements for public education.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Self-Storage Facility: See Mini-Warehouse.

Service Area: An outdoor area used, in connection with a nonresidential use, for loading and unloading operations and for the receipt and temporary storage of goods, materials, and equipment.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory structures, as required herein.

A. Setback, Front: Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the front lot line. In the case of a through lot or corner lot, all sides fronting a street shall comply with the front setback requirement for that district.
B. Setback, Rear: Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the lot line opposite the front lot line.
C. Setback, Side: Minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory structures and the side lot line.

Shopping Center: A group of three (3) or more commercial establishments developed in accordance with an overall plan and designed and built as an interrelated project.

Shoreland: Means the land which borders or is adjacent to Bear Lake.

Shoreline: Means that area of the shoreland where the land meets the waters of Bear Lake.

Side-Wall: The vertical component of a building or structure on which the roof rests and extending between the grade and the bottom of the eave or intersection of the roof and wall.

Sign: Any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

A. Wall/Fascia Sign: A sign attached flat to or mounted away from but parallel to the building wall, projecting no more than twelve (12") inches from the building wall.
B. Projecting Sign: A sign fastened directly to a supporting building wall and intersecting the building wall at a right angle.
C. Monument Sign: A sign attached to the ground that sits atop a pedestal base, ten (10') feet or less in height.
D. Awning/Marquee/Canopy/Hanging Sign: A sign which is attached flat to an awning, marquee, or canopy or hanging from an awning, marquee or canopy.
E. Window Sign: A sign attached flat but parallel to the inside of the window, this does not include wall/fascia signs.
F. Decorative Flags or Banners: Signs mounted within the public ROW displaying holiday decorations or seasonal banners.
G. Freestanding: Often called sandwich boards, a sign that is less than four (4') feet in height and can be easily set and moved.
H. Post Sign: Sign which is attached either through a post(s) or other means that maintains the sign perpendicular to the ground, that is less than 5 feet in total height.
I. Feather Flags: A sign typically made of a flexible fabric material supported with a vertical pole that moves with the wind.
J. Sign, Temporary: A sign or banner constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.

Sign Area: The total sum of all exterior surfaces of the sign computed in square feet. In the case of a broken sign (a sign with open spaces between the letters or symbols), the sign area shall be measured by multiplying the height of the individual letters or symbols or combination of letters or symbols by the width of the individual letters or symbols or combination thereof. In broken signs of two or more lines, the sign area shall be the distance in feet between the furthermost horizontal letters or symbols multiplied by the distance in feet between the furthermost vertical letters or symbols.

Sign Height: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

Single Ownership: One or more parcels of land held entirely in the same ownership, which may include one or more persons and may be in any form.

Site Plan: A plan showing all salient features of a proposed project, so that it may be evaluated in order to determine whether the request meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

Solar Energy Systems: An energy production facility that harnesses solar rays for the purpose of producing energy.

A. Large Solar Energy System (LSES): An area of land containing energy facilities intended to be used to convert solar energy to electric or any other energy to be used off-site, and includes all solar panels, arrays, mounting and tracking systems, inverters, transformers, batteries and

related appurtenant structures and facilities, such as access roads, driveways and fencing. The term includes but is not limited to photovoltaic power systems, solar thermal systems and solar hot water systems.

B. Personal-Scale Solar Energy System (PSES): A ground-mounted or building-mounted SES that is accessory to the principle residential use on the parcel. The sale and distribution of excess available energy to an authorized public utility for distribution, if permitted, shall be incidental to this type of system, and not its primary purpose.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but not including human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuse of slag or slag products.

Special Approval Uses: A land use or an activity which under certain circumstances might be detrimental to other permitted uses and should not be permitted as a right in a given zoning district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the Commission which provide protection to land uses. A land use which is permitted in a zoning district only after review and approval of the approving body. Special Land Uses are permitted and regulated by Act 110 of 2006, Section 502, as amended.

Special Use Permit: A permit issued by the Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in this Ordinance.

Specified Acts of Violence: The graphic depiction, whether real or simulated, of human or animal decapitation, dismemberment, physical torture, stabbing, shooting, strangulation, drowning, electrocution, aggravated assault (whether accomplished by human contact, instruments, or weapons), rape, disfigurement, mutilation, burning, or disembowelment.

Specified Anatomical Areas: The graphic depiction, whether real or simulated, of less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: The graphic depiction, whether real or simulated, of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stables, Boarding: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation. This definition shall also include riding stables.

Stop Work Order: An administrative order either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined shall not be counted as a story when the space meets the definition of a basement.

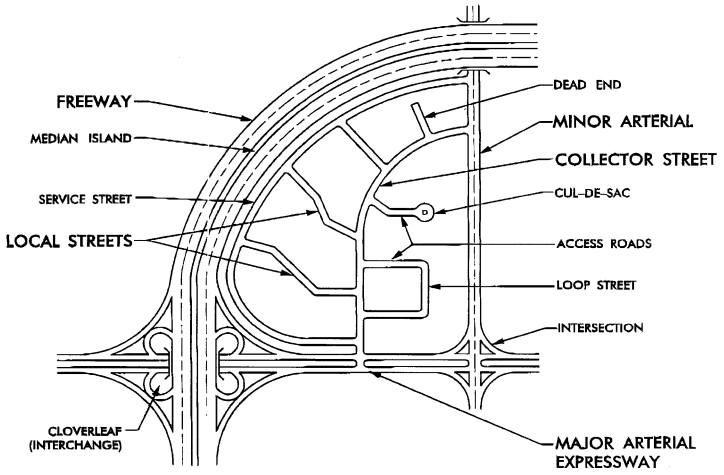
Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75) percent of the floor area of the story immediately below. Tri-level shall be considered one and one-half stories.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, "Streets" shall be defined to also include the term "Roads." Streets are further classified by the functions they perform. Refer to illustration 5.

A. Streets, Arterial: Streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high capacity controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.
B. Streets, Collector: Streets primarily designed to provide access to abutting land parcels and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.
C. Streets, Local: Streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
D. Street, Private: A privately maintained area used for ingress and egress to serve more than two (2) parcels of land or residential building sites and constructed on a privately-owned easement.
E. Street, Public: A thoroughfare which affords a principal means of access to abutting property and which has been accepted either expressly or impliedly, by the Village of Bear Lake or other public road agency as a public street, or is used as such by the public.

Illustration 5. Street Hierarchy.



Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural Alteration: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

Subdivide or Subdivision: The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent and that is not exempt from the platting requirements of by sections 108 and 109 of the Land Division Act. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of this Ordinance.

Surveyor: A land surveyor who is registered in this state as a land surveyor.

Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation but not necessarily producing power, is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Sweetening Plant: A facility or plant and all related equipment and appurtenances associated therewith which is designed to remove sulfur compounds or other impurities, including water, from natural gas from gas wells.

Swimming Pools: Any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.

Temporary Housing: A structure without any foundation or footings that is established for a limited duration and removed when the designated time period has lapsed, as regulated by the Zoning Administrator.

Temporary Use: A use established for a limited duration, set forth by the Zoning Board of Appeals, with the intent to discontinue such use when the designated time period has lapsed.

Temporary Use or Building**:** A use or building permitted by the Village to exist during periods of construction of the main building or use, or for special events.

Topographical Map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Tourist Home: See Inn.

Tower Height (WECS):

A. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and the blades:
B. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

Transient Outdoor Enterprise: Any recreational activity which is designed to travel from one area to another with only temporary structures for shelter. This definition shall include, but not necessarily be limited to, circuses, carnivals and concerts.

Travel Trailer: A vehicle which can be drawn on a highway and is used exclusively for recreational or camping purposes. Includes the terms Motor Home, Pole-trailer, Trailer Coach, Travel Trailer, Mobile Home, as defined in the Michigan Motor Vehicle Code (Public Act 300 of 1949, M.S.A. 9.1801-9.1882) and includes camping units, tents, or any other temporary dwellings.

Trailer Court or Park: Any site, lot, field, tract or parcel of land on which are situated two (2) or more inhabited trailers, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure located therein, and used or intended for use as a part of the equipment of such park.

Usable Floor Area: See Floor Area, Usable.

Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance: Permission to depart from the literal requirements of this Ordinance granted by the Zoning Board of Appeals.

Vehicle Sales, Storage: The use of any building, land area, or other premise for the display and sale of new or used vehicles generally, but may include light trucks or vans, trailers, or

recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Vehicle Filling Station: Any building, land area, other premises, or portion thereof, used for the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for vehicles, and the installation of such items, and for other minor vehicle repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of vehicles other than those in for immediate repair. Such use shall be permitted to include an additional retail use, which may include but not be limited to a restaurant, gift shop, or convenience store.

Vehicle Filling Station, Accessory Retail Use: The sale of food items commonly consumed by travelers (i.e., soft drinks, candy, packaged snacks and fast-foods, etc.), bread, milk, juice, cigarettes, and sundry items, and/or vehicle wash facilities provided in connection with an Vehicle Filling Station or gasoline service station, provided such use(s) is clearly incidental to the principal use.

Vehicle Service and Repair Facility: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted.

Veterinary Clinic: See Clinic, Veterinary.

Village: The Village of Bear Lake

Village Engineer: The professional either employed by or under contract with the Village to perform engineering reviews and services.

Waste: All accumulation of waste mined material and overburden placed on the land surface, whether above or below water.

Waterfront Storage: Storage facility fronting on water which does not provide berthing/docking on an individual basis.

Water's Edge: The surveyed property line or meander line along the shore of a body of water or the term "water's edge" in its usual and ordinary sense and usage being that area of the shoreline where land and water meet, in the event there is no surveyed property line or recorded meander line along the shore at the water's edge.

Wind Energy Conversion System (WECS): WECS shall mean a combination of:

A. A surface area, either variable or fixed, for utilizing the wind for electrical power; and
B. A shaft, gearing belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electrical-producing device; and
C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
D. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Wetland: For purposes of this Ordinance, a wetland shall be in conformity with the definition set forth in Part 303 of 1994 PA 451.

Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio and satellite antennas.

Wireless Communication Support Facility (WCSF): A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas. WCSF's are not essential public services for the purposes of this Ordinance.

Yard: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied from the ground upward, except as otherwise provided herein.

A. Yard, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
B. Yard, Rear: An open space opposite the Front Yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
C. Yard, Side: An open space between a building and the side lot line, extending from the front yard to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the building or structure
D. Yard, Waterfront: On parcels which abut a body of water, a yard extending across the full width of the parcel between the water's edge and the nearest line of the main building. With the permission of the zoning administrator, based on his determination of the plan for the parcel, a Waterfront Yard may be deemed a Front Yard for all purposes under this Ordinance, provided however that in such case, the Front Yard setbacks shall be applicable to the Rear Yard (the Yard opposite Waterfront Yard) and also the Waterfront Yard for all accessory structures and buildings except those necessary for the enjoyment of the water, such as boathouses, docks and erosion control devices.

Yard and Lawn Vegetation: means bushes, trees, grass and other landscaping materials.

Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Village Council.

Zoning Board of Appeals**:** The Village of Bear Lake Zoning Board of Appeals.

Zoning District (Zone): A portion of the Village within which specific regulations and requirements, or various combinations thereof, apply as provided in this Ordinance.

503) North American Industrial Classification System.
The numbers appearing in parenthesis following the permitted and special uses set forth in this Ordinance refer to the classification numbers in the North American Industrial Classification System (2007) prepared by Executive Office of the President, Office of Management and Budget (NAICS), which is incorporated herein by reference. Uses listed in this Ordinance which are identified with a two-digit number (XX) refer to the Major Groups in the NAICS. Except where

otherwise indicated, a use which is identified by reference to a Major Group includes all uses listed in the NAICS under that Major Group, if any, with a three-digit (XXX) or four-digit (XXXX) number, the first two numbers of which are the same as the Major Group numbers. Except where otherwise indicated, a use which is identified with a three digit (XXX) number includes all uses listed in the NAICS, if any, with a four digit (XXXX) number, the first three numbers of which are identical to the use in question, but does not include other uses in the same Major Group. Except where otherwise indicated, a use which is identified with a four digit (XXXX) number includes only that use referenced in the NAICS and does not include other uses in the same Major Group with two or three digits.

Article 10
General Provisions

100) General
101) Scope
All provisions in this Article apply to all districts, unless specifically noted otherwise.

102) Lot Use Limitation.
In all zoning districts which permit single family and two family residences, only one principal building shall be placed on a parcel or a lot of record. No building shall be erected on land subdivided in violation of the Land Division Act, PA 591 of 1997.

103) Performance Standards.
No non-residential use otherwise allowed shall be permitted, within any district, which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained. Generally accepted methods of collection and standard methods of chemical analysis shall be used in the application of these requirements:

A. Smoke and/or Air Pollution Control. The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable Federal, State and County health laws pertaining to air pollution and smoke abatement.
B. Glare. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to emit quantities exceeding those established as safe by state or federal law when measured at the property line.
C. Fire and Explosive Hazards. Storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined by the Michigan Fire Marshall, is permitted subject to compliance with all performance standards above. The storage and utilization of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Marshall, is permitted within the Village if each of the following standards is met. At no time is the manufacture of materials, goods or products ranging from free or active burning to intense burning allowed within the Village.

    a. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
    b. The materials or products described in subdivision a. above shall be stored, utilized or produced in completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of Building Codes.
    c. All buildings or structures described in subdivision b. above shall be set back at least forty (40') feet from lot lines, or in lieu thereof, all such buildings or structures shall be

protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Board of Fire Underwriters.

d. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

e. All handling of flammable or hazardous substances shall be in accordance with State and Federal laws and all required State and Federal permits shall be obtained and the establishment shall remain in conformance therewith.

D. Lighting. All lighting or other forms of illumination utilized on private property shall be arranged and so located that it will not unreasonably shine, reflect, or glare into public streets, outer space or surrounding properties.

E. Design Standards

a. Intent. The exterior appearance of any non-residential structure/building or structure/building which contains in any portion thereof of a non-residential use has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible, and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of such an area, and prevent attendant deterioration of conditions affecting the general welfare of the citizens of the Village of Bear Lake.

b. Design Criteria. In the process of reviewing the submitted materials, the Zoning Administrator or Commission shall consider:

1) Relationship of Buildings to Site. The site shall be planned to accomplish a desirable transition, between the building(s) with the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.

2) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways. Parking lots shall provide access to adjoining non-residential parking areas and to adjacent areas of future non-residential development.

3) Incorporation of connections to existing pedestrian and non-motorized sidewalks and pathways, with consideration given to proposed future pathways as designated in existing plans and through planning processes shall occur.

4) Without restricting the permissible limits of the applicable zoning district, the height, facade and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

5) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

104) Environmental, water

A. Stormwater Controls
All new developments shall adhere to the Manistee County Stormwater Guidelines as determined through the applicability contained within those guidelines. The stormwater guidelines are administered through the Manistee County Drain Commission Office.

B. Wetland and Floodplain Protection
Development shall not occur within any protected wetland, the 100-year floodplain or floodway as determined by the State of Michigan Department of Environmental Quality (DEQ) or the Federal Emergency Management Agency (FEMA)

C. Surface Water Protection
   a. No structure shall be built, located or constructed closer than fifty (50) feet measured on a horizontal plane to the water's edge. In the event the water's edge recedes (moves landward), the setback line shall also be construed as to have moved landward a distance equal to the water's edge recession. In cases where parcels are smaller than the minimum parcel size allowed in the particular district so that applicable setbacks given here and in a particular district result in a building envelope less than 25 by 40 feet, the Appeals Board shall grant a further reduction of side yard setback and/or a front yard setback prior to reducing the required water front setback.
   b. A fifty foot (50') vegetated buffer shall be maintained along all surface waters, intermittent and perennial streams located within the Village. The fifty (50') buffer shall be comprised of two zones:
      1) Zone 1: A thirty (30') foot natural vegetation zone extending from the top of the stream bank/shoreline landward measured horizontally where vegetation with a diameter at beast height (dbh) of eight inches (8") or greater shall not be removed unless noxious, non-native invasive species or dead and/or chronically diseased vegetation exists as identified by a landscape architect, horticulturalist, professional forester, or other professional as approved by the administrator. No placement of impervious surfaces is allowed within this zone.
      2) Zone 2: An additional twenty (20') foot manicured zone measured from the furthest landward extent of the thirty (30') foot natural vegetation zone continuing landward twenty (20') feet shall consist of manicured natural vegetation or groundcover. At no time shall impervious surface coverage greater than 120 square feet be allowed. All stormwater runoff from impervious surfaces shall be directed away from surface waters and infiltrated into the ground on site.
      3) It shall be the landowner's responsibility to maintain this buffer in a healthy state.
      4) Removal of restricted trees shall warrant replacement with healthy native tree specimens of at least six feet (6') in height and as approved by the Zoning Administrator.

D. Hazardous Substance Groundwater Protection
All businesses and facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generates hazardous substances:

   a. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
   b. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,

Shall comply with the following groundwater protection requirements.

a. Groundwater Protection requirements:
   1) Groundwater Protection, generally:

      i. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, flood plains, groundwater, street slopes, and natural and man-made drainage systems.
      ii. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
      iii. General purpose floor drains and storm drains shall be:
         1. connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements, or
         2. authorized through a state groundwater discharge permit, or
         3. connected to a public sewer system.
      i. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
      ii. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, shall take into consideration the publication titled "Guide to Understand Secondary Containment Requirements in Michigan; Michigan Department of Environmental Quality (MDEQ), 1998"Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the District 10 Health Department.
      iii. If the site plan includes territory within a Wellhead Protection Overlay Zone submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.

   2) Above-ground Storage

      i. Primary containment of hazardous substances shall be in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
      ii. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:
         1. sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, or
         2. shall be at least as great as volumes required by state or county regulations, or

3. shall, if not protected from rainfall, contain a minimum of
   a) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus
   b) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus
   c) the volume of a 6 inch rainfall.

i. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.

ii. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

iii. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

iv. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.

3) Underground Storage

i. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality (MDEQ).

ii. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

105) Environmental, Site

A. Erosion Control Devices.
Erosion control devices shall be permitted in all applicable zoning districts. Erosion control devices shall be permitted, reviewed and approved by Manistee County. The erosion control device shall meet MDEQ's design, construction and maintenance standards, and shall be built prior to or concurrently with the construction of the principal structure. Manistee County Soil and Erosion Control permits shall be presented to the Zoning Administrator prior to construction.

106) Waste, Junk, Blight, Hazardous Structures/Buildings

A. Purpose. The Village determines that the uses, structures and activities described in this Section, or maintained in violation of this Section, are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and constitute a public or attractive nuisance, due to physical condition or use. On and after the effective date of this ordinance, no person or other legal entity of any kind shall keep, maintain, or permit to be kept or maintained any of these causes of blight or blighting factors on any property in the Village. All persons or entities who own, manage, lease, rent,

manage, or occupy any structure property shall be responsible for taking necessary steps to keep and maintain properties and structures in compliance with this ordinance.

B. Exception. Any other provision of this ordinance notwithstanding, this ordinance does not apply to inventory on premises occupied by a merchant licensed under MCL 205-53 conducting a lawful business, or to the property that patrons of a lawful motor vehicle facility, furniture or appliance repair facility, or gasoline service station while left on the premises of either for purposes of service or repair.

C. Dangerous Building. No person or entity shall keep or maintain any building or structure or portion thereof as a Dangerous Building, as defined in Article 5.

D. Vacant Building. Any vacant dwelling, garage or other out-building shall be kept securely locked, windows kept glazed or neatly enclosed and otherwise protected as reasonably necessary to prevent entrance by vandals or other unauthorized persons, and cats, dogs, rats, mice and other vermin.

E. Partially Completed Structures. No person or entity shall keep or permit to be kept any partially completed structure, unless in the course of construction in accordance with a valid and existing building permit issued by the State of Michigan, and unless exterior construction is completed within one year after the issuance of said building permit.

F. Storage of Junk. No person or entity shall keep or permit to be kept any accumulation of Junk outside of a totally enclosed structure, unless neatly stacked and covered. Sidewalks must be unobstructed.

G. Storage of Junk Vehicles. Except as provided herein, or as detailed in the Village's Dismantled Vehicle Ordinance of 1982, no person or entity shall park or store a Junk Vehicle on any property for a period of more than 30 days, unless kept within a completely enclosed building. Any person or entity who is repairing, or is about to have the vehicle repaired, may obtain a nonrenewable permit from the Village Clerk to permit the vehicle to remain on the premises for an additional 30 days.,

H. Storage of Rubbish and Garbage. No person or entity shall keep or permit to be kept any Rubbish or Garbage outside of a totally enclosed structure unless kept within a covered can or other metal, plastic or rubber container designed for the same, and sufficient to prevent entry by rats, mice, cats, dogs and other vermin.

I. Storage of Building Materials. No person or entity shall keep or permit to be kept outside of an enclosed structure any visible accumulation of building materials, unless the building materials are intended for use in connection with construction being done on the same property or an adjoining property, and a valid building permit, when required, has been issued and is posted on the property.

J. Yard and Lawn Vegetation. Yard and lawn vegetation shall not interfere with pedestrian traffic on public sidewalks. All landscaping material on corner lots, terraces, or lots adjacent to alley and street intersections shall be maintained to allow clear vision for pedestrians and motorists and shall be removed if diseased or dead. Maximum growing height of weeds, turf grasses or ground cover shall be eight inches.

K. Wood Piles. Piles shall be neatly stacked within 30 days of the wood being deposited onto the property.

L. Waste. No person or entity shall intentionally deposit liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.

107) Buffers, Landscaping, Screening

A. Buffers

a. Intent. Landscaping, buffers, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Village. Landscaping and buffers are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.

1) Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this Section

is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, buffers, and screening.

b. Scope of Application. Except as otherwise specified in the Ordinance, the requirements set forth in this Section shall apply to all uses, lots, sites, and parcels requiring site plan review. No site plan shall be approved until it shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a land use permit or special use permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this ordinance have been met or a cash deposit has been posted in accordance with the provisions set forth herein.

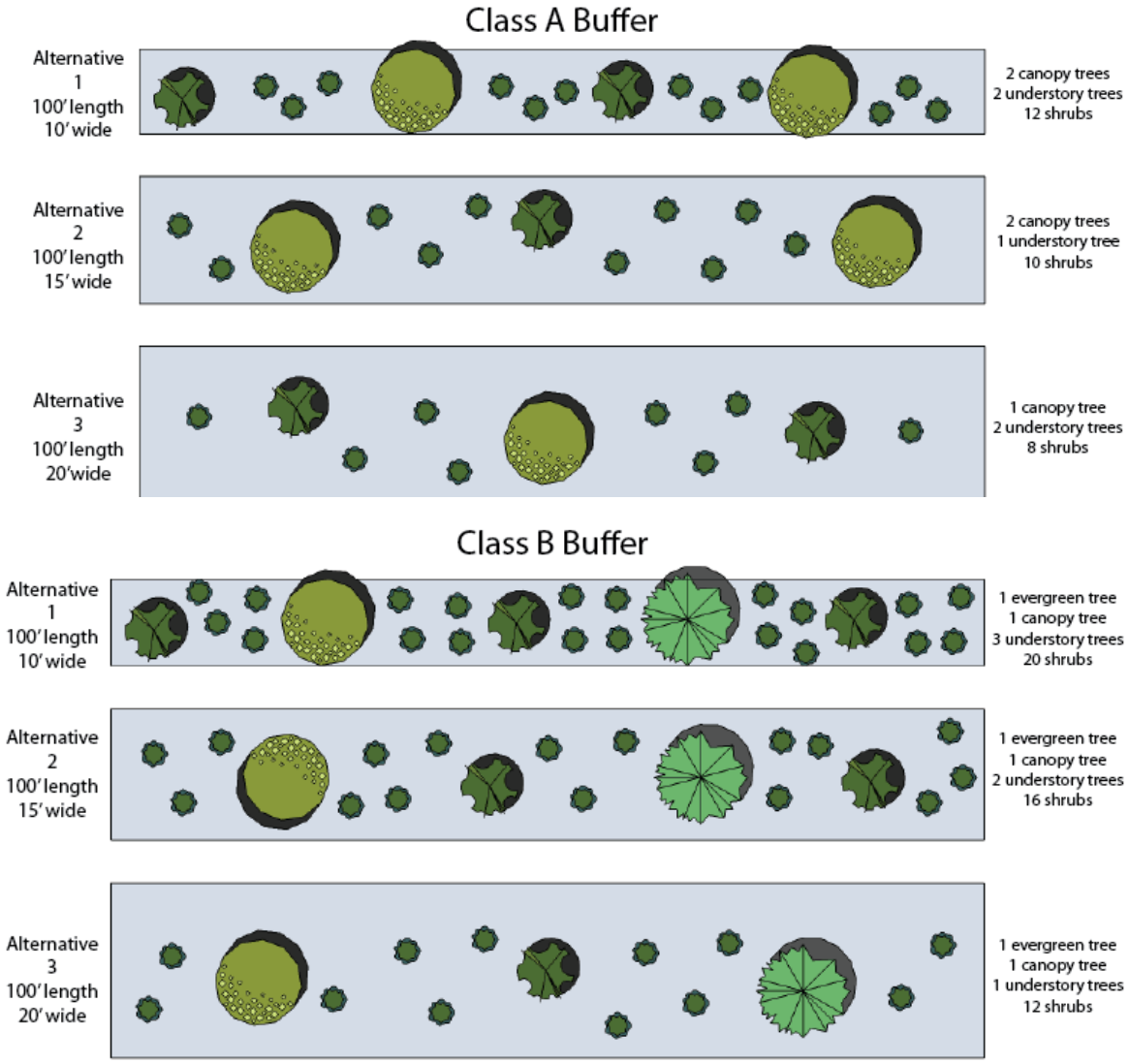
   1) In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.
   2) The requirements of this Section are minimum requirements, and nothing herein shall preclude a developer and the Commission from agreeing to more extensive landscaping.

c. Required on outer perimeter. Buffers shall be required on the outer perimeter of all lots or parcels, extending to the lot or parcel boundary line as defined by the buffer table below, section 107.d. Buffers shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Front setback berms may be considered as part of the buffer requirement. The illustrations set forth in section 107.d graphically show the specifications of each buffer. Any person wishing to develop upon a parcel of land shall be required to provide a buffer conforming to those set forth in section 107.d between such parcel and any adjacent parcel as specified in the table in this Section.

d. Buffer classes. There are two separate classes of buffer, A-B, with various alternatives for each, offering flexibility for buffer requirements. The applicant, if required to place buffers through this ordinance, shall choose an alternative in this section from the Class of Buffer which is required.

BUFFER TABLE

Zoning Districts	R-S	M-1	Downtown Overlay	M-2
R-S	-	B	A	A
M-1	B	-	-	-
Downtown Overlay	A	-	-	-
M-2	A	-	-	-



B. Landscaping.

a. Landscaping. Single-family and two-family dwellings are exempt from the following provisions.

b. General Landscape Requirements.

1) Landscaping is required for all new non-residential uses in the M-1, M-2 and Downtown Business Overlay District or when an existing non-residential use changes or is expanded by 25% in total usable floor area or parking area in these same districts.

2) The layout and design of the landscape areas is flexible to the site design as long as the required number of plantings are established on site within immediate proximity of the structure and parking areas. The placement of landscape plants in the following areas is recommended.

   i. Between structure walls and adjacent sidewalks
   ii. Between sidewalks and parking areas
   iii. In landscape beds adjacent to structures
   iv. Between sidewalks and vehicular travel lanes

3) Maintenance of all landscape plants, screening and buffering including walls, berms and fences is the responsibility of the property owner. All plant materials, fences and walls must be kept in good condition.

4) Landscape plantings in the Downtown Overlay Zone may temporarily be placed in planters prior to placement in the ground for a period of up to 1 year, with approval of a majority vote of the Planning Commission (this timeframe may be extended through a majority vote of the Planning Commission).

5) Plantings must be established within 6 months of receiving the Certificate of Occupancy.

6) Landscape plantings are encouraged to be native to the region.

7) Required landscape plantings within this subsection shall not account for other required plantings for buffers, screening or parking lots as outlined within this ordinance.

8) A site plan displaying all of the landscaping areas including buffer areas, screenings and parking landscaping, shall be submitted with the land use permit application and other required site plan drawings for medium and detailed site plans.

9) Providing greater amounts than the required landscaping is encouraged.

10) The Planning Commission may waive at their discretion certain landscape elements if existing natural vegetation meets the intent of the standards.

11) Landscape requirements are based off square footage of the building footprint and shall adhere to the following table section 107.B.11).

Square Footage (ft^2)	Number of Required Shrubs	Number of Required Trees
10,000 ft^2 or less	2	2
10,001 ft^2 to 15,000 ft^2	4	3
15,001 ft^2 to 20,000 ft^2	8	4
20,001 ft^2 to 30,000 ft^2	12	6
30,001 ft^2 to 40,000 ft^2	16	8
40,001 ft^2 or greater	20	12

c. Parking Lot Landscape Requirements.
   1) Landscaping is required in parking areas to limit the heat island effect of pavement and concrete.
   2) Landscaping in parking areas shall be provided for through the establishment of treed islands within the parking lot. Treed islands are to be located on either the outside edges of parking rows or centered within a parking row.
   3) Parking lot islands are to be a minimum of two-hundred (200 ft^2) square feet in size with a minimum width of eight (8') feet.
   4) Parking lot islands are to be provided for at a rate of one island per twenty (20) parking spaces or portion thereof.
   5) Each island must contain one (1) tree and two (2) shrubs of a species that is tolerant of dry and wet conditions.
   6) Parking lot islands are encouraged to be utilized for stormwater treatment through infiltration where practical.
   7) The Zoning Administrator or Commission may allow the substitution of bump-outs or other landscaping elements in lieu of landscape islands, as long as the square footage, width, and landscaping requirements are still met.

d. Planting Materials.
   1) At least fifty (50) percent of all tree stock upon planting shall be of size equal to one-and-one-half (1 1/2") inch caliper for deciduous stock measured six (6") inches above ground level. Said tree shall be in a minimum of five (5) gallon container, if container stock; or a minimum of twelve (12") inch root spread, if bare root stock; or a minimum of fourteen (14") inch ball, diameter. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Zoning Administrator.
   2) At least fifty (50) percent of all shrub stock shall be of a size equal to or greater than four (4') feet in height, if deciduous; twenty-four (24") inch spread, if creeping or prostrate evergreens; or twenty-four (24") inch spread and height, if semi-spreading evergreens. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Zoning Administrator or Commission.
   3) All ground surfaces contained within areas designated on the landscape plan as planting areas shall be planted/covered and maintained in ground cover, whether vegetated, mulch or stone. Other landscape elements such as decks, patios and stepping stones, landscape zones, and ponds may also be incorporated into such areas.

C. Screening.
   a. Dumpster and Refuse Area Screening.
      1) All dumpsters, refuse locations, grease and oil receptacles and other outside disposal areas utilized for non-residential uses shall be screened completely from view.
      2) Dumpsters and refuse areas shall not be placed in a front or roadside yard.
      3) Screening shall consist of opaque fencing a minimum of 6' in height, which consists of wood, plastic, blocks or similar materials.
      4) The fencing or wall must contain a gate that is securable from the outside.

b. Loading Dock Screening.
   1) All loading docks must be placed in the rear or side yard, placement in road side yards is not permitted unless fully screened from view.
   2) All loading docks adjacent and/or visible to residential areas must be screened from view.
   3) The screening may consist of a hedge of evergreen shrubs which can reach a sufficient height to completely screen the view of the loading dock from the residential property; or may consist of an opaque fence at least six (6') feet in height that appropriately screens the view.
   4) This requirement may be waived by the Planning Commission if perimeter screening required along district boundaries provides adequate viewshed protection.

c. Outdoor Storage.
   1) Outdoor storage is not permitted in any front or road-side yard.
   2) All outdoor storage must be screened from view from all adjacent properties.
   3) Screening for outdoor storage must consist of fencing or wall materials which block complete view of the storage area. Screening shall consist of opaque fencing a minimum of 6' in height, which consists of wood, plastic, blocks or similar materials.

108) Parcel Bulk, Setback, Height, Grade and Drainage

A. Bulk Requirements
   a. The continuing maintenance of and association with required spatial relationships and physical requirements of this ordinance for the permitting of a use, structure, building, and parcel shall be the obligation of the owner of the use, structure, building and parcel.
   b. Required spatial relationships and physical requirements of this Ordinance shall be allocated to be in connection with only one use, structure, building, parcel and are not transferable, not to be split or divided by any means, not to be shared, unless;

      1) any of the uses, structures, buildings, parcels involved in the transfer does not result in failing to meet required spatial relationships and physical requirements of this Ordinance or other applicable ordinances including, but not limited to, the Village, Manistee County and State of Michigan subdivision control laws.
      2) specifically permitted elsewhere in this Ordinance.

   c. Required spatial relationships and physical requirements of this Ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and parcels except that the following can be located anywhere on a parcel:

      1) flag poles;
      2) hydrants;
      3) clothes lines;
      4) arbors, trellises, trees, plants, shrubs;
      5) recreation equipment, outdoor cooking equipment; and
      6) sidewalks, private driveways and walkways.

   d. As used in this section:

1) "Required spatial relationships" means all the requirements of this Ordinance dealing with minimum or maximum size, area or space required for an approved use, structure, building and parcel, including but not limited to, buffer areas, greenbelt, building area, building envelope, parcel area, parcel measurements (width, setback), parking space, vegetation belt, yard,
2) "Physical Requirements" means all the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements or uses/functions required for an approved use, structure, building and parcel, including but not limited to, placement of accessory structures, improvements within buffer areas, building height, easement, floor area, improvements within a greenbelt, all provisions of article 10, access drive, drives, loading areas, solid waste storage areas, service drive, parking areas.

B. Height Exceptions.
Except as herein provided, no building shall be erected or altered to exceed the height limit established by this Ordinance for the zone in which such building is located.

a. Chimneys, church towers and steeples, roof structures for the housing of elevators, stairways, tanks or ventilating equipment, firewalls, skylights, electrical transmission and communication poles, towers and antennas, theater screens, flag poles, smokestacks, water tanks, silos, conveyors or similar structures may be erected above the height limits established for the zone in which such structure is located provided the requirements of this Section are met.
b. If the height of any structures described in Section 108.B.a. of this Ordinance above exceeds the height allowed in the zone wherein the building or structure is located, then all required yard dimensions shall be increased by not less than one (1') foot for each one (1') foot that the structure exceeds the height allowed in that zone.
c. Any structure intended for human occupancy, which exceeds 30 feet in height, shall require Fire Marshall approval.

C. Building Grades and Lot Drainage.
In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following condition shall control:

a. The grades for all new development shall be completed so as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting lands.
b. Where the grade on site is in any way to be increased above existing grades of the adjacent properties, the owner of the property shall, upon application for land use permit, submit a certification signed and sealed by a Registered Land Surveyor or a Professional Engineer stating the existing and proposed grades and that conditions set forth in item a. of this section are met.

109) Driveways, Private Streets, Roads, Sidewalks & Parking Lots

A. Access to Streets
a. In any district, every use, building or structure established after the effective date of this Ordinance must be on a parcel having legal access to a public street or to a private street or easement that connects to a public street.

B. Driveway Design.
Driveways, unless specified otherwise in this Ordinance:

a. May serve more than one principle structure
b. Shall have a minimum, unobstructed width of twelve (12) feet and a minimum unobstructed height of fourteen (14) feet. Driveways over two hundred (200) feet long shall have a turnaround within fifty (50) feet of the principal structure.
c. Any gate shall open inward, with a clear opening which is two (2) feet wider than the driveway, and located within the appropriate setback of the respective land use district.
d. Shall have an address number displayed on a sign or mailbox in compliance with the Manistee County Address Ordinance.

C. Private Street Standards

a. The creation of a street(s) that serves a division of land or a development with three (3) or more principal structures shall meet or exceed the current construction standards established by the Manistee County Road Commission for improved public roads.
b. A private street which serves three (3) or more principle structures shall have each structure addressed to the private street name in accordance with the Manistee County Address Ordinance.
c. All private streets shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current Manistee County Road Commission designated right-of-way width, whichever is greater.
d. No structures or development activity shall be established within the approved rights-of-way or easements.
e. All private street easements shall contain provisions for the placement of public utilities.
f. Continued maintenance of private streets shall be the responsibility of the owner(s) of property served by the private streets.

D. Village Streets
These standards shall apply to all existing, and proposed Village Streets contained within the Village limits, unless otherwise under authority of the Manistee County Road Commission or Michigan Department of Transportation.

a. Permits: No excavation, earth moving, construction, filling or other similar activities are permitted within the right-of-way of any street within the Village limits until a permit application has been filed with the Zoning Administrator and said permit is approved.

b. Plans and Specifications:

1) All plans and specifications shall be prepared by a professional engineer licensed in the State of Michigan.
2) Plans shall consist of a cover sheet showing a location map and site plan for he proposed project, plan and profile sheets covering all the proposed street construction, and a standard detail sheet Plan sheet size shall be 24" x 36". Plan scale shall be 1 inch = 40 feet horizontally and 1 inch = 4 feet vertically.
3) Elevation shall be based upon USGS datum.
4) Plan profiles shall indicate existing and proposed ground levels and stationing.
5) Four (4) sets of plans and specifications shall be submitted by the developer or if constructed by the Village their respective agent, for preliminary approval. All plans submitted for approval shall be sealed by the licensed engineer in charge of design. Modifications required to meet the standards, if any, will be noted on two (2) sets, with one such set returned to the developer or agent of the Village for final corrections within 90 days of receipt.

6) Six (6) sets of final plans shall be submitted by the developer or agent of the Village to the Village for approval. All plans and specification submitted for approval shall be sealed by the licensed engineer in charge of design.
7) The developer or agent of the Village will be responsible for securing all State and Local construction permits required for street construction.

c. Design Standards: These standards shall be met for all Village street construction
1) Subsurface soil conditions: The developer or agent of the Village shall provide sufficient soil boring or other information to accurately describe the prevailing soil conditions under proposed streets. The minimum soil boring depth shall be five (5) feet below the plan road grade unless unstable soil conditions are encountered.
2) Curb and Gutter: All streets and roadways shall include concrete curb and gutter of the cross section indicated on the standard detail. In general, it is the intent that a rolled curb section be used in residential developments. Bituminous curb will not be allowed. On local streets, the minimum street width shall be 31 feet back to back of curb. Street width on major streets shall conform to the "Uniform Criteria for Major Streets" as adopted by the Michigan Department of Transportation. At all intersections, the minimum curb radius shall be 25 feet, unless otherwise approved. .
3) Grade, Horizontal and Vertical Alignment: The minimum vertical grade on any street or roadway shall be 0.50 feet per 100 feet and the maximum grade on any street or roadway shall be 5.0 feet per 100 feet of length. In general, the minimum length of a vertical curve shall be 100 feet, unless otherwise dictated by site topography. Intersections of streets shall be made perpendicular to each other.
4) Driveway Approaches: All driveway approaches between the curb and gutter and sidewalk shall be concrete; residential sections shall be 7 inches thick and 10 inches for commercial approaches. The maximum grade on driveway approaches shall be twelve (12) percent. The width of the driveway curb cut shall conform to the standard detail.
5) Utility Locations Within Street Right-of-Way: Utility locations shall conform to the requirements outlined in Chapter 1 of these standards.
6) Street Surface Materials and Pavement Thickness
   i. Pavement design for major streets shall reflect the increased traffic volume and higher axle loads and shall be subject to approval by the Municipality.
   ii. Pavement Design for local streets shall consist of 8 inches of compacted MDOT 22A gravel and 385 pounds per square yard (3 ½ - inches) of MDOT bituminous material constructed in two lifts; 220 lbs/syd (2-inches) leveling and 165 lbs/syd (1 ½ -inches) top course.

E. Corner Clearance and Visibility
a. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8') feet above the road level. In the case of a street intersection, such unobstructed corner shall mean a triangular area formed by the street lines and a line connection them at points twenty-five (25') from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street lines extended. In the case of a driveway/street intersection, the aforementioned technique shall also be used, however a ten (10') foot dimension situated along the driveway and property shall be utilized. Decorative fencing

which would be approved on a corner could include open weave, split rail or similar fencing. Refer to illustration 5.

b. Locations of a structure on a corner lot.
   1) Both street setbacks shall be the district front yard setbacks.

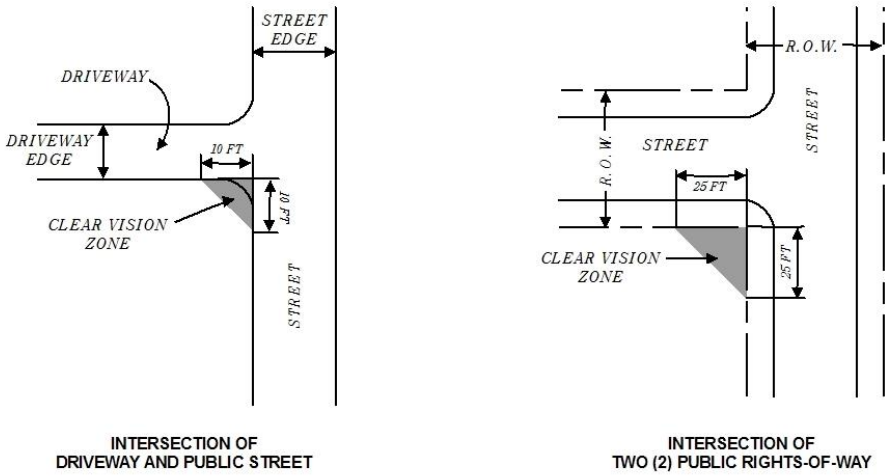


Illustration 5. Corner Clearance and Visibility.

F. Sidewalks

Sidewalks shall be required in the M-1 and M-2 Districts for all new development or when a use changes or expands by twenty-five (25%) or more in usable floor area.

a. Design Standards:

   1) Sidewalks shall be placed between the roadway and structure and/or parking area if present.
   2) Unless onsite issues prevent placement, the sidewalk shall be located one foot inside the right-of-way line.
   3) Sidewalks shall be constructed of concreate and shall be five (5) feet wide.
   4) At all intersections of sidewalks and curb and gutter, appropriate pedestrian ramps shall be MDOT Type 1.
   5) The maximum allowable sidewalk grade shall be five (5%) percent.
   6) Sidewalks shall have a cross slope of ¼ inch per foot away from the property line.
   7) Sidewalks shall project one inch above finished grade.
   8) In cut sections, the maximum sidewalk elevation shall be one (1) foot above the street centerline elevation.

G. Parking and Loading

Off-street parking and loading with access to all spaces shall be provided in all districts in accordance with these provisions at the time any structure or use is established, constructed, altered, or expanded. The number of off-street parking spaces, in conjunction with all building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed. When surfacing of the parking area is impractical due to inclement weather, the Zoning Administrator may permit temporary use of the parking lot for a period not to exceed six (6) months.

a. General Provisions
   1) Off-street parking for nonresidential uses shall be either on the same lot or a lot within three hundred (300') feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
   2) Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
   3) Required residential off-street parking spaces shall consist of a parking strip, parking bay driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 111.A. of this Ordinance, "Accessory Buildings."
   4) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere or site plan review approves a change in required parking.
   5) Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use or site plan review approves a change in required parking
   6) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on any area designated as a parking lot.
   7) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Board of Appeals considers to be similar in type.
   8) When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, that fraction shall be discarded and the resulting whole number shall be used.
   9) The resulting required number of parking spaces shall be the maximum allowed for a project. The Planning Commission may approve increases above the required number if at least 50% of the total parking area is to be a pervious surface.
   10) The Commission may waive the minimum parking spaces required, or permit staging of parking lot construction, upon good cause shown and, in order to preserve natural features, open space, buffers or other positive site planning effects.
   11) A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The location of all entrances and exits and directional signs shall be approved by the Commission, and where required by the Manistee County Road Commission and the Michigan Department of Transportation.
   12) Federal and State requirements regarding handicapped parking and access shall apply.
   13) Off-street parking shall be permitted to occupy part of the required front yard only after the approval of the parking plan layout and points of ingress and egress by the Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10') feet between the nearest point of the off-street parking area and the street right-of-way line.
   14) For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.

b. Collective Parking.

The collective provision of off-street parking for two or more structures or uses may be permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.

1) The total of such off-street parking facilities for joint or collective use may be reduced by the Commission in accordance with the following rules and standards:
2) Uses for which the collective off-street parking facilities are to serve shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide.
3) Not more than fifty (50) percent of the off-street parking facilities required for churches, bowling alleys, dance halls and establishment for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.
4) A legally sufficient written agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Commission and Village Attorney, and filed with and made part of the application for a land use permit.

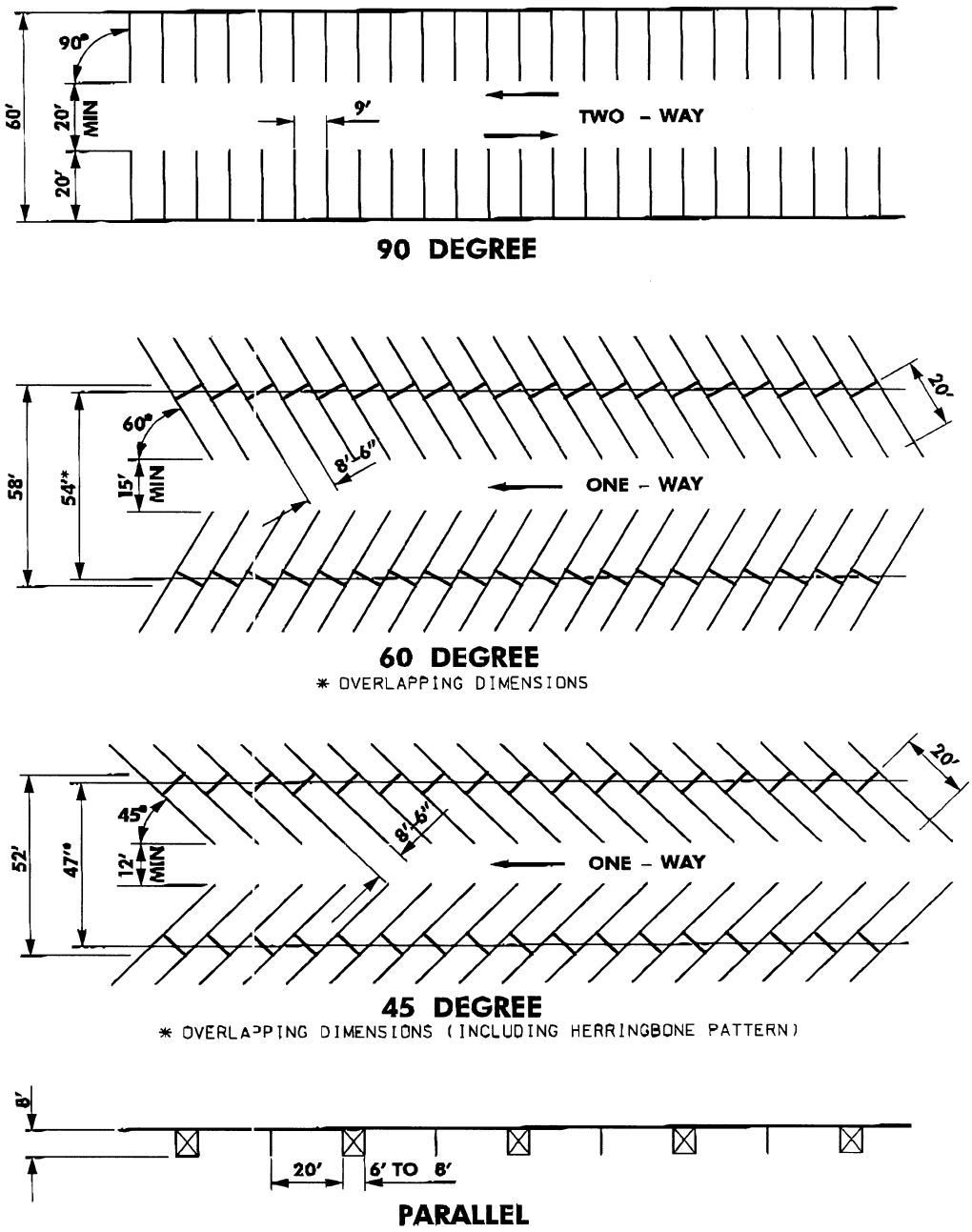
c. Off-Street Loading.
1) Uses involving the receipt or distribution by vehicles of materials or merchandise shall provide and permanently maintain adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys, and thus, help relieve traffic congestion.
2) Every such building or structure housing such a use shall be provided with at least one truck standing, loading and unloading space on the premises not less than ten (10') feet in width, twenty-five (25') feet in length and fourteen (14') feet in height. One additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof of gross floor area in the building.
3) Off-street loading space and access drives shall be drained, lighted and shall have appropriate bumper or wheel guards where needed.
4) When required off-street loading in the M-1 and M-2 districts abuts the residential settlement district, the minimum planting required shall be Buffer "B", in section 107.A.d.
5) Loading spaces shall not be construed as supplying off-street parking space.

d. Off-Street Parking Space Layout, Standards, Construction and Maintenance.
1) Whenever the off-street parking requirements of the Zoning Ordinance require an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
2) No parking lot shall be constructed unless and until a permit is issued by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
3) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements. Refer to illustration 6 and table 6.

Orientation	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of Two Tiers of Spaces Plus Maneuvering Lane*	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel)	12 feet	8 feet	28 feet		
45°	12 feet	8 feet + 6 in.	20 feet	47 feet	52 feet
60°	15 feet	8 feet + 6 in.	20 feet	54 feet	58 feet
90°	20 feet	9 feet	20 feet	60 feet	

Table 6. Parking Dimensions.
*Measured from the centerlines of the parking stall borders (see illustration 6)

Illustration 6. Parking Layout.



1) Each entrance and exit, to and from any off-street parking lot located in the M-1 and M-2 Districts shall be at least twenty-five (25') feet distant from adjacent property located in the residential settlement district.
2) Except for those serving single and two-family dwellings, all off-street parking areas shall be buffered from the residential settlement district. Such buffering shall consist of an alternative from Buffer A in Section 107.A.d of this Ordinance.

3) When a front yard setback is required, all land between said screening and the front property line or street right-of-way line shall be kept free from refuse and debris.
4) The entire parking area, including parking spaces, driveways, and maneuvering lanes, required under this section, shall be provided with a hard surfacing such as concrete, asphalt, porous pavement/concrete, paver blocks, compacted limestone or other hard surfacing which will facilitate use by people of all abilities. The Planning Commission reserves the right to refuse the use of any surfacing type which doesn't meet the needs and abilities of all residents of the Village.
5) A certificate of occupancy may not be issued until all requirements of section 109.G. are met.
6) In the event that inclement weather or other conditions beyond the control of the builder would make the surfacing of the parking area impractical prior to the desired date of occupancy, the Zoning Administrator may waive Section 109.F.e.7 of this Ordinance for a period not to exceed six (6) months. A mandatory condition of this temporary occupancy shall be that a cash deposit, certified check, irrevocable bank letter of credit or performance bond acceptable to the Village, in the full amount necessary to provide the surfaced area, be deposited with the Bear Lake Village Treasurer, prior to any occupancy of the facility which it serves.
7) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, towards buildings or surface waters.
8) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10') feet from such alley line in order to permit a wider means of access to the parking area.
9) Except for those serving single and two-family dwellings, all parking shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend behind the property lines or into required landscaped area
10) The Planning Commission may modify the yard or wall requirements where no good purpose would be served by compliance with the requirements of this section

d. <u>Parking Space Requirements.</u>
1) The maximum number of off-street parking spaces required for any structure or use which is established, constructed, altered or expanded shall be determined in accordance with the following schedule in table 7.
2) Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in table 8, and identified by above grade signs as reserved for physically handicapped persons.
3) Parking spaces for the physically handicapped shall be a minimum of twelve (12') feet wide and must meet all other applicable requirements as to size as set forth in this Section per State requirements.

Use	Required Parking Spaces
1. One family dwelling or mobile homes.	Two (2) for each dwelling unit.
2. Multiple dwellings.	Two (2) for each dwelling unit.
3. Elderly housing, boarding or lodging houses.	One (1) for each individual living or sleeping unit plus one (1) space for each employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Hotel and motel.	One (1) for each unit, plus one (1) for each employee on the largest shift, and required parking for accessory uses.
5. Bed and breakfast.	Two (2) spaces plus one (1) additional space for each room to be rented.
6. Inns.	Two (2) spaces, plus one space for each room to be rented plus parking as required for each accessory use.
7. Hospitals.	One (1) for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each employee for the largest shift.
8. Churches.	One (1) for each three (3) seats or per each six (6) feet of pews, whichever is greater.
9. Auditoriums (incidental to schools churches, theaters), or buildings of similar uses with fixed seats.	One (1) for each six (6) seats, plus one (1) additional space for each two (2) employees.
10. Auditoriums (other than incidental to schools), lodge halls or buildings of similar uses without fixed seats.	One (1) for each three (3) persons permitted in such edifice as determined in the capacity limitations, thereof, by the Fire Marshal.
11. Elementary and junior high school.	One (1) for each employee (including teachers and administrators) in addition to the requirements of the auditorium.
12. High schools or business schools	One (1) for each employee (including teachers and administrators) and one (1) for each ten (10) students in addition to the requirements of the auditorium.

13. Libraries, museums, and post offices.	One (1) for each eight hundred (800) square feet of usable floor area plus one (1) for each two (2) employees.
14. Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by the Fire Marshal.
15. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or each two (2) individuals anticipated, plus spaces required for each accessory use, such as restaurant or bar.
16. Golf course open to the general public, except miniature golf or "Par 3" courses.	Four (4) for each (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
17. Miniature or "Par 3" golf course.	Three (3) for each hole plus one (1) for each employee.
18. Stadium, sports area, or similar place of outdoor assemble.	One (1) for each four (4) seats or six (6) feet of benches.
19. Theaters and assembly halls.	One (1) for each four (4) seats plus one (1) for each two (2) employees.
20. Bowling lanes.	Five (5) for each bowling lane plus accessory uses.
21. Dance halls, pool or billiard parlors, roller rinks, banquet halls, exhibition halls, and assembly halls without fixed seats.	One (1) for each three (3) persons allowed within the maximum or skating occupancy as established by Fire Marshal or local, county or state fire, building or health codes, or one for each one hundred fifty (150) square feet of usable floor area, whichever is greater.
22. Restaurants, clubs, establishments for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.

23. Furniture and appliance, household equipment, repair shops, personal service establishments, showroom of a plumber, decorator, electrician or similar trade, shoe repair, similar uses.	One (1) for each one thousand of (1,000) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
24. Automobile service and repair facilities.	Two (2) for each lubrication stall, rack, or pit; one (1) for each gasoline pump and one (1) for each employee.
25. Self service filling station and convenience store.	One (1) space for each gasoline pump, and one (1) space for each two hundred (200) square feet of usable floor area.
26. Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
27. Mortuary establishment including funeral homes.	One (1) for each thirty (30) square feet of usable floor area in assembly, parlor, or slumber rooms.
28. Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor area of sales room, and one (1) for each (1) auto service stall in the service room.
29. Retail stores except as otherwise specified herein.	One (1) for each two hundred (200) square feet of usable floor area.
30. Fast food and drive-in restaurants.	One (1) for each two (2) employees, plus (1) for each two (2) seats intended for patrons within the restaurant building, and one (1) for each twenty (20) square feet of usable floor area available in the order-waiting area.
31. Beauty shops and barber shops.	Two (2) for each of the first two (2) beauty and/or barber shop chairs and one and a half (1 1/2) spaces for each additional chair.
32. Planned commercial or shopping centers.	One (1) for each hundred (100) square feet of usable floor area.
33. Auto wash.	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises.
34. Banks.	One (1) for each one hundred (100) square feet of usable floor area.

35. Drive-in banks, cleaners and similar businesses.	Storage space for five (5) cars between the sidewalk area and the service window and one (1) for each two (2) employees.
36. Nursery school, day nursery, or child care centers.	One (1) for each three hundred and fifty (350) square feet of usable floor space.
37. Business offices or professional offices except as follows in number	One (1) for each two hundred (200) square feet of usable office floor area.
38. Professional office of doctors, dentists or similar professions.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each twenty-five (25) square feet in waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.
39. Industrial or research establishments and related accessory offices	Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
40. Warehouse and wholesale establishments and related accessory offices.	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two (2) percent of total
Over 1,000	Twenty (20), plus one (1) for each one hundred (100) over one thousand (1,000).

1010) Aesthetic, sign, outdoor lighting and related

A. Sign Regulations

This section shall apply to all Districts within the Village of Bear Lake which;

a. Are new developments or have renovations which expand the useable floor area or parking area greater than 25%, or sites which are being redeveloped.
b. All proposed developments for which a medium or detailed site plan is required for construction, renovation or redevelopment of a site.
c. All future uses which require a land use permit under this ordinance

d. Permitted Sign Types

The following types of signs are permitted when in conformance with the requirements of this section:

1) Wall/Fascia Sign: A sign attached flat to or mounted away from but parallel to the building wall, projecting no more than twelve (12") inches from the building wall.
2) Projecting Sign: A sign fastened directly to a supporting building wall and intersecting the building wall at a right angle.
3) Monument Sign: A sign attached to the ground that sits atop a pedestal base, ten (10') feet or less in height.
4) Awning/Marquee/Canopy/Hanging Sign: A sign which is attached flat to an awning, marquee, or canopy or hanging from an awning, marquee or canopy.
5) Window Sign: A sign attached flat but parallel to the inside of the window, this does not include wall/fascia signs.
6) Decorative Flags or Banners: Signs mounted within the public ROW displaying non-commercial information, specifically holiday decorations or seasonal banners.
7) Freestanding: Often called sandwich boards, a sign that is less than four (4') feet in height and can be easily set and moved.
8) Post Sign: Sign which is attached either through a post(s) or other means that maintains the sign perpendicular to the ground, that is less than 5 feet in total height.
9) Feather Flags: A sign typically made of a flexible fabric material supported with a vertical pole that moves with the wind.

e. General Sign Standards.

1) Computation of Sign Area
   i. The area of a wall sign which consists of individual letters shall be determined by finding the area of the minimum imaginary rectangle or square which fully encloses all sign words, images or message.
   ii. The area of a sign with three (3) or more sides shall be computed as the sum of the area of each side designed to either attract attention or communicate information.
   iii. The area of any other sign is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all words, images or message of one side of the sign, outside of the sign supports.
2) Construction Standards
   i. All signs shall comply with the State of Michigan Building and electrical codes.

ii. Signs shall be located in a way that they maintain sufficient horizontal and vertical clearance of all overhead electrical lines and equipment.
iii. In no way shall a sign hinder or obstruct the visibility of the right of way, nor street corner visibility as outlined in Section 109.E.
iv. No sign shall be placed within a right-of-way, easement or off premises from the parcel it is permitted to.

3) Illumination
   i. Signs shall not flicker, flash, strobe, pulse or operate in similar erratic fashion.
   ii. Signs may have scrolling lit digital text.
   iii. Signs may be internally lit but may not emit a direct beam of light projecting outward from the sign.
   iv. Signs may be externally lit, and all lights shall be focused solely on the sign.

Sign Standards	**Zoning District**			
	R-S	**M-1**	**M-2**	**BOD**
Number of Signs Allowed	1	2	2	2
Type of Signs Allowed	Freestanding, Wall, Projecting	Monument, Wall, Projecting, Awning, Window, Feather Flags	Wall, Projecting, Awning, Window, Monument	Wall, Projecting, Awning,
Size of Sign Allowance	4 ft^2	16 ft^2 per sign	10 ft^2 per sign	12 ft^2 per sign
Height of Sign Allowance	4 ft freestanding Affixed to Building-no higher than roof eaves	10 ft freestanding Affixed to Building-no higher than roofline	8 ft freestanding Affixed to Building-no higher than roofline	Affixed to Building-no higher than roofline
Illumination	No	Internally or projected downward onto sign	projected downward onto sign	projected downward onto sign
Materials	Wood, Metal, Hard Plastic	Wood, Metal, Hard Plastic, Durable Canvas	Wood, Metal, Hard Plastic, Durable Canvas	Wood, Metal, Hard Plastic, Durable Canvas

f. Specific Sign Standards
   1) Projecting Sign
      i. Shall not block entry ways, vehicular drives or pedestrian walkways in a manner that will impede vehicular or pedestrian movement.
   2) Monument Sign
      i. Shall be placed on structure of block, brick or similar material.
      ii. Shall not exceed 10' in height.

3) Awning/Marquee/Canopy/ Hanging Sign
   i. Shall provide a minimum clearance of seven (7') feet from ground level when placed over pedestrian walkways.
   ii. Shall provide a minimum clearance of ten (10') feet from ground level when placed over vehicular drives.
4) Window Sign
   i. Shall only be allowed to provide coverage of twenty (20%) percent of the glass window area.
   ii. Shall be placed only on one (1) window of the structure.
   iii. Shall be placed immediately adjacent to the bottom or top of the window frame.
5) Decorative Flags or Banners
   i. Shall only be allowed to be placed within a certain timeframe of the holiday, festival or season with which they are representative as determined by the administrator.

g. Temporary Signs
   1) Signs that are utilized for a temporary purpose and timeframe of three (3) week or less are allowed after obtaining a free permit.
   2) The dates that the sign(s) will be placed and removed are required and all requirements of this section must be adhered to for the respective zoning district.

h. Prohibited Signs
   1) Roof signs
   2) Billboards
   3) Mechanical signs that have motion
   4) Copies or imitations of traffic, government or other official signs
   5) Off premise signs
   6) Signs located in the right-of-way

i. Maintenance
   1) Signs shall be kept in quality appearance free of flaking, streaking, faded, cracked, broken or other similar defects as determined by the administrator.
   2) Signs shall be kept in proper working order
   3) If illuminated, signs shall be kept properly lit during business hours
   4) Any and all vegetation around the sign location shall be maintained to keep a quality appearance

B. Outdoor Lighting
   a. Applicability
      1) All existing and proposed developments for which a medium or detailed site plan is required for construction, renovation or redevelopment of a site.
      2) Buildings and structures lawfully existing as of the effective date of this ordinance may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance of this section as long as the increase in usable floor area or parking area is no greater than 25%.

b. Prohibited Light Sources
   1) Searchlights or other high intensity narrow-beam fixtures
   2) Lighting that flickers, flashes, strobes, pulses or operates in similar erratic fashion

c. Design Requirements
   1) Fixtures
      i. The light source shall be concealed and shall not be visible from any road right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.
      ii. Lighting fixtures shall be a maximum of 20 feet in height within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
   2) Light Source
      i. The same light source type shall be used for the same or similar type of lighting on any one site throughout the development.

d. Excessive Illumination
   1) Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this section.
   2) Lighting shall not be oriented so as to direct glare or excessive illumination onto roads in a manner that may distract or interfere with the vision of drivers.

e. Lighting Plan
   1) Medium and detailed site plans shall display the location and arrangement of lighting on the site.

f. Additional Provisions
   1) The Planning Commission may waive requirements of this section if the applicant can display that the lighting arrangement, fixtures and/or design meet the intent of this section.

1011) Structure

A. Accessory Buildings, Structures and Uses.
Accessory buildings, structures and uses are allowed in all zoning districts and except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

a. An accessory structure shall not be permitted in the R-S District unless a Dwelling is present on the same parcel.
b. An accessory structure shall not be permitted in the M-1 or M-2 Districts unless a principle structure is present on the same parcel.
c. In the Residential Settlement R-S District, all accessory buildings and structures shall be in the side yard or rear yard, except when built as part of the main building and except where the parcel abuts a body of water, in which case accessory structures and buildings necessary for the enjoyment of the water, such as boathouses, docks and erosion control devices, may be placed in the waterfront yard and within the waterfront setback line. Nothing in this section shall be construed as modifying any other applicable requirement

for the parcel in question, including, but not limited to, lot size or dimensions, road frontage or size of accessory building or structure

d. An accessory building attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.
e. An accessory building and structure, unless attached and made a part of the principal building, shall not be closer than ten (10) feet to the principal building, and shall meet all setback requirements of the land use district in which it is to be erected, moved, altered or used unless otherwise expressly provided in this Ordinance, except that driveways may extend through setbacks, and erosion control devices, trees, shrubs, hedges and fences (see section 107) shall not be subject to setback regulations.
f. A maximum of two accessory buildings on a parcel shall be permitted in the R-S District. The maximum, size of the larger of the accessory buildings shall not exceed 1,200 square feet and the maximum size of the smaller shall not exceed 144 square feet.
g. No accessory structure in any district shall be larger than the square footage of the ground floor of the principle structure or dwelling on the same parcel.
h. No detached accessory building in any district shall exceed thirty-five (35') feet in height or be taller than the principal structure, measured from the base elevation to the top of the roof peak.
i. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on either street. An accessory structure may not be placed without a having a principle structure first placed on the parcel of land.

B. Temporary Dwellings during Construction.
A temporary permit may be issued by the Zoning Administrator for a mobile home or other temporary dwelling such as an RV, camper or trailer to be occupied for a period up to six (6) months while a single-family dwelling is being constructed. Such temporary permit may be extended by the Zoning Board of Appeals for like periods of time, but not after the original cause of need for the use shall cease to exist. The Zoning Board of Appeals shall require a cash deposit of not less than two hundred fifty dollars ($250), which shall be returned in its entirety once the temporary use has been removed from the premises, in accordance with the provisions of the temporary use permit. Such temporary permit may not be granted or extended beyond a maximum of two (2) years. The mobile home or temporary dwelling must be removed within sixty (60) days after the expiration of the permit or the deposit will be used for its removal.

C. Swimming Pools.
All swimming pools erected in the Village greater than thirty-six (36") inches in depth shall comply with the following requirements:

a. Pool Location**.** The pool or its fence must not be built within the required front yard or required corner lot side yard. Rear yard setbacks shall not be less than ten (10') feet between the pool outside wall and the rear property line, or less than the established easement width, utility or driveway at the rear property line, or less than ten (10') feet between pool wall and any building on the lot.
b. Fence. For the protection of the general public, all swimming pools shall be completely enclosed by a minimum four (4) foot fence or other means of access control. Above ground

pools may have gates, removable or swing up steps or other means to limit entry in lieu of a fence.

c. Electrical Installations**.** All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. A no fault ground unit shall be provided to protect against electrical shock.
d. Permits. Building and/or electric permits are required prior to the construction of the pool or the installation of electrical service.

D. Decks

A deck associated with a residential structure shall be subject to the following restrictions:

a. A deck shall not contain any solid vertical sides, meaning without openings or breaks.
b. A deck shall not be completely or partially covered by a solid, permanent roof, except the eaves of the principal structure.
c. A deck must meet the setback requirements of the zoning district.
d. Decks shall be constructed in accordance with requirements of the current Building Code.
e. The Planning Commission may modify and waive deck requirements by a majority vote if the applicant meets the intent of the Ordinance.

E. Fences.

a. Residential Fences. Fences in the Residential Settlement and the Multiple Use 2 Districts are permitted, subject to the following:

1) Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard, shall not exceed six (6') feet in height. This distance shall be measured from the grade to the highest point of the fence. No fence, wall, or hedge shall rise over four (4') feet in height in front of the house or in the required minimum front yard, the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 109.E. of this Ordinance or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
2) Front yard fences are allowed to be located on the front lot line. Side, rear and water yard fences must be located at least twelve (12") inches off the respective lot line.
3) No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4') feet and is made of wrought iron, aluminum, vinyl or wood.
4) Fences shall consist of at least one side that is of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, galvanization, and the painting or staining of wood. The finished side of the fence shall face away from the property that is being fenced.
5) The maintenance of the fence shall be the responsibility of the fence owner, therefore, adequate space shall be left on the exterior of the fence to allow the owner to maintain the fence in good condition.

6) All fences shall comply with the requirements of the Building Code.
7) Nothing contained herein shall be construed to take precedence over private deed restrictions where more restrictive than the above described regulations.

b. Nonresidential Fences

1) Fences located in the Multiple Use 1 District shall not exceed six (6') feet in height, measured from the surface of the ground.
2) Fences, which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
3) No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 109.E of this Ordinance or interfere with visibility from a driveway.
4) The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
5) Fences located within twenty-five (25') feet of an intersection shall not exceed thirty (30") inches in height.
6) Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Commission may approve a fence eight (8') feet in height with barbed wire attached to the top of such fence as part of the site plan review process. This provision does not apply to fences in conjunction with agricultural operations.

F. Dish Type Satellite Signal Receiving Stations.
Dish type satellite signal receiving stations, greater than three (3') feet in diameter, hereafter referred to as stations, may be located in the Village subject to the following provisions:

a. For the purposes of this Ordinance, stations shall be considered as accessory structures. In all districts no dish type antenna shall be placed in a required front yard or required side yard but may be placed in other yard areas or roofs subject to the same restrictions as set forth for accessory buildings and structures.
b. Unless owned or operated by a public utility or company providing services to the public, stations shall not be linked to receivers which are not located on the same lot as the station.
c. Regardless of however turned or otherwise used, all parts of the station will be set back at least ten (10') feet from the side lot lines and shall be set back from the rear lot line no less than twenty (20') feet.
d. The height of the station, should the dish antenna be turned perpendicular to the ground, shall not extend above fifteen (15') feet, and the maximum diameter of any dish antenna shall not exceed twelve (12') feet.
e. No installation or erection of a station shall commence before a land use permit is obtained from the Zoning Administrator.

G. Personal-Scale Solar Energy Systems
a. Purpose and Intent: The purpose and intent of this section is to establish additional standards for the siting of Personal-Scale Solar Energy Systems as a permitted land use.
b. Land Use Permit and Sketch Plan: All land use permits for a Personal-Scale Solar Energy System shall include a sketch site plan that details the following information.
1) The parcel the SES is to be located upon with boundaries and setbacks denoted.
2) The location of all structures and accessory structures on the parcel.

3) The location of structures on adjacent property that are within a line of sight of the proposed location of the SES.
4) The location of all existing and/or proposed screening with description of said screening.
5) A description of the elevation and placement of the SES.

c. Personal-Scale Solar Energy Systems shall meet the following requirements.
1) Ancillary Solar Equipment: Ancillary solar equipment shall be located inside of a building or screened. All ancillary solar equipment shall be screened consistent with Section 11.G.d.2 and Section 111.G.e.3.
1) Battery Use and Storage: If the SES will utilize batteries or the storage of batteries, they must be kept enclosed in covered structure of adequate design that follows all applicable state and federal requirements regulating the outdoor storage of batteries.
2) Installation and Maintenance: A SES shall be installed, maintained and used only in accordance with the manufacturer's specifications.
3) Compliance with Additional Codes: A SES and the installation and use thereof, shall comply with the building code, electrical code and any other applicable State codes. Installation of a SES shall not commence until all necessary permits have been issued.

d. For Ground Mounted Personal Scale Solar Energy Systems (SES)
1) Setbacks: A ground mounted SES may be located in the rear or side yard and shall be located at least fifteen (15) feet from the property line.
2) Height: A ground mounted SES shall not exceed fifteen (15) feet in height, and the height shall be measured from the ground at the base of such equipment to the highest point of the system.
3) Screening: A ground mounted SES shall be screened from adjacent property. Screening shall be accomplished by use of existing vegetation and topography to the greatest extent possible. In the event of a lack of vegetation and/or topography, the screening shall be accomplished using evergreen plantings, fencing, berm or combination thereof as deemed necessary and appropriate by the Planning Commission.
4) Lot Coverage: Solar energy systems shall not occupy greater than 60% of the side and rear yards.

e. For Building-Mounted Personal-Scale Solar Energy Systems (SES)
1) Setbacks: A building-mounted SES shall comply with all applicable area, height and placement requirements for principle buildings or accessory buildings for the district in which it is going to be located.
2) Placement of Solar Panels: All building-mounted SES solar panels shall be placed as to not front a public road or right-of-way, unless located on an accessory structure in the rear yard of the principle structure on the same parcel.
3) Screening: A building-mounted SES shall be screened from adjacent properties to the greatest extent possible Screening shall be accomplished by use of existing vegetation and topography to the greatest extent possible. In the event of a lack of vegetation and/or topography, the screening shall be accomplished using evergreen

plantings, fencing, berm or combination thereof as deemed necessary and appropriate by the Planning Commission.

H. Wireless Communication Antennas.
In order to encourage co-location and to minimize the number of Wireless Communication Support Facilities (WCSFs) within the Village, Wireless Communication Antennas (WCAs) shall be considered a permitted accessory use in all non-residential Zoning Districts when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20') feet above the tallest portion of the structure on or to which it is attached. Provided further that the height of any WCA shall not exceed one hundred (100') feet unless:

a. Located on a lawfully existing or approved WCSF; or
b. Located on a structure existing prior to the adoption of this regulation; or
c. Located on a structure which has received a height variance.

Installation of a WCA shall meet the following requirements

1) An application to install a WCA in a non-residential zoning district shall require approval from the Zoning Administrator.
2) The installation of a WCA as an accessory use in a residential zoning district may be allowed, but shall require review and approval by the Commission and shall include evidence that adequate servicing cannot be attained from the placement of a WCA in a non-residential zoning district.
3) WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
4) If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15') feet in height and shall meet all zoning requirements.
5) WCAs shall not be allowed on any site used as a single-family dwelling unit.
6) All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
7) No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
8) This Section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

1012) Dwelling and residential

A. One and Two Family Dwelling Standards.
A land use permit issued by the Village of Bear Lake shall be required before any dwelling unit is constructed, relocated, or moved into the Village of Bear Lake. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the Building and Fire Codes. In addition, the following regulations shall apply:

a. Mobile homes or trailers shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CRF 3280, and as such standards may be amended). The Zoning Administrator shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure. Any addition to such mobile home must be designed and constructed by the manufacturer of such mobile home, or must be

based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Zoning Administrator

b. All single-family dwelling units, outside of licensed mobile home parks, shall have a minimum width across any front, side, or rear building face of twenty (20') feet at the time of construction or placement.
c. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the Building Code.
d. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall as required above.
e. Each dwelling shall be connected to a public sewer and water supply or to approved private facilities. Road culvert permits must be obtained from the Manistee County Road Commission.

1013) Keeping of Pets

The keeping, raising, and breeding of household pets, for show purposes, protection of property or for personal enjoyment is allowed in any zoning district, subject to the following conditions:

A. The keeping of three or fewer household pets is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required. However, this does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property. Keeping greater than this number is not allowed within the Village.

1014) Motor Vehicle Storage in Residential Districts.

Storage in a residential district shall be permitted only when it is accessory to the principal use of the parcel or adjacent parcel when owned by the same person.

A. The storage of travel trailers, utility trailers, recreation vehicles and similar items shall not be permitted within the required front yard.
B. No storage shall be permitted closer than five (5') feet to any dwelling unit, nor closer than three (3') feet to any side lot line.
C. Semi-trailers, over-the-road commercial haulers, gravel trains and similar vehicles licensed for twenty thousand (20,000) pounds or more gross vehicle weight (GVW) are not permitted to be parked or stored in any residential district except in a completely closed building which building is subject to size limitations set forth in this Ordinance.
D. Licensed motor homes shall not be stored or parked in the required front yard for a period exceeding seven (7) days in any calendar month not more than three (3) non-consecutive months in a calendar year.
E. At no time shall an RV, motor home, travel trailer of similar vehicle be utilized as a dwelling in any district within the Village of Bear Lake outside of a licensed park or campground, or outside of the requirements of Section 111.B of this ordinance.

1015) Excavation (Unauthorized).

The existence within the limits of the Village of Bear Lake of any unprotected, barricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety,

or welfare, are hereby prohibited and declared a public nuisance; provided however, that this Ordinance shall not prevent any excavations under a permit issued pursuant to the provisions of this Ordinance, or as regulated by State Statute.

1016) Reserved for future use

Article 12
Subdivision and Condominium Design Standards

1201) Subdivision Traffic ways, Streets and Roads.

1. Intent: The standards set forth in this Ordinance are for the guidance of sub-dividers and represent desirable and acceptable practices. The required standards for streets, roads and intersections shall be the standards adopted by the Manistee County Road Commission for this Village. Generally, all streets shall be dedicated to public use. Arterial streets shall be dedicated to public use in all cases.

B. General

a. Street Location and Arrangement: When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.
b. Local or Minor Streets: Such streets should be so arranged as to discourage their use by through traffic.
c. Street and Continuation and Extension: The arrangement of streets should provide for the continuation of streets from adjoining areas into new subdivisions, unless otherwise approved by the Village Street Administrator.
d. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions should be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
e. Relation To Topographic: Streets should be arranged in proper relationship to topography so as to result in usable lots, safe streets, and reasonable gradients.
f. Alleys: Alleys are not desirable in areas of detached single or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking.
g. Marginal Access Streets: Where a subdivision abuts or contains an arterial street, the Village may require:

1) Marginal access streets approximately parallel to and on each side of the right-of-way.

2) Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

h. Cul-De-Sac Streets: Cul-de-sac streets should not be more than six hundred (600') feet in length. Longer cul-de-sac streets under certain topographic conditions or other unusual situations will be permissible if approved by the Village Street Administrator. Cul-de-sac streets should terminate with an adequate turnaround with a minimum radius of seventy five (75) feet for right-of-way and fifty (50) feet for pavement. Cul-de-sac streets are discouraged unless emergency access is provided to all property in the event the street is blocked for any reason.
i. Private Streets: Private streets and roads will be permitted where desirable and acceptable to the Commission. All such streets shall be marked, at owner's expense, by a sign, stating the street or road is private. Private streets shall be designed with a sixty-six (66) foot right of way with twenty-four (24) feet of hard surface.

C. Specifications

a. Street Right-of-Way Widths: Street and road right-of-way widths shall conform to the rules of the Manistee County Road Commission and the State Department of Highways with the following exception:

1) Private roads and driveways serving less than five (5) residential lots do not need to be hard surfaced. The addition of a fifth lot shall requires that the entire roadway be hard surfaced to Manistee County Road Commission standards.
2) In subdivision or condominium developments, the street or road does not have to be hard-surfaced to Road Commission standards until 90 percent of the residential construction has been completed.

b. Street Gradients:

1) Maximum Grades: Street grades shall not exceed five (5) percent on either local streets or collector streets.
2) Minimum Grades: No street grade shall be less than zero point five (0.5) percent.

c. Street Alignment:

1) Horizontal Alignment: When street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines should be connected by a curve with a minimum radius of five hundred (500') feet for arterial streets, three hundred (300') feet for collector streets and one hundred (150') feet for local or minor streets. Between reverse curves, on minor streets, there should be a minimum tangent distance of one hundred (100') feet, and on collector and arterial streets, two hundred (200') feet.
2) Vertical Alignment: Minimum sight distances should be two hundred (200') feet for minor streets and three hundred (300') feet for collector streets.

4. Street Name

a. Street names shall not duplicate any existing street name in the County, except where a new street is a continuation of an existing street.
b. Street names that may be spelled differently but sound similar shall also be prohibited.

1202) Subdivision Intersections.

A. Angle of Intersection

a. Streets should intersect at ninety (90) degrees or closely thereto and in no case at less than eighty (80) degrees.

B. Sight Triangles

a. Minimum clear sight distance at all minor street intersections should permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection.

C. Number Of Streets

a. No more than two (2) streets should cross at any one intersection.

D. "T" Intersections

a. Except on arterials and certain collector streets, "T" intersections should be used where practical.

E. Vertical Alignment of Intersection

a. A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section should be carried back fifty (50) feet to one hundred (100') feet each way from the intersection. An allowance of two (2) percent maximum intersection grade in rolling terrain and four (4) percent in hilly terrain is desirable.

1203) Subdivision Non-motorized Ways.

A. Crosswalks: Right-of-ways for non-motorized crosswalks in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. A right-of-way should be at least ten (10') feet wide and extend entirely through the block.

B. Sidewalks: Sufficient rights-of-way should be provided so that sidewalks may be installed on both sides of all streets.

1204) Subdivision Easements Location.

A. Easements shall be provided along rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of not less than twelve (12') feet for adjoining lots.

1205) Subdivision Drainage Way.

A. The sub-divider shall provide drainage way easements as required by the rules of the Manistee County Drain Commissioner.

1206) Subdivision Blocks.

A. Arrangements: A block should be so designed as to provide two (2) tiers of lots where practical, except where lots back onto an arterial street, natural feature or subdivision boundary.

B. Minimum Length: Blocks should not be less than four hundred (400') feet long in the R-S and less than six hundred (600') feet in all other residential districts.

C. Maximum Length: The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet from center of street to center of street.

1207) Subdivision Lots.

A. Conform to Zoning: The lot width, depth, and area shall not be less than the particular district requirements of the Ordinance.

B. Lot Lines: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

C. Corner Lots: Corner lots shall have extra width to permit appropriate building setback from both streets.

D. Uninhabitable Areas: Lands subject to flooding or otherwise deemed by the Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open space.

E. Lot Frontage: All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers or streams. The front line shall be the street or road unless otherwise shown on the plat.

1208) Subdivision Lot Division.
The division of a lot in a recorded plat is prohibited, unless approved following application to the Zoning Administrator. The application shall be filed with the Commission and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Zoning Ordinance. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Zoning Administrator. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to an existing lot in the subdivision. The application shall so state and shall be in affidavit form.

1209) Subdivision Reserve Strips.
A. Reserve Strips - Private: Privately-held reserve strips controlling access to streets shall be prohibited.

B. Reserve Strip - Public: A one (1') foot reserve may be required to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision boundaries and between half-streets. These reserves when required shall be deeded in fee simple to the Village for future street purposes.

1210) Subdivision Required Public Improvements.
A. Every sub-divider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

   b. Monuments: Monuments shall be set in accordance with the Land Division Act, PA 591 of 1996 , as amended and the State.
   c. Streets and Alleys: All streets and alleys shall be constructed of a bituminous surface in accordance with Manistee County Road Commission standards and specifications, except as provided in Section 109.C and Section 109.D of this Ordinance.
   d. Installation of Public Utilities: Public utilities and driveways shall be located in accordance with the rules of the Manistee County Road Commission. All utilities must be installed below ground. Underground work for utilities shall be stubbed to the property line.
   e. Driveways: All driveway openings in curbs shall be as specified by the Manistee County Road Commission or the State Department of Highways.
   f. Storm Drainage: An adequate storm drainage system shall be required in all subdivisions. The minimum requirements for each particular subdivision shall conform to the Manistee County Stormwater Guidelines. All drainage shall be on land contained in the plat. Construction shall follow the specifications and procedures established by

the Manistee County Stormwater Guidelines. All proposed storm drainage construction plans for proposed plats shall be prepared by the sub-divider.

g. Water Supply System: When a proposed subdivision is to be serviced by a public water supply system, a sub-divider may be required to provide fire hydrants and other required water system appurtenances.
h. Individual Wells: Individual wells may be permitted in accordance with the requirements of the District #10 Health Department, and the policy for individual wells of the Village of Bear Lake.
i. Sanitary Sewer System: When a proposed subdivision is to be serviced by a public sanitary sewage system, the sub-divider shall provide sanitary sewers and other required appurtenances thereto. Sewer systems shall comply the requirements of P.A. 98 of 1913, as amended.

    1) If there is no existing or accessible public sewer system, the sub-divider may be required to provide a sewer system for the common use of the lot owners, if feasible, in the judgment of the Commission with the advice of the District #10 Health Department and shall comply with the requirements of P.A. 98 of 1913, as amended.
    2) Where in the judgment of the Commission, with the advice of the District #10 Health Department, it is determined that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then septic tanks and disposal fields may be approved so long as they shall comply with the requirements of the District #10 Health Department.
    3) However, where studies by an engineer selected by the Village indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to three (3) years), sanitary sewer mains and house connections shall be installed and capped.

j. Street Name Signs: Street name signs shall be required to be installed in the appropriate locations at each street intersection in accordance with the requirements of the Manistee County Road Commission.
k. Buffers: It is desirable for the protection of residential properties to have buffers or landscaped screen plantings located between a residential development and adjacent major arterial streets, businesses, commercial areas, and railroad rights-of-way. Where a sub-divider desires to protect his development in this respect, a proposed subdivision plat shall show the location of the buffers.
l. Street Trees: Street trees of a variety and size approved by the Commission may be planted between the street curb and sidewalk. The location of street trees shall be approved by the Village Street Administrator so as not to interfere with clear vision areas. It is the intention of the Village that development shall result in no net tree loss, when possible.
m. Street Lighting: Streetlights may be required to be installed, at intersections only, throughout the subdivision. In these cases, a sub-divider shall conform to the requirements of the Commission and a public utility providing such lighting.
n. Maintenance Program: If streetlights, sewers, water systems, parks or buffer areas are contained within a plat either by requirement or desire of the sub-divider, a permanent maintenance program must be set up before the sale of the fifth (5th) lot.
o. Dead End Roads: Dead end roads may be permitted if cul-de-sacs meet or exceed Manistee County Road Commission standards, and if the road is no longer than one hundred fifty (150') feet.

p. Connection To Future Roads: All streets, drives, roads, etc. abutting undeveloped or un-platted land must be shown to be capable of connecting to future roads.

1211) Subdivision Guarantee of Completion of Improvements Required By the Village.

A. Financial Guarantee Arrangements, Exceptions: In lieu of the actual installation of required public improvements, the Village Board upon recommendation of the Commission may permit the sub-divider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and above the requirements of the Manistee County Road Commission, Manistee County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Village Board may waive financial guarantees of performance under this Ordinance for sidewalks, streetlights, or street trees. In case these improvements are specified, completion may be required prior to the issuance of land use permits.

B. Performance or Surety Bond:

a. Accrual: The bond shall accrue to the Village, covering construction, operation and maintenance of the specific public improvement.
b. Amount: The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Commission or there designee.
c. Term Length: The term length in which the bond is in force shall be a period to be specified by the Village Board for the specific public improvement.
d. Bonding Or Surety Company: The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Village Board.

3. Cash Deposit or Certified Check:

a. Treasurer, Escrow Agent Or Trust Company: A cash deposit or certified check qualifies as surety acceptable by the Village Council. This surety shall be accepted as sufficient surety by the Village Council and shall accrue to the Village. These deposits shall be made with the Village Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Village Council.
b. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Commission.
c. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Village Board.
d. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Village and the sub-divider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with an agreement previously entered.

1212) Subdivision Inspection of Public Improvements Under Construction.

1. Before final approval of a plat, an agreement between the sub-divider and the Village Board shall be made to provide for checking or inspecting the construction of public improvements and conformity to plans.

1213) Subdivision Public Improvement; Penalty; Failure to Complete.

1. In the event the sub-divider shall, in any case, fail to complete such work within the period of time required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Village Board to proceed to have such work completed. To accomplish this, the Village Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the sub-divider shall have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company.

2. The Village is not responsible for the enforcement of plat restrictions.

1231) Condominium Application.

The following regulation shall apply to all condominium developments within the Village.

1232) Condominium General Requirements.

All condominium developments within the Village shall be subject to all requirements and standards of the applicable zoning district, except as specifically provided herein. All condominium developments shall also be serviced by a public water supply and public sanitary sewage system where available, except in accordance with Section 71a of the Condominium Act, Act 59 of 1978, as amended.

1233) Condominium Initial Information.

Concurrently with notice required to be given to the Village, pursuant to Section 71 of PA of 1978, as amended (The Condominium Act), a person, firm, corporation intending to develop a condominium development in the Village shall provide the following information:

A. The name, address, and telephone number of:

   a. All persons, firms, or corporations with any ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
   b. All engineers, attorneys, architects, or registered land surveyors associated with the project.
   c. The developer or proprietor of the condominium development.

B. The Legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.

C. The acreage of the land on which the condominium development will be developed.

D. The purpose of the development (for example, residential, commercial, industrial, etc.).

E. Approximate number of condominium units to be developed on the subject parcel.

1234) Condominium Information to be Kept Current.
The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

1235) Condominium Site Plans for New Projects.
Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article 94 of this Ordinance. The Village may require appropriate engineering plans prior to site plan approval.

1236) Condominium Site Plans for Expandable or Convertible Project.
Prior to expansion of or conversion to a condominium development, the project shall undergo site plan review and approval pursuant to Article 94 of this Ordinance.

1237) Condominium Master Deed, Restrictive Covenants, and "As Built" Survey.

A. The condominium development developer or proprietor shall furnish the Village with the following:

    a. Three (3) copies of the Master Deed;
    b. Three (3) copies of all restrictive covenants; and
    c. Two (2) copies of an "as built" survey.

B. One (1) copy of each of the above shall be provided to the Zoning Administrator,, one (1) copy to the Village Assessor, and one (1) copy for the Chief of the Village Fire Department.

C. The "as built" survey shall be reviewed by the Zoning Administrator for compliance with Village Ordinances. Fees for this review shall be established by resolution of the Village Board.

1238) Condominium Monuments Required.
All condominium developments, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.

A. All monuments used shall be made of solid iron or steel bars at least one-half (1/2”) inch in diameter and thirty-six (36”) inches long and completely encased in concrete at least four (4”) inches in diameter.

B. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line.

C. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

D. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument

nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

E. If a point required to be monument is on a bedrock outcropping, a steel rod, at least one half (1/2") inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8") inches.

F. All required monuments shall be placed flush with the ground where practicable.

G. All units corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18") inches long and one-half (1/2") inch in diameter, or other approved markers.

H. The Village Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit to Bear Lake Village, whichever the proprietor selects in an amount to be established by the Village Board. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

1239) Condominium Compliance with Federal, State, and Local Law.
All Condominium developments shall comply with Federal and State statutes and local ordinances.

1240) Condominium Occupancy of Condominium Development.
The Zoning Administrator may allow use of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted in an amount approved by the Village Board sufficient to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Village.

1241) Condominium Single-Family Detached Condominiums.

A. Single-family detached condominium developments may be located in any district that permits single family dwellings and shall be subject to all requirements and standards of the applicable residential district.

B. Roadways within a single-family condominium project shall be constructed in accordance with minimum road standards contained in Section 1050. of this Ordinance.

C. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

D. Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of three (3') feet in width and be so located as to provide access to all general common areas. Upon review of the site plan, the Commission may

approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

E. All unimproved surface area of the site shall be planted or natural vegetation, except that patios, terraces, decks, and similar site features may be allowed.

F. Utilities

a. An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.
b. A sanitary sewer system shall be required as regulated by the District 10 Health Department.
c. A water supply system shall be required as regulated by the District 10 Health Department.
d. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cable shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted with the approval of the Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. This provision shall not apply to overhead lines which existed at the time of this Ordinance adoption.
e. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

1242) Condominium Final Documents To Be Provided.
After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Village a copy of the site plan on a Mylar sheet of at least thirteen (13") inches by sixteen (16") inches with an image not to exceed ten and one-half (10.5") inches by fourteen (14") inches.

Article 16:
Specific Use Standards

1601) Purpose
In addition to the general standards contained in Article 10, there are specific uses that must meet the additional requirements of this article in order to receive issuance of a land use permit. When conflicting requirements are observed between the provisions of this section and that of other sections, the requirements of this section shall apply for the particular use.

1602) Campgrounds
A. The location of a campground shall front or have public access to a public road or the developer shall agree to provide the funds to upgrade or will upgrade a private road to a public road.
B. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of section 1201 et. seq. of Public Act 368 of 1978, as amended, being the Michigan Health Code, being MCL 333.1201 et. seq.).
C. The application for a land use permit for a campground shall contain all the elements and parts which are required by the Health Department for a campground license under authority of section 1201 et. seq. of Public Act 368 of 1978, as amended, being the Michigan Health Code, being MCL 333.1201 et. seq.), in addition to the Special Use Permit application requirements presented in this Ordinance.
D. The minimum parcel area shall not be less than (X) square feet, where (X) equals 2,000 times the number of proposed campsites.
E. Spaces in the campground shall be only rented on a daily, month, or seasonal basis,
F. Management headquarters, recreation facilities toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided:
    a. such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the campground.
    b. such establishments shall be restricted in their use to occupants of the campground and their guests.
    c. such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground and their guests.
G. No space shall be so located so any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than twenty-five (25) feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

1603) Adult Foster Care Facilities
A. Section 206 of the Michigan Zoning Enabling Act states that a state licensed residential facility providing supervision or care or both to six (6) or fewer persons shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a Special Land Use permit or procedure different from those required for other dwellings of similar density in the same zone. Section 206 further states that this shall not apply to adult foster

care facilities licensed by a state agency for care and treatment of person released from or assigned to adult correctional institutions.

B. Adult foster care family homes shall be permitted uses in all residential districts. However, adult foster care facilities (over six residents) shall be required to apply for a Special Land Use permit.

C. The following standards shall be applied to adult foster care facilities:
   a. One (1) on-site parking space shall be provided for each employee on the largest shift and the parking requirements for dwellings in Article 10 shall be reduced by 50%.
   b. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
   c. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
   d. A landscaped buffer in conformance with the requirements of a Class A Buffer in Section 107 shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
   e. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall be directed downwards and not reflect onto adjacent properties and, preferably, should be motion activated.

1604) Vehicle Sales, Storage

A. All ingress and egress to the site shall be directly from a hard-surfaced street.

B. The lot or area upon which new and/or used automobiles, recreation vehicles, trucks, and trailers are placed shall be hard surfaced.

C. Ingress and egress shall be at least sixty (60') feet from the intersection of any two streets.

D. No major repair or major refinishing to a vehicle shall be conducted on the subject site. All service and minor repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for minor repair may be stored outside provided such storage area is screened by an obscuring wall six (6') feet in height. There shall be no outdoor storage of materials.

1605) Vehicle Filling Stations and Accessory Retail Uses

A. No repair work shall be permitted, other than incidental service, such as the addition of motor oil, windshield/wiper fluid or transmission fluid.

B. For facilities consisting of any underground storage tanks, the site shall be three hundred (300') feet from any residential well, eight hundred (800') feet from a non-community public water well and two thousand (2,000') feet from any public water well.

C. No steam cleaning or undercoating shall be permitted.

D. A principal building, of not less than four hundred (400) square feet in area, shall be required.

E. Minimum lot area shall be fifteen thousand (15,000) square feet. For each additional accessory use such as, but not limited to, a fast-food restaurant, car wash, or convenience store, an additional five thousand (5,000) square feet of lot area shall be provided. In no instance shall the percentage of building coverage on site exceed thirty-five (35) percent.

F. Minimum lot width and frontage shall be not less than one hundred and fifty (150') feet.

G. A building shall be located more than fifty (50') feet from any right-of-way line.

H. All ingress and egress to the site shall be directly from a hard-surfaced street, or from a shared access drive to such roadway. Access drives shall not be more than thirty (30') feet in width.

I. Not more than two (2) driveways onto adjacent roadways shall be permitted per road frontage. Curb cuts shall not be permitted where, in the opinion of the Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

J. No drive or curb opening shall be located closer than thirty-five (35') feet to any intersection or adjacent residential property line, as measured along the property line. No drive shall be located closer than fifty (50') feet, as measured along the property line, to any other drive on the premises. No drive shall be located less than ten (10') feet from any lot line, as measured along the property line, unless a shared drive with the adjacent parcel is utilized.
K. All motor vehicle washing equipment shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15') feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, street or right-of-way.
L. All outside storage areas for trash, auto parts and similar items shall be enclosed by a six (6') foot obscuring wall with such storage being located in the rear yard.
M. There shall be no aboveground outdoor storage/dispensing tanks on site.
N. Restroom doors, service bay doors and/or auto wash bay doors shall not be visible from adjacent residential districts.
O. Service Bay and Wash Bay doors shall not face a public road right-of-way, unless approved by the Commission.
P. A permanent covered structure shall be provided over that portion of the pump island and drive area of any station wherein customers are required to dispense fuel into their own vehicles on a self-service basis. Such structure shall not be enclosed by walls and shall be provided with a minimum clearance of thirteen feet, six inches (13' 6") between the underside of the roof structure and the drive surface. For purpose of this Ordinance, setback requirements shall not apply to canopies; however, in no instance shall they extend beyond the property line or into a road right-of-way.
Q. Auto wash facilities, when established in connection with the principal use on the same zoning lot, shall comply with the following standards:
   a. All washing activities must be carried on within an enclosed building.
   b. Vacuuming activities shall be at least fifty (50') feet distant from any adjoining residential zone.
   c. The entrances and exits of the wash facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
   d. Provision shall be made for the drying of the vehicle's undercarriage during freezing weather prior to entering the public thoroughfare for all automatic auto wash facilities. In addition, such auto washes must also install underground heating elements at each vehicle exit to prevent icing at grade. There shall be provided no fewer than three (3) stacking spaces for each automatic wash lane.
   e. Vehicle stacking spaces shall be clearly separated from pump islands and from routes necessary for entering and exiting the property, and in a manner, which precludes pedestrians from traversing through such space.
R. Convenience stores and/or fast food restaurants, when established in connection with the principal use on the same zoning lot, shall comply with the following standards:
   a. Buildings shall be so arranged on site in a manner that screens any drive-through lanes from adjoining residentially zoned land.

b. Drive-through lanes shall be separated from pump islands and from routes necessary for entering and exiting the property.
c. Customer parking for convenience store and/or fast food use shall be located on the site in a manner which precludes pedestrians from traversing through drive-through lanes and off-street loading zones.
d. Loading zones shall be restricted to the rear or side yards.
e. There shall be provided no fewer than five (5) stacking spaces for the drive-through lane.
f. Food service areas shall be physically separated from vehicle repair and service facilities.
g. The sale of snack food items, commonly consumed by travelers (e.g., pop, candy, packaged snacks and goods dispensed through a vending machine), bread, milk, juice, cigarettes and sundry items shall be permitted as part of an Automobile Filling Station or Automobile Service Facility provided that the sale of such items is clearly incidental to the sale of vehicular fuel and lubricants, minor parts and accessories; and further provided that the area used for the sale and storage of food and sundry items does not exceed a usable floor area of five hundred (500) square feet.

S. On-site parking shall equal be equal to the greatest number of parking spaces required by any one (1) of the specific uses.

1606) Vehicle Service and Repair Facilities

A. Locational Requirements:
a. For facilities including any underground storage tanks, the site shall be three hundred (300') feet from any residential well, eight hundred (800') feet from a non-community public water well and two thousand (2,000') feet from any public water well.
b. All ingress and egress to the site shall be directly from a hard surfaced street, or from a shared access drive to such roadway.
c. No driveway or curb cut shall be located less than ten (10') feet from any lot line, measured from the edge of the driveway to the lot line, unless a shared drive with adjacent parcel is utilized.
d. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty (30') feet.
e. Minimum lot area shall be fifteen thousand (15,000) square feet.

B. Site Requirements:
a. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15') feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, street or right-of-way.
b. Any stored items may not be stacked higher than the enclosing wall height. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five (5) days.
c. The minimum lot width and frontage shall be two hundred (200') feet.
d. The entire area used for vehicle service shall be hard surfaced and adequately drained.
e. All outside storage areas for trash, auto parts and similar items shall be enclosed by a six (6') foot wall with such storage being located in the rear yard.

C. Performance Standards:
a. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
b. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30)

days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building.

c. Service Bay and Wash Bay doors shall not face a public road right-of-way, unless approved by the Commission.
d. The sale or leasing of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.
e. No public address system shall be audible from any abutting residential parcel.
f. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.

1607) Bed and Breakfast Operations

A. Site Requirements:
   a. A bed and breakfast operation shall provide off-street parking spaces in the amount of two (2) spaces for the home owner plus one (1) space for each guest sleeping room. Off-street parking shall be located in a side or rear yard and shall be prohibited from being located in a front yard. Parking spaces shall be setback a minimum of fifteen (15') feet from any property line. The Commission may require landscaping to screen required parking areas, if such areas are deemed to impact adjacent properties.
   b. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district.

B. Performance Standards:
   a. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling. No more than two (2) non-resident persons may be employed by the business.
   b. The applicant shall provide a scaled floor plan of the premises as part of the Special Land Use application.
   c. The exterior appearance of the structure shall not be altered from its single-family character.
   d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
   e. One freestanding or mounted sign is permitted providing:
      i. It is not internally illuminated and does not exceed nine (9) square feet.
      ii. If freestanding, does not exceed a height of five (5) feet from ground base to top.
      iii. If affixed to the structure it is not affixed to the roof or exceeds the height of the lowest eave of the house.
   f. No separate or additional kitchen facilities shall be provided for the guests.
   g. Retail sales are not permitted beyond those activities serving overnight patrons.
   h. Breakfast shall not be served to the public at large but only to guests. Service of other meals is prohibited.
   i. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
   j. Bed and breakfast operations, including rooms for guest sleeping, shall be part of the principle place of residence of the owner. Rooms for guest sleeping shall not have been

specifically constructed for rental purposes unless constructed in keeping with the style of the existing structure.

k. Bed and breakfast operations may have up to eight (8) guest sleeping rooms and shall have at least one additional full bathroom facility for every two (2) guest sleeping rooms.
l. All sleeping rooms and areas shall have a fully functional smoke detector inspected and approved by the Bear Lake Township Fire Department.
m. A bed and breakfast operation shall provide a minimum of two (2) exits to the outdoors.
n. The application for a bed and breakfast operation shall be accompanied by the following:
    i. A site plan subject to the requirements for site plan review.
    ii. A floor plan of the residence showing those rooms and/or areas that will be used by guests (i.e., sleeping rooms, bathrooms, dining areas, etc.), including dimensions and floor area calculations, and the location of required exits and smoke detectors.
    iii. Completed applications for health department approval and any other local or state permits which may be required.

1608) Churches, Synagogues, Temples, and Other Places of Worship, including other facilities normally incidental thereto

A. The site shall have at least one lot line on a hard-surfaced street.
B. All ingress and egress to the site shall be directly from a hard-surfaced street.
C. The minimum area shall be two (2) acres, unless the site is a reuse of an existing commercial facility.
D. No building shall be closer than fifty (50') feet from any lot line or right-of-way.
E. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty (60) percent of the site shall be covered by impervious surface.
F. No building shall be erected to a height greater than that permitted in the district in which it is located. Any spire is excluded.
G. Any yard or open space shall be landscaped.
H. Buffering Requirements: Parking areas shall be screened from adjacent residential areas with a class A Buffer pursuant to Section 107of this Ordinance.
I. No day care center, private school, or other use requiring a special use permit shall be allowed without a separately approved special use permit for each use.

1609) Convalescent and Nursing Homes

A. All convalescent or nursing homes shall be constructed on parcels of at least two (2) acres.
B. There shall be provided a minimum of one thousand five hundred (1,500) square feet of open space for each one (1) bed in a Nursing Home. The one thousand five hundred (1,500) square feet of open space per bed or unit may provide for landscaping and yard requirements but shall not include the area covered by main or accessory buildings.
C. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right of way.
D. All ingress and egress to the site shall be directly from a hard-surfaced street.
E. No building shall be closer than forty (40') feet to any lot line.
F. All such complexes shall provide for common service areas containing, but not limited to, central dining rooms, recreational rooms, and lounge areas.
G. In the case of housing complex for the elderly, minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.

H. All facilities shall be licensed by the State of Michigan and shall conform to applicable State and Federal laws.

1610) Greenhouses/Nurseries (Commercial)

A. The minimum area shall be two (2) acres.
B. All ingress and egress to the site shall be directly from a hard-surfaced street.
C. The storage or display of any materials shall conform to all building setback requirements of a structure.
D. All parking and loading shall be provided off-street.
E. The parking area shall be designed so as not to disrupt abutting residences with noise or headlights.

1611) Day Care, Group Home

A. Location Requirements.
   a. Group day care homes shall not be located closer than one thousand five hundred (1,500) feet to another licensed group day care home, adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, PA 218 of 1979, MCL 400.701 et seq., a facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the Michigan Public Health Code, PA 368 of 1978, MCL 333.6101 et seq., or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

B. Site Requirements:
   a. All outdoor play areas shall be enclosed with fencing, a minimum of four (4') feet high.
   b. An off street drop-off area is to be provided with the capability to accommodate at least two vehicles in addition to the parking normally required for the residence. A driveway may be used for this purpose.
   c. One on-site parking space shall be provided for any assistant provider or caregiver not a resident on the premises.
   d. All outdoor play areas shall not be located in front yards.
   e. One sign is permitted providing:
      i. It is for identification purposes only.
      ii. It is not internally illuminated and does not exceed six (6) square feet.

C. Performance Standards:
   a. Operation and maintenance of all group day care facilities shall conform to existing applicable County and State regulations.

1612) Day Care Center

A. There shall be provided and maintained a minimum of one hundred fifty (150) square feet of open space for each child cared for.
B. Such open space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.

1613) Recreation, (Commercial Indoor)

A. The minimum lot size shall be one (1) acre.
B. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

C. The proposed site shall have at least one property line abutting a major hard surfaced street, and the site shall be so planned as to provide ingress and egress directly onto or from said major street.
D. Front, side, and rear yards shall be at least eighty (80') feet on those sides adjacent to residential districts. Front, side, and rear yards shall not be less than ten (10') feet on those sides adjacent to non-residential districts. Such required yard setback shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition.
E. There shall be no parking or structures permitted in the required front, side, and rear yard setbacks, except for required entrance drives and screening walls used to obscure the use from abutting residential districts.
F. Central loudspeakers/paging systems are prohibited.
G. The exterior design is to be harmonious with the surrounding area.
H. When a swimming pool is constructed under this Section the pool area shall be provided with a protective fence five (5) feet in height, and entry shall be provided by means of a controlled gate.

1614) Recreation (Commercial Outdoor)

A. All ingress and egress to the site shall be directly from a hard-surfaced street.
B. Minimum site area shall be three (3) acres
C. No building or spectator seating facility shall be located within one hundred (100') feet of a lot line.
D. Front, side and rear yards shall be at least eighty (80') feet. The first fifty (50') feet of such yards shall not be used for off street parking and shall be landscaped.
E. Whenever parking areas are adjacent to land zoned or used for residential purposes, a Class B Buffer shall be provided along the sides of the parking area adjacent to such residential land in conformance with the requirements of Article 10 section 107.
F. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
G. Facilities shall provide off street parking and passenger loading areas.
H. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
I. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and Manistee County Road Commission with respect to the proposed project.
J. Landscaped areas shall be maintained in a healthy condition pursuant to Article 10 section 107 of this Ordinance.
K. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
L. In no case shall a recreational accessory use pre-date the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
M. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
N. Not more than sixty-five (65) percent of the land area shall be covered by recreational uses.
O. Central loudspeakers/paging systems are prohibited.
P. No temporary sanitary facility or trash receptacle shall be located within two hundred (200') feet of an existing dwelling.
Q. All sanitary facilities shall be designed and constructed in strict conformance with District #10 Health Department regulations.
R. Adequate trash receptacles shall be provided as needed throughout the site.
S. Operating hours for all uses shall be determined by the Commission based on the nature of the use and the nuisance potential to adjoining property owners.

1615) Restaurant, Carry Out, Fast Food, or Drive In

A. No drive in, fast food, or carry out restaurant property line shall be located within five hundred (500') feet from an elementary, junior, or senior high school property line.
B. All ingress and egress shall be directly from a hard-surfaced street.
C. The minimum width of driveways at the property line shall be twenty-four (24') feet, and not greater than thirty (30') feet.
D. The minimum distance between driveways on the site shall be seventy-five (75') feet measured from the two closest driveways' curbs, measured along the right of way.
E. The minimum distance between a driveway into the site from a street intersection shall be sixty (60') feet measured from the intersection of the street right of way to the nearest end of the curb radius.
F. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
G. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified by Manistee County Drain Commission Storm Water Guidelines. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
H. Concrete curbing, six (6") inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right of way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.
I. The Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.
J. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.
K. Drive in establishment management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
L. During the period when a drive-in restaurant, fast food restaurant, or carry out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
    a. Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Village at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Village shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
    b. The ground shall be kept free of rubbish and debris, and the grass if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
    c. Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic.

1616) Home Occupations

Home occupations shall be allowed izoning district except as hereinafter provided:

A. The home occupation(s) takes place in a dwelling owned by the resident and where the resident engaging in the home occupation lives on a full-time basis.
B. The home occupation(s) shall be accessory to the residential use of the property.
C. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.
D. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity.
E. One (1) sign shall be permitted that:
   a. shall not exceed four (4') square feet in size.
   b. shall not be illuminated
   c. if ground mounted shall not exceed four (4') feet in height.
   d. if affixed to the structure it is shall not be affixed to the roof or exceed the height of the lowest eave of the structure
F. The home occupation(s) shall not involve the
   a. generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 299.433 et. seq.) or
   b. use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2),
   (Except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel)
   c. The volume of business is such that there shall not be more than two automobiles parked in the vicinity at a time for customers at the home occupation.
   d. Off-road parking shall be provided for two vehicles on the parcel of the home occupation.
   e. Hours of operation for customer service at the home occupation shall be limited to 8 am to 5 pm.
   f. The home occupation shall employ no one at the residence except those who live there.
   g. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation, unless a variance is received, which determines the addition does not result in the home occupation becoming the primary use on the parcel.
   h. Home occupation is listed as a permitted use in the respective district.

1617) Wireless Communication Support Facilities (WCSF's)

A. <u>Size and Setbacks</u>
   a. A minimum parcel size of three-fourths (0.75) acre; this minimum size requirement shall supersede all other parcel size requirements for the land use district in which the tower is located.
   b. No part of any WCSF or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located.
   c. WCSF's shall be located so that they do not interfere with radio, television or other reception in nearby residential areas.
   d. WCSF's shall be located so there is room for vehicles doing maintenance to maneuver on the parcel owned or leased by the applicant.
   e. The base of the WCSF shall occupy no more than five hundred (500) square feet.

f. Minimum spacing between WCSF locations shall be one (1) mile in order to prevent a concentration of WCSF's in one area.
g. The maximum height of a WCSF shall be the minimum height demonstrated by the applicant to be necessary for reasonable communication.
h. Where the parcel adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the WCSF and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
i. The base of all WCSF's shall be set back from each lot line of the parcel a distance equal to at least the height of the WCSF, plus an additional 20% of the height of the WCSF.

A. Accessory Structures
a. Accessory structures are limited to uses associated with the operation of the WCSF and may not be located any closer to any property line than thirty (30) feet.
b. Accessory structures shall not exceed six hundred (600) square feet of total building area.
c. All signals and remote-control conductors of low energy extending substantially horizontally above the ground between a WCSF or antenna and a structure, or between WCSF's, shall be at least eight (8) feet above the ground at all points, unless buried underground.

B. Construction Standards
d. The base of the WCSF and all wire cable supports shall be fenced with a minimum of six (6) foot high fence designed to prevent access to the site and the wire cable supports.
e. The WCSF owner shall agree to design and build the tower to provide for a minimum of four additional antennas. Subleases for this space shall be made available to the public at a rate reflecting current local industry standards.
f. All WCSF's shall be equipped with an anti-climbing device to prevent unauthorized access.
g. WCSF construction plans shall be certified by a registered professional engineer.
h. The applicant shall provide verification that the antenna mounts and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
i. All WCSF's must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
j. Metal WCSF's shall be constructed of, or treated with, corrosive-resistant material.
k. Antennas and metal WCSF's shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable statutes, regulations and standards.
l. WCSF's with antennas shall be designed to withstand a uniform wind loading as prescribed in all applicable building or construction codes.
m. WCSF's shall not be artificially lighted unless required by the Federal Aviation Administration.
n. Existing on-site vegetation shall be preserved to the maximum extent practical.
o. There shall be no displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
p. The antenna shall be painted to match the exterior treatment of the WCSF. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
q. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation and the environmental effects of radio emissions. If more restrictive state or federal standards are adopted in the future, the antenna shall be made

to conform to the extent required by such standards or the Land Use Permit will be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

r. All parking and drive areas must be paved as provided in this Ordinance.

C. Use Standards

a. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

b. The WCSF shall be removed by the property owner or lessee within six (6) months of being abandoned. For the purpose of this paragraph abandoned is defined as non-use. If the WCSF is not removed by the owner within the specified time, the Township shall have the right to remove the WCSF and assess a lien against the parcel to recover the costs associated with the removal.

D. Miscellaneous Standards

a. All applications for WCSF's shall be signed by the licensed operator of the communication service.

b. The applicant has demonstrated that it is not feasible to collocate on an existing WCSF by the payment of market rent or other market compensation to the owner of an existing WCSF, or that collocation on an existing WCSF is not technologically reasonable because of unreasonable interference or structural incapacity of an existing WCSF.

1618) Veterinary Clinics, including small animal hospitals

A. The minimum lot size shall be one (1) acre if the boarding of five (5) or fewer dogs and cats in any combination is to occur. An increase in lot size to two (2) acres shall be required if the boarding six (6) or more dogs and cats in any combination is to occur.

B. At no time shall the facility board more than fifteen (15) dogs and cats in any combination at any time.

C. All boarding of dogs and cats shall occur inside an insulated building with functioning and utilized heating and cooling systems. At no time shall the building be kept cooler than sixty (60) degrees Fahrenheit nor warmer than eighty (80) degrees Fahrenheit.

D. All boarded animals shall be patients of the clinic, and at no time shall the boarding of pets occur that are not under the care and supervision of the clinic for ailments for which they are currently being treated.

E. All areas outside utilized for animals of the clinic shall be fenced meeting the standards of Article 10. No animals shall be kept outside between the hours of 8pm and 8am.

F. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than five hundred (500') feet to any Residential Settlement District and/or existing residential use.

G. A class A buffer, per Article 10, section 107 shall be utilized along property lines between the clinic property and any adjacent residential use.

1619) Mortuary Establishments.

A. All ingress and egress to the site shall be directly from a hard-surfaced street.

B. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.

C. Such assembly area will be in addition to required off-street parking.

D. A care-takers residence may be provided within the main building of the mortuary establishment.

E. A class A buffer, per Article 10, section 107 shall be utilized along property lines between the mortuary property and any adjacent residential use.

1620) Motels.

A. All ingress and egress to the site shall be directly from a hard-surfaced street.
B. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the area within the lot lines of land developed at any one time.
C. The front twenty-five (25') feet of the lot shall be a landscaped buffer zone, unpaved, and shall not be used for off-street parking.
D. Trash dumpsters shall be screened from adjacent properties by vegetation, landscaping, or fences, pursuant to the requirements of Section 107.D.a of this Ordinance.
E. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.
F. No guest shall establish permanent residence at the motel.

Article 18:
General Zoning District Provisions

1801) Establishment of Districts

The Village of Bear Lake is hereby divided into five (5) zoning districts and one (1) overlay district as shown on the Official Zoning Map, and as follows:

A. Residential Districts:
    a. Residential Settlement (R-S)
B. Multiple Use Districts:
    a. Multiple Use M-1 (M-1)
    b. Multiple Use M-2 (M-2)
C. Overlay Districts:
    a. Downtown Business Overlay (DBO)
    b. Wellhead Protection Overlay (WPO)

1802) Provision for Official Zoning Map

For the purpose of this Ordinance the zoning districts as provided in section 1801 of this Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Bear Lake Village", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.

1803) Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bear the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Bear Lake Village", together with the effective date of this Ordinance.

1804) Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006, Michigan Zoning Enabling Act, MCL 125.3101, a change is made in a zoning district boundary, such change shall be made by, or under the direction of, the President promptly after the amendment authorizing such change shall have been adopted and published.

1805) Authority of Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Bear Lake Village Hall shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Village. There shall be a hard copy zoning map available, as well as exact copies kept digitally within the Village Offices.

1806) Replacement of Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Village Council

may by resolution authorize the transcribing and drawing of a duplicate original Official Zoning Map which shall supersede the prior Official Zoning Map, or authorize the printing of an exact copy of the existing zoning map from the digitally kept copy of the original. The duplicate Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The duplicate Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bear the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Bear Lake Village duplicated on *(REPLACEMENT DATE)* which replaces and supersedes the Official Zoning Map which was adopted on July 17th, 2019."

1807) Rules of Interpretation

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:

A. A boundary indicated as approximately following the centerline of a highway, road, alley or easement shall be construed as following such line.
B. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
C. A boundary indicated as approximately following the corporate boundary line of the Village shall be construed as following such line.
D. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right of way or former railroad right of way.
E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
F. A boundary indicated as following the centerline of a water body shall be construed as following such centerline.
G. A boundary indicated as parallel to, or an extension of, a feature indicated in interpretations A through F above shall be so construed.
H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by subsections A through H above, or question in interpreting subsections A through H above, the Appeals Board shall interpret the zoning district boundary.

1808) Application of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district.

1809) Table of Land Uses

The Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance.

A. Key to the Use Table
   a. 2012 NAICS Sector and Codes Column: This first column in the table provides the listing of NAICS codes organized by the sector in which they are contained. The codes contained in this column are listed for the uses which are allowed by right or by special use permit or disallowed in the established zoning districts. If a use is not contained within the table or contained within the lower hierarchy of a listed NAICS code then that use is not allowed within the Village.
   b. 2012 Use Title Column: The uses displayed in the "Use Column" provide the reference use name for the NAICS code provided.
   c. Zoning District Column: The Zoning Districts established through this ordinance are displayed in the first row at the top of the last five columns of the table.
   d. Permitted Uses: A "P" indicates that a use is permitted in the respective district subject to the specific use standards in article 16. Such uses are also subject to all other applicable requirements of this Ordinance.
   e. Special Uses: An "S" indicates a use that may be permitted in the respective general use district only where approved by the Planning Commission in accordance with article 86 of this ordinance. Special uses are subject to all other applicable requirements of this Ordinance, including the specific use standards contained in article 16.
   f. Uses Not Permitted: A blank cell in the use table indicates that a use is not permitted in the respective district.
   g. Wellhead Protection Overlay District: Under the Wellhead Protection Overlay District column, there are reference letters of B and C. These letters correspond to uses which are not allowed within the respective wellhead protection overlay sectors established in Article 78 of this ordinance. It is important to note that both uses listed as B or C are not allowed within sector A.
B. Uses Not Displayed in the Table
   a. If a use is not displayed in the use table than that use is not permitted within the Village of Bear Lake.
C. Utilization of the Use Table
   a. To properly utilize the Use Table provided below. Identify a use by NAICS Code or Use Name, and then move across the row to see if the use is permitted, a special use or not permitted within a respective zoning district. After determining the status of the use, reference article 10 for general standards, article 16 for specific use standards, and articles 40, 53, 59, 63 and 78 for specific standards for the established zoning districts.
D. Table of Land Uses

Table of Land Uses

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
Residential Uses						
	Dwelling	P	P	P	P	
	Duplex	P	S	S		
	Multiple Family Dwellings	S		S		
	Acc. Buildings/Uses	P	S	S		
	Home Occupations	S	P	S	P	
	Public Utility	P	P	P		
Sector 11: Agriculture, Forestry, Fishing and Hunting						
115114	Postharvest crop activities		S			
115115	Farm Labor Contractors		S			
115116	Farm Management Services		S			
115310	Support Activities for Forestry		S			
Sector 22: Utilities						
221320	Sewage treatment facilities	S	S	S		B
Sector 23: Construction						
236100	Residential building construction		S			
236200	Nonresidential building construction		S			
237110	Water and Sewer Line and related structures construction		S			
237120	Oil/Gas pipeline and related construction		S			C
237130	Power and Communication Line and Related Structures Construction		S			
237210	Land Subdivision		S			
237900	Other heavy & civil engineering construction		S			
238100	Foundation, structure & building exterior contractors		S			
238200	Building equipment contractors		S			
238220	Plumbing, Heating, and Air-Conditioning Contractors		S		S	
238290	Other Building Equipment Contractors		S		S	B
238300	Building finishing contractors		S			B
238900	Other specialty trade contractors		S			

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
Sector 31-33: Manufacturing						
339116	Dental Laboratories		S		S	B
Sector 42: Wholesale Trade						
420000 (ex. 423520, 424710)	Wholesale Trade		S			
423100	Motor vehicle & motor vehicle parts & supplies merchant wholesalers		S			
425120	Wholesale Trade Agents and Brokers		S		P	
Sector 44-45: Retail Trade						
441000	Motor vehicle & parts dealers		P			C
441300	Automotive parts, accessories and tire stores		P		P	
442000	Furniture & home furnishings stores		P		P	
443000	Electronic & appliance stores		P		P	
443142	Electronics Stores		P		P	
444000	Building material & Garden Equipment & supplies		P			
445000	Food & beverage stores		P		P	
445100	Grocery Stores		P		P	
445200	Specialty Food Stores		P	S	P	
446000	Health & Personal Care Stores		P		P	
446191	Food (Health) Supplement Stores		P		P	
447000	Gasoline stations		P			B
447110	Gasoline Stations with Convenience Stores		P			B
448000	Clothing & clothing accessories stores		P		P	
450000	Retail trade		P	S	P	
452000 (ex. 452910)	General Merchandise stores		P	S	P	
453000(except 45393)	Miscellaneous store retailers		P		P	
Sector 48-49: Transportation and Warehousing						
487000	Scenic & sightseeing transportation		P			
488390	Other support activities for water trans.		S			
488410	Motor Vehicle Towing		P			C
488490	other support activities for road trans.		S			B

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
488500	Freight Trans. Arrangement		P			
488999	All Other support activities for trans.		S			
491000	Postal service		P			
Sector 51: Information						
511140	Directory and Mailing List Publishers		P			
511200	Software publishers		P			
511210	Software Publishers		P			
512000 (except 51222)	Motion picture & sound recording industries		P			
512100	Motion picture & video industries		P			
512210	Record Production		P			
512220	Integrated record production/distribution		P			C
512230	Music Publishers		P			
512240	Sound Recording Studios		P			
512290	Other Sound Recording Industries		P			
515000	Broadcasting (except Internet)		P			
517000	Telecommunications		P			
518200	Data Processing, Hosting, and Related Services		P			
518210	Data Processing, Hosting, and Related Services		P			
519110	News Syndicates		P			
519120	Libraries and archives		P			
519130	Internet Publishing/ Broadcasting /Web Search Portals		P			
519190	All Other Information Services		P			
Sector 52: Finance and Insurance						
520000	Finance & Insurance		P		P	
522320	financial trans. Processing/Reserve Clearinghouse Activities		P		P	
Sector 53: Real Estate and Rental and Leasing						
531000	Real estate		P		P	
531110	Apartment building rental or leasing		P			
531311	Apartment managers offices		P			

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
532000	rental and leasing services		P		P	
532100	Automotive equipment rental/leasing		S			C
532210	Consumer Electronics and Appliances Rental		P		P	
532291	Home Health Equipment Rental		P			
532299	All Other Consumer Goods Rental		P			
532310	General Rental Centers		P		P	
532400	Commercial & industrial machinery & equipment rental & leasing		S			
532412	Construction/mining/forestry machine/equip rental		S			
533000	Lessors of nonfinancial intangible assets (except copyrighted works)		P			
Sector 54: Professional, Scientific and Technical Services						
541110	Offices of lawyers		P	S	P	
541191	Title Abstract and Settlement Offices		P	S	P	
541199	All Other Legal Services		P	S	P	
5412(except 451213)	Accounting, bookkeeping & payroll services		P	S	P	
541200	Accounting, tax preparation, bookkeeping & payroll services		P	S	P	
541213	Tax Preparation Services		P	S	P	
541300	Architectural, engineering & related services		P	S	P	
541310	Architectural services		P	S	P	
541330	Engineering services		P	S	P	
541340	Drafting Services		P	S	P	
541350	Building Inspection Services		P	S	P	
541360	Geophysical Surveying/Mapping Services		P	S	P	C
541370	Surveying and Mapping (except Geophysical) Services		P	S	P	
541400	Specialized design services		P	S	P	
541500	Computer systems design & related services		P	S	P	
541600	Management, scientific & technical consulting services		P	S	P	
541700	Scientific research & development services		P	S	P	B
541800	Advertising, public relations & related services		P	S	P	

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
541910	Marketing Research and Public Opinion Polling		P	S		
541921	Photography Studios, Portrait		P	S	P	B
541922	Commercial Photography		P	S	P	B
541930	Translation and Interpretation Services		P	S	P	
541940	Veterinary Services		P	S		B
541990	All Other Professional, Scientific, and Tech. Services		P	S		B
Sector 55: Management of Companies and Enterprises						
551111	Offices of Bank Holding Companies		P	S	P	
551112	Offices of Other Holding Companies		P	S	P	
Sector 56: Admin. &Support & Waste Mgmt. & Remediation Services						
561100	Office of administration services		P	S	P	
561200	Facilities support services		P	S	P	
561300	Employment services		P	S	P	
561311	Employment Placement Agencies		P	S	P	
561312	Executive Search Services		P	S	P	
561400	Business support services		P	S	P	
561500 (ex. 561591, 561599)	Travel arrangement/res. Services		P	S	P	
561591	Convention and Visitors Bureaus		P	S		
561599	All Other Travel Arrangement and Reservation Services		P	S	P	
561600 (except 561622)	Investigation and security services		P	S	P	
561622	Locksmiths		P	S	P	B
561700 (except 56173)	Services to buildings/dwellings		P	S		
561710	Exterminating and Pest Control Services		S			
561720	Janitorial Services		S			B
561740	Carpet and Upholstery Cleaning Services		S			C
561790	Other Services to Buildings and Dwellings		S			B
561900 (ex. 561990)	Other support services		S			

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
561990	All Other Support Services		S			
562910	Remediation Services		S			
562991	Septic Tank and Related Services		S			B
562998	All Other Miscellaneous Waste Management Services		S			B
Sector 61: Educational Services						
610000 (ex. 611620)	Educational services	P	P	P		
611110	Elementary and secondary schools	P	P	P		
611400	Business schools & computer & management training		P	P		
611500	Technical & trade schools		P	P		
611511	Cosmetology & barber schools		P	P		
611620	Sports and Recreation Instruction		P	P		
611710	Educational Support Services		P	P		
Sector 62: Health Care and Social Assistance						
620000	Health care & social assistance			S		
621000	Ambulatory health care services			S		
621100	Offices of physicians			S	P	
621210	Offices of dentists			S	P	
621310	Offices of chiropractors			S	P	
621320	Offices of optometrists			S	P	
621330	offices of mental health practitioners (ex. Physicians)			S		
621340	offices of physical/occupational/speech therapists			S	P	
621391	Offices of podiatrists			S	P	
621399	offices of all other misc. health practitioners			S	P	
623110	Nursing Care Facilities (Skilled Nursing Facilities)	S		S		
623311	Continuing Care Retirement Communities	S		S		
624000(except 6244)	Social assistance	S		S		

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
Sector 71: Arts, Entertainment and Recreation						
711000 (ex. 711110, 711212, 711320, 711410, 711510)	Performing arts, spectator sports & related industries		**S**	**S**		
711110	Theater Companies and Dinner Theaters		**P**	**S**		
711320	Promoters of Performing arts/sports/ similar events w/o facility		**P**	**P**		
711410	agents/managers for artists/athletes/entertainers/public figures		**P**	**P**		
711510	Independent Artists, Writers, and Performers		**P**	**P**		
712100 (ex. 712190)	Museums, historical sites & similar institutions		**P**	**P**		
712190	Nature Parks and Other Similar Institutions		**P**	**P**		
Sector 72: Accommodation and Food Services						
721100 (ex. 721120)	Traveler accommodation		**P**			
721200	RV Parks & Recreational camps		**P**			
722320	Caterers		**P**	**S**		
722400	Drinking places (alcoholic beverages)		**P**	**S**		
722500	Restaurants & other eating places		**p**	**S**		
Sector 81: Other Services (except Public Admin.)						
810000 (except 81291 & 813211)	Other services (except public administration)		**S**			
811200	Electronic & precision equipment repair & maintenance		**S**		**P**	**B**
811212	Computer and Office Machine Repair and Maintenance		**S**		**P**	
811400	personal & household goods repair & maintenance		**S**			**B&C**
811490	other personal & household goods repair & maintenance		**S**			
812100	Personal care services		**S**		**P**	
812111	Barber shops		**P**		**P**	
812112	Beauty salons		**P**		**P**	
812113	Nail salons		**P**		**P**	
812200	Death care services		**S**	**S**		
812910	Pet Care (except veterinary) Services ** No Boarding of Pets*	**s**	**p**	**S**	**P**	

2012 NAICS Sector and Code	2012 NAICS Use Title	RS	M1	M2	DBO	WPO
812921	Photofinishing Laboratories (except One-Hour)		P		P	B
812922	One-Hour Photofinishing		P		P	B
812990	All Other Personal Services		S		P	
813000(except 8132 & 813311)	Arrangement/Reservation Services	S	S	S		
813110	Religious Organizations		S			
813212	Voluntary Health Organizations		S			
813219	Other Grant making and Giving Services		S			
813300	Social advocacy organizations		S			
Sector 92: Public Admin.						
921100 (except 921150)	Executive, legislative & other general government support		S			
922000 (except 922150)	Justice, public order & safety activities		S			
923000	Administration of human resource programs		S			
924000	Administration of environmental quality programs		S			
925000	Admin. of housing programs, urban planning & community development		S			
926000	Administration of economic programs		S			
927000	Space research and technology		S			
928000	National security & international affairs		S			

Article 40:
Residential Settlement District (R-S)

4001) Purpose
It is the intent of this district to provide for single-family and two-family dwellings by right and the placement of apartments and multi-family dwellings through a special use process approval. Home occupations are also allowed as a special use. This district is to guide development of new neighborhoods for residential use as designated by the Zoning Map of Bear Lake Village, to promote a compatible arrangement of land uses for homes, to keep neighborhoods relatively quiet and free from detrimental uses.

4002) Permitted Uses
Please refer to the Table of Land Uses, Article 18 section 1809.

4003) Special Uses
Please refer to the Table of Land Uses, Article 18 section 1809.

4004) Regulations and Standards
The following regulations shall apply to all Permitted Uses and Special Uses in this District:

A. Quick Reference Table of Residential, R-S District Requirements

Residential Use	Lot			Bulk			Setbacks			
	Min. Parcel Area	Min. Parcel Width	Max. Height	Building Floor Area Min.	Max. Lot Building Coverage Allowance	Max. Lot Impervious Coverage Allowance	Front & Road Yard	Side	Rear	Water Yard
Single-Family Dwellings	8,000 ft^2	80 ft	35 ft	800 ft^2	45%	60%	25 ft	10 ft	15 ft	100 ft
Two-family Dwellings	≥ 20k fr^2 or 10k ft^2 per unit	125 ft	35 ft	1,000 ft^2	45%	60%	25 ft	10 ft	15 ft	100 ft

A. Minimum Parcel Area
   a. No building, structure or use shall be established on any parcel less than eight-thousand (8,000 ft^2) square feet. No Two-Family Dwelling (duplex) shall be established on any parcel less than ten thousand (10,000 ft^2) square feet per each housing unit.

B. Minimum Parcel Width
   a. Parcel width shall be no less than eighty (80') feet for single-family homes and one-hundred twenty-five (125') feet for two-family homes, and it shall front on a public road.

C. Maximum Structure Height
   a. No building or structure shall be taller than thirty-five (35') feet in height measured from top of roof line to threshold grade.

D. Minimum Setback Requirements:
   a. The following requirements shall apply to every parcel, building, structure or use:

1) Front Yard - The minimum front setback shall not be less than twenty-five (25') feet from the front property line.
2) Side Yards - The minimum setback of either side yard shall not be less than ten (10') feet;
3) Rear Yard - The minimum rear setback shall not be less than fifteen (15') feet.
4) Waterfront Yard – The minimum waterfront yard setback shall not be less than one-hundred (100') feet.

E. Buffer Requirements:
   a. The parcel owner of any proposed use shall establish a buffer in conformance with the district boundary buffer standards established in section 107. A.

F. Bulk Building Requirements
   a. Bulk building requirements shall meet the provisions established in section 108.
   a. No single-family dwelling shall be constructed in this District which contains less than eight hundred (800 ft^2) square feet of floor area. No two-family dwellings shall be constructed in this district which are less than five hundred (500 ft^2) square feet per unit or less than one thousand (1,000 ft^2) square feet in total floor area.
   b. No dwelling or accessory building or combination of all structures permitted on a lot shall provide greater than forty-five (45%) percent lot coverage.
   c. The total allowance for impervious surfaces for an individual lot shall not exceed fifty (60%) percent. The Planning Commission may allow for greater impervious surface coverage if the stormwater is retained on site through use of Low Impact Design Stormwater Controls.

G. Accessory Structure
   a. Accessory structures shall only be allowed if a dwelling is currently present or will be constructed prior to the erection of the accessory structure.
   b. No accessory structures shall be constructed in this District which contains more than sixteen hundred (1,200 ft^2) square feet of building area and is not more than eighteen (18') feet tall, or not taller than the dwelling (principal structure), whichever is less.
   c. No accessory structure shall be constructed in this district which has square footage larger than the dwelling present on the same parcel.

H. Utility Easement Preservation
   a. All lots are subject to a five (5') foot utility easement. The easement is measured perpendicular to the property line, five (5') feet on each side and running parallel to the property line
   b. All easements must be displayed on site plans, and made a matter of record on deeds, boundary surveys and recorded plats.

Article 50
Multiple Use District 1 (M-1)

5001) Purpose
It is the intent of this district to provide for a mix of uses and activity along the US 31 corridor between Russell and Main Streets in Bear Lake Village, as displayed on the Village of Bear Lake's Zoning Map.

5002) Permitted Uses
Please refer to the Table of Land Uses, Article 18 section 1809.

5003) Special Uses
Please refer to the Table of Land Uses, Article 18 section 1809.

5004) Regulations and Standards
The following regulations shall apply to all Permitted Uses and Special Uses in this District:

A. Quick Reference Table of Mixed Use 1, M-1 District Requirements

Mixed Use District 1	Lot			Bulk			Setbacks			
	Min. Parcel Area	Min. Parcel Width	Max. Height	Building Floor Area Min.	Max. Lot Building Coverage Allowance	Max. Lot Impervious Coverage Allowance	Front & Road Yard	Side	Rear	Water Yard
M-1	10,000 ft^2	100 ft	35 ft	1,000 ft^2	45%	60%	15 ft	10 ft	20 ft	100 ft

B. Minimum Parcel Area
   a. No building, structure or use shall be established on any parcel less than ten thousand (10,000 ft^2) square feet.

C. Minimum Parcel Width
   a. Parcel width shall be no less than one-hundred (100') feet and it shall front on a public road.

D. Maximum Structure Height
   a. No building or structure shall be taller than thirty-five (35') feet in height measured from top of roof line to threshold grade.

E. Minimum Setback Requirements:
   a. The following requirements shall apply to every parcel, building, structure or use:
      1) Front Yard - The minimum front setback shall not be less than fifteen (15') feet from the front property line.
      2) Side Yards - The minimum setback of either side yard shall not be less than ten (10') feet;
      3) Rear Yard - The minimum rear setback shall not be less than twenty (20') feet.
      4) Waterfront Yard – The minimum waterfront yard setback shall not be less than one-hundred (100') feet.

F. Buffer Requirements:
   a. The parcel owner of any proposed use shall establish a buffer in conformance with the district boundary buffer standards established in section 107.A.

G. Bulk Building Requirements
   a. Bulk building requirements shall meet the provisions established in section 108.
   b. No structure shall be constructed in this District which contains less than one-thousand (1000 ft^2) square feet of floor area.
   c. No dwelling or accessory building or combination of all structures permitted on a lot shall provide greater than forty-five (45%) percent lot coverage.
   d. The total allowance for impervious surfaces for an individual lot shall not exceed sixty (60%) percent. The Planning Commission may allow for greater impervious surface coverage if the stormwater is retained on site through use of Low Impact Design Stormwater Controls.

H. Accessory Structure
   a. One accessory structure is allowed if a principle structure is present on the parcel.
   b. No accessory building shall be constructed in this District that is not more than twenty-five (25') feet tall, or not taller than the principal structure, whichever is less.
   c. Accessory structures may not be larger than the principle structures the ground floor area square footage.
   d. No accessory structure shall be larger than twelve hundred (1,200 ft^2) square feet.

I. Utility Easement Preservation
   a. All lots are subject to a five (5') foot utility easement. The easement is measured perpendicular to the property line, five (5') feet on each side and running parallel to the property line
   b. All easements must be displayed on site plans, and made a matter of record on deeds, boundary surveys and recorded plats.

Article 53:
Multiple Use District 2 (M-2)

5301) Purpose
It is the intent of this district to provide for a mix of uses and activity along Smith Street between US 31 and Main Street extending West on Main towards US 31 in Bear Lake Village, as displayed on the Village of Bear Lake's Zoning Map.

5302) Permitted Uses
Please refer to the Table of Land Uses, Article 18 section 1809.

5303) Special Uses
Please refer to the Table of Land Uses, Article 18 section 1809.

5304) Regulations and Standards
The following regulations shall apply to all Permitted Uses and Special Uses in this District:

A. Quick Reference Table of Mixed Use 2, M-2 District Requirements

Mixed Use District 2	Lot			Bulk			Setbacks			
	Min. Parcel Area	Min. Parcel Width	Max. Height	Building Floor Area Min.	Max. Lot Building Coverage Allowance	Max. Lot Impervious Coverage Allowance	Front & Road Yard	Side	Rear	Water Yard
M-2	12,000 ft^2	100 ft	35 ft	1,000 ft^2	35%	50%	25 ft	10 ft	15 ft	100 ft

B. Minimum Parcel Area
   a. No building, structure or use shall be established on any parcel less than twelve thousand (12,000 ft^2) square feet.
C. Minimum Parcel Width
   a. Parcel width shall be no less than one-hundred (100') feet and it shall front on a public road.
D. Maximum Structure Height
   a. No building or structure shall be taller than thirty-five (35') feet in height measured from top of roof line.
E. Minimum Setback Requirements:
   a. The following requirements shall apply to every parcel, building, structure or use:
      i. Front Yard - The minimum front setback shall not be less than twenty-five (25') feet from the front property line.
      ii. Side Yards - The minimum setback of either side yard shall not be less than ten (10') feet;
      iii. Rear Yard - The minimum rear setback shall not be less than fifteen (15') feet.
      iv. Waterfront Yard – The minimum waterfront yard setback shall not be less than one-hundred (100') feet.
F. Buffer Requirements:
   a. The parcel owner of any proposed use shall establish a buffer in conformance with the district boundary buffer standards established in section 107.A.

G. Bulk Building Requirements

a. Bulk building requirements shall meet the provisions established in section 108.
b. No structure shall be constructed in this District which contains less than one-thousand (1000 ft^2) square feet of floor area.
c. No structure or accessory building or combination of all structures permitted on a lot shall provide greater than thirty-five (35%) percent lot coverage.
d. The total allowance for impervious surfaces for an individual lot shall not exceed fifty (50%) percent. The Planning Commission may allow for greater impervious surface coverage if the stormwater is retained on site through use of Low Impact Design Stormwater Controls.

H. <u>Accessory Structure</u>

a. One accessory structure is allowed if a principle structure is present on the parcel.
b. No accessory building shall be constructed in this District that is not more than twenty-five (25') feet tall, or not taller than the principal structure, whichever is less.
c. Accessory structures may not be larger than the principle structures the ground floor area square footage.
d. No accessory structure shall be larger than twelve hundred (1,200 ft^2) square feet.

I. Utility Easement Preservation

a. All lots are subject to a ten (10') foot utility easement. The easement is measured perpendicular to the property line, ten (10') feet on each side and running parallel to the property line
b. All easements must be displayed on site plans, and made a matter of record on deeds, boundary surveys and recorded plats.

Article 70:
Downtown Business Overlay District (DBO)

7001) Purpose
It is the intent of this overlay district to provide for a set of standards for the downtown core of Bear Lake Village. The DBO District is imposed over the M-1 District along the US 31 corridor. It encompasses all parcels fronting US 31 on the North Side of the roadway from Hopkins Dr. to Hopkins Dr. and along the South Side of the roadway from Wise Street to Virginia Street, as displayed on the Village of Bear Lake's Zoning Map.

7002) Permitted Uses
All uses allowed are the same as the underlying M-1 District

7003) Special Uses
All special uses allowed are the same as the underlying M-1 District.

7004) Regulations and Standards
The following regulations shall apply to all parcels of land contained within the overlay district. Wherever these standards conflict with another portion of this Zoning Ordinance the standards contained within this article shall prevail.

A. Building Placement & Bulk Requirements
   a. Building Frontage: Buildings or portions of the roadside building façade shall be placed to the building frontage line. The building frontage line shall be determined by the existing buildings along US 31. The average façade setback of all building facades shall be determined for each side of the US 31 corridor and a line representing this average shall be set as a minimum setback to the roadway. Fifty (50%) percent of each individual building façade along the US 31 Corridor must be set to the Building Frontage Line.
   b. Side Setbacks: Side setbacks are not required, and abutting side building walls to adjacent buildings is encouraged.
   c. Rear Setbacks: Rear setbacks of ten (10) feet are required.
   d. Waterfront Yard Setback: One-hundred foot setback is required for all water yards.
   e. Height: Buildings up to three stories are allowed in the DBO District with a maximum height of forty-five (45) feet for three (3) story buildings and thirty (35) feet for two (2) story buildings.
   f. Minimum Parcel Area: No building, structure or use shall be established on any parcel less than six thousand (6,000 ft^2) square feet.
   b. Minimum Parcel Width: Parcel width shall be no less than one-hundred (100') feet and it shall front on a public road.

B. Quick Building & Bulk Reference Table for the Downtown Business Overlay District, DBO District Requirements

Downtown Business Overlay District	Lot			Bulk			Setbacks			
	Min. Parcel Area	Min. Parcel Width	Max. Height	Building Floor Area Min.	Max. Lot Building Coverage Allowance	Max. Lot Impervious Coverage Allowance	Front & Road Yard	Side	Rear	Water Yard
DBO	6,000 ft^2	100 ft	35 ft* 45 ft*	600 ft^2	100%	80%	0 ft	0 ft	10 ft	100 ft

*See Section 108.A (Height)

C. Building Façade & Features:
   a. Building Materials: All road facing facades shall be constructed of quality materials comprised of glass, brick/masonry, split-faced block, decorative block, cut stone, cast stone, hardy-plank wood siding or other quality material not mentioned within, but having been approved by the Planning Commission.
   b. Glass/Windows: All building facades which front a roadway shall incorporate clear non-tinted windows into the roadway façade. The ground floor of each building shall incorporate glass windows at a minimum of 40% of the ground floor façade.
   c. Awnings: First floor awnings may encroach on and over the building frontage line, but must remain setback at least four (4') feet from the roadside curb. All awnings must provide eight (8') feet of clearance above the sidewalk.
   d. Primary Entrance: All primary entrances for first floor use and all non-residential uses shall have the entrance located on the road side of the building with access directly to the pubic sidewalk.
D. Accessory Buildings
   a. Accessory buildings are not permitted in the overlay district, unless individually approved by the Planning Commission.
   b. At no time shall an accessory building be permitted in the front or side yards, all accessory structures permitted by the Planning Commission shall be placed in the rear yard.
E. Parking Requirements
   a. All off-street parking space requirements are waived for uses in the DBO District.
   b. Any off-street parking area to be provided shall be placed in the rear yard.
F. Building Use
   a. Uses allowed are outlined in Article 18.
   b. Residential uses are restricted to the 2nd and 3rd floors of the structure.
G. Signage
   a. Signage must meet the requirements of Section 110.
H. Buffer & Screening Requirements:
   a. Perimeter and use buffer requirements are waived for parcels contained within the DBO District.
   b. Screening of dumpsters and loading docks is required per Section 107.C.a and Section 107.C.b.
I. Utility Easement Preservation

a. All lots are subject to a ten (10') foot utility easement. The easement is measured perpendicular to the property line, ten (10') feet on each side and running parallel to the property line
b. All easements must be displayed on site plans, and made a matter of record on deeds, boundary surveys and recorded plats.

Article 76
Wellhead Protection Overlay District

7601) Area Affected
Every parcel of land which lies in whole or in part within Wellhead Protection Overlay Zone as depicted on the Official Zoning Map around public Type I water wells is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone. The regulations of this Overlay Zone are in addition to any regulations in the underlying Land Use Districts, however these regulations supercede all conflicting regulations of the underlying Land Use District to the extent of such conflict but no further.

7602) Wellhead Protection Zones
As shown on the Official Zoning Map, there shall be three concentric sectors within this Overlay Zone:

A. Sector A shall be an area around the water well intended to be protected by this Overlay Zone which shall include a 200 foot diameter circle around the well.
B. Sector B shall be the next largest area around the water well, as shown on the Official Zoning Map, intended generally to include, at a minimum, an area necessary for a one year zone of protection for the well.
C. Sector C shall be the remainder of this Overlay Zone outside of Sectors A and B, as shown on the Official Zoning Map, intended generally to include, at a minimum, a ten year zone of protection for the well.

7603) Sector A Land Use Prohibitions
The underlying zoning district notwithstanding, no person shall use land within sector A for any land use which involves any of the following:

A. Any use displayed in the Table of Land Uses, section 1809 that is categorized with a B or C in the Wellhead protection Overlay District Column.
B. Any other land use except:
    a. A water well pump station.
    b. A water tower.
    c. Open space area, planted to grass, garden, or other ground cover.
    d. A park which is planted to grass and does not include any motorized rides, entertainment, and so on.

7604) Sector B Land Use Restrictions
The underlying zoning district notwithstanding, no person shall use land within sector A or B for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector B of this overlay district, except as follows. All uses listed in section 1809 of this Ordinance that is categorized with a B or C in the Wellhead Protection Overlay District column shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.

A. The uses listed in section 1809 of this Ordinance that are categorized with a B or C in the Wellhead Protection Overlay District column shall be prohibited except when one of the two following conditions exist:
    a. The use is a facility (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generates hazardous substances:
        i. in quantities less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
        ii. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,

or

    b. The business and facilities use, store or generate hazardous substances
        i. above the amounts established in Section 7604.A and
        ii. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.
B. If the proposed uses listed in section 1809 of this Ordinance, Wellhead Protection Overlay Zone Uses are not prohibited pursuant to section 7604.A of this Ordinance, then it shall be considered a special use pursuant to Article 86 of this Ordinance.
C. Affected Land Uses:
    a. Any use labeled with a B or C in section 1809 of this ordinance, Table of Land Uses under the Wellhead Protection Overlay Column.
    b. Dwellings, Duplexes, Apartment buildings which are connected to on-site sewage disposal and include more than one (1) living unit per Twenty Thousand 20,000) square feet of land area.

7605) Sector C Land Use Prohibitions

The underlying zoning district notwithstanding, no person shall use land within sector A, B or C for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector C of this overlay district, except as follows. All uses listed in section 1809 of this Ordinance that is categorized with a C in the Wellhead Protection Overlay District column shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.

A. The uses listed in section 1809 of this Ordinance that is categorized with a C in the Wellhead Protection Overlay District column shall be prohibited except when one of the two following conditions exists:
    a. The use is a facility (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generates hazardous substances:
        i. in quantities less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or

ii. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,

or

b. The business and facilities use, store or generate hazardous substances:
   i. above the amounts established in section 104, and
   ii. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.

D. If the proposed uses listed in section 1809 of this Ordinance, Wellhead Protection Overlay Zone Uses are not prohibited pursuant to section 7605.A of this Ordinance, then it shall be considered a special use pursuant to Article 86 of this Ordinance.

E. Affected Land Uses:
   a. Any use labeled with a C in section 1809 of this ordinance, Table of Land Uses under the Wellhead Protection Overlay Column.

7606) Conflicting Federal or State Regulations

The regulations of this Overlay Zone are not intended to conflict with any law or administrative regulation, on groundwater protection, of the United States, the State of Michigan or any agencies thereof.

7607) Nonconforming Land Uses in this Overlay Zone

If a land use exists within this Overlay Zone on the date this section takes effect which is not permitted within the respective sector of this Overlay Zone then;

A. Such nonconforming use of land shall not be moved in whole or in part to any other portion of such land, added to, extended, reconstructed, structurally altered or expanded during its life, section 8009 notwithstanding.
B. Nothing herein shall prevent the completion of structures for a land use which shall have been diligently prosecuted prior to the passage of this section.
C. Nothing herein shall prevent the normal repair, reinforcement, rehabilitation of a structure.

Article 80:
Nonconformities

8001) Purpose

Nonconformities are lots, structures, and uses that do not conform to one or more of the requirements of this Ordinance, or a subsequent amendment, which were lawfully established prior to the effective date of adoption or amendment of this Ordinance. The purpose of this Section is to specify the conditions under which a nonconformity is permitted to continue to exist, as well as the conditions under which a nonconformity must be discontinued. A nonconformity shall not be permitted to continue to exist if it was unlawful at the time of establishment or as this section dictates.

8002) Nonconforming Regulations

Except as otherwise provided in this Ordinance, the requirements of this Article shall be applied as follows:

NONCONFORMITY	Subsection A	Subsection B	Subsection C	Subsection D
Nonconforming lot only	•			•
Nonconforming structure only		•		•
Nonconforming use only			•	•
Nonconforming lot and structure	•	•		•
Nonconforming lot and use	•		•	•
Nonconforming structure and use		•	•	•
Nonconforming lot, structure and use	•	•	•	•

Nothing in this Ordinance shall be deemed to require a change of plans, construction or designated use of any constructed site-built building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which construction has been diligently conducted. Actual construction shall include the placing and attaching of construction materials in a permanent position.

A. Nonconforming Lots. A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all applicable zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to erect a structure on a nonconforming lot, then such structure shall only be permitted if the Zoning Board of Appeals grants a variance.

B. Nonconforming Structures. A nonconforming structure may be continued provided it remains otherwise lawful, except as outlined in this sub-section. A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity. If a nonconforming structure is moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

   a. A non-conforming structure which is mobile in nature such as a travel trailer, RV, or mobile home with a minimum wall length less than twenty (20') feet, shall not be allowed to continue as a non-conforming structure.

C. Nonconforming Uses. Except as provided for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.

   a. A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building which was designed for such use and which existed at the time the use became nonconforming.
   b. A structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.

D. Nonconforming Residential Uses: A nonconforming residential use may be expanded or enlarged as follows:

   a. The principal building may be enlarged by a maximum of twenty (20) percent of the total square footage which existed when the use became nonconforming, provided that all applicable yard and other zoning restrictions are met.
   b. The principle building has a minimum wall length greater than twenty (20') feet.
   c. The residential use is not located within a travel trailer, RV, or similar mobile vehicle, whether a chassis is attached or not.
   d. An accessory building may be constructed in accordance with the applicable provisions of this Ordinance.

E. Abandonment of Nonconforming Use: If there is an intent to abandon the nonconforming use of any parcel of land or structure and the non-use continues for a period of six (6) months, then any further use thereof shall conform to the provisions of this Ordinance. In addition, any accessory use, building, or sign related to a nonconforming use shall also be discontinued, unless it shall thereafter conform to all regulations of the Ordinance.

F. Substitution of Uses: A nonconforming use may be changed to another nonconforming use upon approval of the Commission subject to the following conditions:

   a. No structural alterations are required to accommodate the new nonconforming use and that the proposed use is equally or more appropriate in the district than the existing use.

In approving such a request, the Commission may require appropriate conditions in accordance with the purposes and intent of this Ordinance.

b. Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
c. When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

G. General Conditions. The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

a. Change of Tenancy or Ownership: The tenancy or ownership of a nonconformity may be transferred or changed, however, in the case of a nonconforming use, there shall be no change in the nature or character of such nonconformity, except as permitted by this Ordinance.
b. Maintenance and Repairs: Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming structure or structure containing a nonconforming use.
c. A nonconforming structure or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or Building Official, may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws, the cost of such work shall not exceed 40 percent of the replacement cost of the existing structure, as determined by the Village Assessor.
d. In the event that a nonconforming structure or structure containing a nonconforming use is destroyed by any means it may be restored or reconstructed within the original building footprint and shall not exceed the original usable floor area.

ARTICLE 82:
Administration

8201) Administration

A. The provisions of this Ordinance shall be administered by the Zoning Administrator. Applicants for the office of Zoning Administrator shall be interviewed by the Commission. The Commission shall make its recommendations to the Village Council regarding the qualifications of the applicants. The Village Council shall appoint, from the list of applicants recommended by the Commission, a Zoning Administrator who shall serve for such term, subject to such conditions, and at such rate of compensation as the Village Council shall determine. The duty of enforcement of this Ordinance shall rest with the Zoning Administrator as shall be authorized by law. The Zoning Administrator shall, for the purposes of this Ordinance, have the power of a police officer. In addition, thereto, the Zoning Administrator shall:

   a. Receive and process Land Use Permit Applications, variance requests, land division requests and development plans, prepare case files and public notices when necessary, make recommendations to the Commission, Zoning Board of Appeals, and the Village Council, based on professional planning principles and the comments of other reviewing agencies.
   b. Review site plan and consult with developers and appropriate reviewing agencies to ensure quality and compliance with policies, regulations, ordinances and planning standards.
   c. Counsel, advise and provide information to the Commission, Zoning Board of Appeals, the Village Council, property owners, realtors and others in various planning and zoning matters, also assist the Village with regard to legal action involving the Ordinance.
   d. Recommend and prepare requested and/or needed resolutions for amending ordinances as may be deemed necessary.
   e. Prepare reports for the Village Council, Commission and the Zoning Board of Appeals meetings.
   f. Attend the Village Council, Commission and the Zoning Board of Appeals meetings.
   g. Review applications for and issues permits for special/seasonal events within the Village according to the provisions of applicable ordinances and established procedures.
   h. Investigate alleged violations of the Village's ordinances and enforce corrective measures as required.
   i. Keep the official zoning map, Ordinance text and office records up-to-date.
   j. Record and retain copies of all pertinent documents.
   k. Perform all other duties of the Zoning Administrator as set forth in this Ordinance.

B. Elected officials of the Village and/or Manistee County and/or members of the Commission and Zoning Board of Appeals shall be ineligible for appointment to the office of Zoning Administrator, except as otherwise provided in Section 8201.C. of this Ordinance.
C. In the event of the resignation, death, disability, disqualification or temporary absence of the Zoning Administrator, the Village President shall appoint an interim zoning administrator until a new zoning administrator is appointed by the Village Council, until the disability or

disqualification is removed or until the return of the regular Zoning Administrator, as the case may be.

D. In issuing an order, establishing a requirement, or making a decision or determination on any discretionary matter referred to him or upon which he is required to pass under this Ordinance, it shall be sufficient for the Zoning Administrator to reasonably conclude that in addition to the standards set forth in Section 8401.C. of this Ordinance, the proposed order, requirement, decision or determination is compatible with the present uses of adjacent land, is consistent with and promotes the intent and purposes of this Ordinance, is compatible with the natural environment, is consistent with the capabilities of public services and facilities affected by such order, requirement, decision or determination and protects the public health, safety and welfare.

8202) Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

Article 84
Permits

8401) Land Use Permits

A. No land shall be occupied or used and no building or structure shall hereafter be erected, altered or relocated under the provisions of this Section until a permit authorizing the same shall be issued by the Zoning Administrator.

B. The Zoning Administrator shall require in all cases that plans, specifications and drawings showing the location, design and size of the proposed land use and the buildings and structures to be located thereon shall be filed with the application for permit. The Zoning Administrator may also require the following information and such other information as he deems necessary to act on the application for permit:

a. The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
b. A concise statement of all operations and uses which will be conducted on the land and buildings.
c. A concise statement of the services, if any, to be offered to the public, if applicable.
d. Any other information required by this Ordinance.

C. No permit shall be issued under this Section for any use which fails to conform to any relevant provision of this Ordinance or which fails to conform to any minimum requirement established for the land use district in which the proposed use is to be located, or which fails to conform to any standard set forth in the definition of the proposed use, as defined in this Ordinance.

D. No new use shall be established or excavation or construction begun before such permit is issued.

E. No permit or fee is needed under this Section for the following activities provided the same comply in all other respects with the terms and conditions of this Ordinance:

a. Essential Public Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of overhead or underground gas, electrical, or water distribution or transmission systems, collection, communication, supply, disposal or sewer systems, including mains, drains, sewers, wires cables, traffic signals, hydrants, towers, poles, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law or other ordinances of the Village, in any land use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance; provided, that the erection or construction of any or all new above-grade construction is designed and erected to conform harmoniously with the general architecture and plan of such district in which it is be located; and provided, further, that communication towers shall not be considered an essential public service and shall be regulated as provided elsewhere in this Ordinance.
b. Exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner.
c. Relocation or replacement of machinery or equipment within a building located in the Commercial or Shoreline Districts C-1 and S-1, conforming to the provisions of

this Ordinance and used for commercial or industrial purposes, nor for any modification to such building in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.

d. Household pet shelters, such as dog houses.
e. Treehouses, dollhouses, forts and other structures used by children for play.
f. Agricultural uses, except buildings or structures.
g. Timber harvesting.
h. Hedges, lawns, gardens, trees, plants, and shrubs.

F. A permit issued under this Section is void if the use is not commenced within one (1) year. A renewal may be granted by the Zoning Administrator after a restudy of the permit at no cost to the applicant.

G.
a. Validity and revocation of land use permit. If construction has not commenced or proceeded meaningfully toward completion by the end of the twelve (12) month period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit.

H. A violation of any condition or specification in a permit issued under this Section shall void the permit and shall constitute a violation of this Ordinance.

I. Any improper or incorrect information contained in the application for permit issued under this Section shall void the permit *ab initio* and until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

J. A non-refundable fee shall accompany each application for a permit under this Section. The fee shall be as established from time to time by the Village Council.

8402) Essential Services.

Essential services shall be permitted as authorized or regulated by law or other ordinances of the Village, in any land use district, it being the intention hereof to exempt essential services from the application of this Ordinance; provided, that the erection or construction of any or all new above-grade construction is designed and erected to conform harmoniously with the general architecture and plan of such district in which it is to be located; and provided, further, that wireless communication support facilities towers shall not be considered an essential service and shall be regulated as provided elsewhere in this Ordinance.

Article 86
Special Land Use Conditions Review and Approval

8601) Statement of Purpose
It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Village.

The following use permit review procedures are instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses and should not be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. The procedures apply to those Special Land Uses which are specifically designated as such in the Zoning Ordinance.

8602) Review and Approval Authority
The Commission shall have the authority to approve special land use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Commission may require for any special land use included in the various provisions of this Ordinance.

8603) Fees
Before the issuance of a Special Land Use Permit, all application fees, including those incurred for additional professional reviews or studies, shall be paid in full by the applicant.

8604) Data Required.

A. Applications for Special Land Uses authorized in this Ordinance shall be submitted to the Zoning Administrator. Applications shall include 12 copies of the site plan and the fees as established by the Village Council. Applications will be processed according to the procedures adopted by the Village Council.

B. The Zoning Administrator shall review the proposed application to determine if all required information has been supplied, and forward completed applications and supporting data in accordance with the provisions of this Article. If the application is found to be incomplete, the Zoning Administrator shall return the application to the applicant with a written explanation of the deficiencies.

C. An application for a special land use permit shall include the following:

   a. Applicant's name, address, and telephone number.
   b. Address and tax identification number of the proposed site.
   c. A signed statement that the applicant is the owner of the proposed site or is acting as the owner's representative.
   d. A complete site plan containing all the applicable data required by Section 9403., “Data Required for Site Plans” of this Ordinance.

e. Supporting statements, evidence, data, information and exhibits that address criteria for assessing special land use applications as provided in Section 8606. of this Ordinance.
f. Any additional information deemed necessary by the Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, market studies (to determine demand, use saturation), fiscal impact analyses or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment. Any additional studies deemed necessary by the Commission shall be completed by an individual or firm of the Commission's choosing, but at the applicant's expense.
g. The name and address of all persons described in Section 8605.B. of this Ordinance.

8605) Public Hearing Requirements.

A. One notice of the public hearing shall be published in a newspaper that circulates in the Village. The publication shall occur not less than fifteen (15) days before the date of the public hearing.

B. A notice of the public hearing shall be sent by mail or personal delivery to the owners of property, as found in the tax rolls for the Village, 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. The notice to such persons shall also be given not less than fifteen (15) days before the date the application will be considered.

C. If the name of the occupant is not known, the term "occupant" may be used in making notifications.

D. The public hearing notices shall:
   a. Describe the nature of the Special Land Use request.
   b. Adequately describe the property in question, including a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
   c. State the date, time, and place of the public hearing.
   d. Indicate when and where written comments concerning the request will be received.

E. Upon receipt of a complete application for a Special Land Use permit, the Commission shall schedule a public hearing in accordance with the notification requirements of this Section. A complete application under this Section shall be one that addresses the items set forth herein.

F. The Planning Commission shall review the proposal and base its decision upon review of the individual standards for that Special Land Use and the general standards of this Section. The Commission may grant approval of the application with any conditions it may find necessary, or it may disapprove the application if the applicant is unwilling to meet all conditions. The decision on a Special Land Use shall be incorporated in a statement of conclusions relative to the Special Land Use under consideration. The decision shall specify the basis for the decision and conditions imposed.

a. Approval. If the Planning Commission determines that the particular Special Land Use(s) should be allowed, it shall clearly set forth in writing the particular use(s) which have been allowed.

    i. Thereafter, the Zoning Administrator may issue a land use permit in conformity with the particular Special Land Use so approved. In all cases where a particular Special Land Use has been granted as provided herein, application for a land use permit in the Village shall be made not later than one (1) year thereafter, or such approval shall automatically be revoked. The Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time as it shall determine to be necessary and appropriate.

b. Denial. If the Commission determines that the particular Special Land Use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Village, it shall deny the application in writing and clearly set forth the reasons for such denial.
c. Postpone: The Commission may postpone action on the site plan to allow time for additional study and/or site plan revisions.
d. Appeals: No decision or condition related to a Special Land Use application shall be taken to the Zoning Board of Appeals or the Village Council. An appeal of a Special Land Use decision or condition may be taken to the Circuit Court, as allowed by law.

8606) Standards for Approval

A. The Commission shall review the particular circumstances and facts applicable to each proposed Special Land Use in terms of the following standards and requirements and shall make a determination as to whether the use proposed and subject site meet the following standards and requirements
    a. Will be in accordance with the general objectives, intent and purposes of this Ordinance.
    b. Will be in accordance with the goals and objectives of the Bear Lake Village Master Plan.
    c. Will be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
    d. Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
    e. Will be served adequately by essential infrastructure, such as highways, streets, storm water drainage, refuse disposal, water and sewage facilities.
    f. Will not create excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.
    g. Will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
    h. Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
    i. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the Zoning District.

8607) Attachment of Special Conditions

A. The Commission may impose special conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the requirements of this Ordinance. The conditions may include:

   a. Assurance 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;
   b. Protection of the natural environment, conservation of the natural environment and conservation of natural resources and energy;
   c. Assurance of compatibility with adjacent uses of land;
   d. Promotion of the beneficial use of land in a socially and economically desirable manner.

B. Special conditions imposed shall meet each of the following criteria:

   a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
   b. Be related to the valid exercise of the police power and purposes, which are affected by the proposed use or activity.
   c. Be necessary to meet the intent and purpose of this Ordinance; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Commission and the landowner. The Zoning Administrator shall maintain a record of changes granted in conditions.

8608) Reapplication

A. No Special Land Use application which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of twelve (12) months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication shall be processed in the same manner as the original application.

8609) Site Plan Amendments in Conjunction with a Special Land Use

A. Any approved site plan shall become part of the record of Special Land Use approval. Subsequent improvements relative to the authorized use shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Commission. A site plan amendment shall be reviewed and considered in the same manner as the original Special Land Use application, except as otherwise provided in this Ordinance or in cases where less than ten percent (10%) of the particular portion of the approved site plan is affected. In that case, the Zoning Administrator may approve or deny based on the standards contained in this Article.

8610) Validity and Revocation of Special Land Use Permits

A. Validity of Permit: A Special Land Use permit shall be valid for a period of twelve (12) months from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this twelve (12) month period, the Zoning Administrator shall notify the applicant in writing of the expiration of the permit. The Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.

B. Permit Revocation: The Commission shall have the authority to revoke site plan approval following a hearing, if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Zoning Administrator shall issue a stop work order and a notice to appear for a hearing before the Commission. Notice of the hearing date shall be provided to the applicant no less than ten (10) days prior to the date of the meeting.

Article 88:
Planned Unit Development

8801) Intent

The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Section provides incentives and opportunities for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Section. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Section allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

8802) Application of Planned Unit Development Provisions.

A. Minimum Parcel Criteria: The provisions of this Section may be applied to any parcel of land fifteen (15) acres or greater, located in any residential district and under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.

B. Exceptions to Minimum Parcel Criteria: Notwithstanding the provisions of paragraph 1, an application for a planned unit development on a parcel of land of less than fifteen (15) acres may be submitted if the Commission finds, based upon information provided by the landowner, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one or more of the following conditions exists:

a. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;
b. The parcel of land has a historical character of importance to the Village that will be protected by employing the provisions of this Article; or
c. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.

C. Application Criteria: An applicant for planned unit development must demonstrate all of the following:

a. Application of the planned unit development provisions will result in one of the following:

1) A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible or unlikely without application of the planned unit development provisions; or

2) The long-term conservation of natural features and the environmental character to the Village will be achieved; or
3) A nonconforming use shall be rendered more conforming to the zoning district in which it is situated.

b. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.
c. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.

8803) Design Standards.
A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

A. Residential Dwellings: The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings, manufactured homes, and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing may be incorporated as a means of conserving natural features and providing additional common open space.

B. Permitted Residential Density: The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, as modified by the following formula:

   a. Gross parcel area less the entire area occupied by proposed or existing dedicated public right-of-ways, and less eighty (80) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the underlying zoning district to establish the maximum number of permitted dwelling units.

C. The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined by the District 10 Health Department standards. The minimum permitted lot size for a detached single-family dwelling in areas served by public sewer and water shall not be less than eleven thousand (11,000) square feet.

D. Common Open Space: All planned unit developments shall maintain a minimum of thirty (30) percent of the parcel as common unimproved open space which is readily accessible and available to the residents of the planned unit development. Up to twenty five (25) percent of the open space requirement may be fulfilled by wetland, floodplain, and/or open water areas.

E. Educational and Recreational Uses: Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, non-motorized trails, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Commission to satisfy a percentage of the total common open space

requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty (60) percent of the common open space requirement, provided such use is integrated into the overall development.

F. Commercial Uses: Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to ten (10) percent of the gross area of a parcel greater than twenty (20) acres.

a. The following commercial uses may be permitted within a planned unit development:

1) Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.
2) Banks, credit unions, savings and loan associations, and similar financial institutions.
3) Retail businesses which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions, hardware, books, and similar establishments.
4) Personal service establishments which perform services on the premises such as but not limited to repair shops (watches, electronics, shoes, etc.), tailor shops, beauty parlors, barber shops, photographic studios, and dry cleaners.

b. Adjacent property which is zoned commercial shall not be applied to this provision.

c. Planned commercial uses shall be accessed by public roads and sited in such a manner as to discourage through traffic within the planned unit development or adjacent residential areas.

G. Off-Street Parking and Loading: Off-street parking and loading/unloading spaces shall be provided in accordance with Section 109.G of this Ordinance.

H. Other Site Improvements: Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.

I. Perimeter Setback and Buffering: The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent uses or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development.

a. However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.

J. Phasing: Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.

K. A minimum of fifty (50) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Commission may authorize the construction of commercial uses prior to the completion of fifty (50) percent of the total number of residential dwelling units.

L. Planned Unit Development Agreement: The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Village. The covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only with the approval of the Commission.

M. The applicant shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

N. Land Division Requirements: All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Land Division Act, PA 591 of 1996 (formerly Subdivision Control Act, PA 288 of 1967), as amended, or prepared in conformance with the requirements of the state of Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.

8804) Procedure for Review and Approval.

A. Optional Conceptual Planned Unit Development Submittal: An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.

B. The applicant shall provide twelve (12) copies of the conceptual submittal to Zoning Administrator at least twenty one (21) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is

complete, the Zoning Administrator shall place the conceptual submittal on the Commission's agenda.

C. The following minimum information must be provided as part of the concept submittal.

a. Statement of purpose, objectives, and development program including:

1) Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
2) Total project area.
3) Description of existing site characteristics.
4) Description of proposed character of the development.
5) Densities, areas and setbacks for various residential types.
6) Area and percent of developed and undeveloped open spaces.
7) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
8) Proposed project phasing and estimated timing schedule by phase to completion.
9) Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.

b. Generalized development plan and program, including:

1) Overall map at a minimum scale of one (1") inch equals two thousand (2,000) feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, and collector streets, among other landmarks.
2) Generalized graphic depiction at a scale of one (1") inch equals two hundred (200') feet showing the following:

i. Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.
ii. Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.
iii. Existing adjacent land uses, zoning and structures within 200 feet of the proposed planned unit development boundary.
iv. Proposed internal pedestrian and vehicular circulation system.
v. Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.
vi. Areas to be preserved in a natural state.

3) Other data or graphics which will serve to further describe the proposed planned unit development.

D. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Village's development policies, and shall make comments and suggestions about the proposed concept plan. The Commission may refer appropriate portions of the submittal to the Village Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant.

E. Preliminary Planned Unit Development Submittal: A preliminary planned unit development submittal shall be processed in accordance with the following procedures:

a. The applicant shall provide twelve (12) copies of the preliminary planned unit development submittal to the Zoning Administrator at least twenty-one (21) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Commission's agenda.
b. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required by Section 8804.C of this Ordinance.

1) Existing Site Features

i. Physical development plan prepared at a minimum scale of one (1") inch equals one hundred (100') feet.
ii. Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.
iii. Property lines of adjacent tracts of subdivided and un-subdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.
iv. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.
v. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.
vi. Topography drawn at a two (2') foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200') feet outside the proposed planned unit development boundaries.

F. Proposed Development Features

a. Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.
b. Layout, numbers, and dimensions of single-family lots, including building setback lines.
c. Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
d. Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
e. Depiction of major wooded areas and description of means to be employed to preserve them.
f. An indication of ownership and existing and proposed use of any parcels identified as "excepted."

g. An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Manistee County Drain Commissioner.
h. Conceptual site grading and conceptual landscaping plans
i. Depiction of proposed development phases.
j. Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

G. Tabulations

a. Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
b. Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.
c. Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.

H. Planned Unit Development Agreement

a. Legal description of the total site.
b. Statement of developer's interest in the land proposed for development.
c. Statement regarding the manner in which open space is to be maintained.
d. Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.
e. Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
f. Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
g. Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.

I. The Commission shall accept the submittal and refer the appropriate portions to the Village Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.

J. The Commission shall review the preliminary planned unit development submittal as well as the comments from the Village Attorney, Engineer, Planner and appropriate state and county agencies and then set a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the requirement of the Michigan Zoning Enabling Act, 2006 PA 110, as amended.

K. The Commission shall hold a public hearing.

L. The Commission shall either approve, approves with modification, or deny the preliminary planned unit development submittal.

M. Following approval of the preliminary planned unit development submittal, the Commission shall authorize the developer to prepare the planned unit development agreement and the final planned development submittal.

N. The developer shall prepare a planned unit development agreement which shall be reviewed by the Village Attorney, Planner, and Engineer.

O. The Commission shall review the planned unit development agreement and either approve, approve with conditions, or deny the planned unit development agreement.

P. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Commission, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two (2) such twenty-four (24) month extensions may be granted.

Q. Final Planned Unit Development Submittal

   a. The final planned unit development submittal for all or a portion of the total planned unit development shall be reviewed by the Commission and acted upon by the Commission to assure substantial compliance with the preliminary planned unit development submittal.

R. The final planned unit development submittal must be prepared as one of the following:

   a. Subdivision Plat as defined by the Land Division Act

      1) The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
      2) Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Commission. This limit may be extended for a reasonable period to be determined by the Commission, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.

   b. Condominium Plan as defined by the Condominium Act

      1) The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

   c. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:

1) Detailed grading plan.
2) Detailed landscaping plan.
3) Detailed utilities layout.
4) Tabulations showing:

   i. Total phase acreage and percent of total planned unit development.
   ii. Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
   iii. Total phase density and percent of total planned unit development.
   iv. Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).
   v. Percent of ground area covered by structures other than detached single-family dwelling units.

5) Supporting materials

   i. Legal description of the total phase, each use area, and dedicated open space.
   ii. Copies of covenants, easements, and other restrictions to be imposed
   iii. Proposed dates of construction start and completion of phase.

d. The final planned unit development submittal shall not:

1) Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by ten (10) percent or greater as determined by the Commission; or
2) Involve a reduction of the area set aside for common space; or
3) Increase by more than ten (10) percent the floor area proposed for nonresidential use; or
4) Increase by more than five (5) percent the total ground area covered by buildings.

e. The final planned unit development submittal shall be processed in accordance with the following procedures:

1) The applicant shall provide twelve (12) copies of the final planned unit development submittal to the Zoning Administrator at least twenty one (21) days before the meeting at which the submittal will be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Commission's agenda.
2) The Commission shall accept the submittal and refer the appropriate portions of the submittal to the Village Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.
3) The Commission shall review the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than

the limits prescribed in this Ordinance, require modifications to assure conformance.

f. Before the Commission grants final approval to any planned unit development, the Commission shall determine that:

1) Provisions, satisfactory to the Commission have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Commission.
2) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the
3) The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.

S. Following approval of a final planned unit development submittal by the Commission, the developer may begin processing the plat through the Village Council in conformance with the Land Division Act or the condominium plan through the Commission and Village Council in conformance with the Condominium Act and condominium provisions of this Ordinance.

8805) Appeals.
The decision of the Commission to approve, approve with conditions or deny a planned unit development application shall be final. No decision or condition related to a planned unit development submittal shall be taken to the Board of Appeals.

8806) Fees.
Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Village Council. Before final approval is granted, the cost of review fees shall be paid for by the applicant/developer.

Article 94
Site Plan Review and Approval

9401) Purpose
It is the purpose of this Article to specify standards and data requirements that shall be followed in the preparation of site plans as required by this Ordinance.

9402) Improvements Which Require Site Plan Approval
Prior to the establishment of any new use, addition to an existing use or the erection of any structure in any zoning district, a site plan shall be reviewed and approved subject to the following conditions.

A. Site Plan Review Required: Site plan review is required for all principal uses and structures permitted in all zoning districts (except individual single-family and two-family dwellings erected on a single lot or parcel and their accessory structures which require a plot plan) and all Special Land Uses.

B. Administrative Review Option for Additions: When the erection of a structure constitutes an addition to an existing use or building, the site plan review procedures may be modified by the Zoning Administrator to provide for an administrative review and approval in lieu of Planning Commission review and approval. The Zoning Administrator may conduct an administrative review if the following conditions are met:

   a. No variances to the zoning ordinance are required, or, if required, have been obtained.
   b. The use will be conducted within a completely enclosed building.
   c. The addition does not create additional parking demands.
   d. The addition does not substantially alter the use or character of the site.
   e. The use is in conformance with the provisions of the zoning district.

C. Administrative Review Option for Building Re-occupancy: In the case of re-occupancy of an existing building, the site plan review procedures may be modified by the Zoning Administrator to provide for an administrative review and approval in lieu of Commission review and approval. The Zoning Administrator may conduct an administrative review if the following conditions are met:

   a. No variances are required, or, if required, have been obtained.
   b. The use will be conducted entirely within an enclosed building.
   c. The use will not increase the existing parking area by more than twenty (20) percent of the area which existed prior to re-occupancy.
   d. The use will not substantially alter the use or character of the site.
   e. The use is in conformance with the provisions of the zoning district.

D. Conformance to Ordinance Requirements: All site plans shall conform to the requirements of the Ordinance. Administrative review procedures are not intended to modify any Ordinance, requirement, or development standard. The Zoning Administrator shall notify the Commission of all site plans processed or scheduled for administrative review.

E. Land Clearing: No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires Commission site plan review and approval until the proposed use or structure is authorized by a land use permit or pre-preliminary plat approval.

9403) Data Required for Site Plans
Site plans which require Commission review and approval must comply with the requirements of Sections 9403.A., 9403.B., and 9403.D. of this Ordinance. Site plans which are eligible for administrative review must comply with Sections 9403.A., 9403.C., and 9403.d. of this Ordinance.

A. General Information Required: All site plans shall be prepared to meet the following requirements:

   a. All site plans shall be drawn at a scale of at least one (1") inch equals one hundred (100') feet and include plan preparation and revisions dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within two thousand (2,000') feet of the site.
   b. The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
   c. A survey of the property showing property line dimensions and bearings, any easements of record, required setbacks, and a written legal description.
   d. Notation of all federal, state and local permits required.
   e. Bear the seal of the responsible licensed professional engineer, professional land surveyor, or registered landscape architect prior to issuance of a land use permit.

B. Additional Information Required for Commission Review: Site plans which are subject to Commission review shall provide the following information in addition to that which is required by Section 9403. of this Ordinance:

   a. A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and useable floor areas in square feet, and the number of employees per shift.
   b. A site data chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirement calculations.
   c. Location of natural features such as, but not limited to, woodlots, streams, floodplains, lakes, ponds, and existing topography at ten (10') foot intervals within one hundred (100') feet of the site.
   d. Location and dimensions of existing structures within one hundred (100') feet of the site including notation as to which on-site structures will be retained and which will be removed or altered.
   e. Location and dimensions of proposed structures, including building elevations and floor plans.
   f. Location and dimensions of existing public rights-of-way (including paving material), private roads, or access easements of record.
   g. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
   h. Location of existing and proposed utilities, water mains, wells, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.

i. Location and dimension of existing and proposed exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater as well as point of discharge.
j. Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses, including a completed sign permit application.
k. Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.
l. Location, spacing, type and size of proposed plant materials.
m. Any required screening walls or landscape buffers between the use and the adjacent properties.
n. Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.
o. The Commission reserves the right to require additional surveys and reports as they deem necessary. These reports may include but not necessarily be limited to reclamation plan, environmental impact statement, pollution incident prevention plan, visual impact analysis, evacuation plan, wetlands determination, traffic impact analysis and detailed engineering reviews.

C. Additional Information for Administrative Review: Site plans subject to administrative review and approval shall provide the following information in addition to that required by Section 9403.A. of this Ordinance:

a. A project statement that describes the proposed use of the building, the number of employees, floor plan layout, and other general information describing the proposed activity.
b. Existing and proposed parking serving the site, including any improvements (paving, striping, landscaping) which are contemplated.
c. Existing and proposed sidewalks, landscaping, and other site amenities.
d. Any required screening walls or landscape buffers between the use and the adjacent properties.
e. Existing and proposed site ingress and egress.

D. Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of this Ordinance.

9404) Action on Site Plans

A. Submission of Site Plan for Commission Review: The applicant shall provide twelve (12) copies of the proposed site plan to the Zoning Administrator. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the site plan is complete, the Zoning Administrator shall place the site plan on the Commission's agenda.

B. Submission of an Administrative Site Plan: The applicant for administrative review shall provide three (3) copies of the proposed site plan to the Zoning Administrator. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the site plan is complete, the Zoning Administrator shall proceed with an administrative review.

C. Action: The Commission or Zoning Administrator, as applicable, shall disapprove, approve, or approve with conditions the site plan. The body or person authorized to take action on a site plan may impose conditions in addition to the specific requirements of this Ordinance. Any conditions required by the Commission, together with the reasons for those conditions, shall be provided in writing to the applicant by the Commission at the time the action is taken.

D. Approval of Site Plans: A site plan shall be approved if it contains the information required by and is in compliance with the Ordinance, the conditions imposed pursuant to the Ordinance, and other Village planning documents.

E. Approved Site Plans: Three (3) copies of the approved site plan, including any written conditions, shall be maintained by the Zoning Administrator for future review and enforcement activities. One copy shall be returned to the applicant; one copy shall be filed with the planning consultant. If any variance was granted by the Board of Appeals, written evidence of the variance(s) shall be filed, if any, with the site plan and a copy provided to the applicant at the time of action.

F. Site Plan Approval for Special Land Uses: The approval of site plans reviewed in conjunction with a Special Land Use application shall occur subsequent to the approval of the Special Land Use.

G. Appeals: No decision or condition related to a site plan approval shall be taken to the Board of Appeals.

9405) Standards for Granting Site Plan Approval
Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed below:

A. Arrangement of Structures: Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties. Minor site plan amendments as defined in Section 9406.B of this Ordinance, may be made by the person or body who approved the original site plan.

B. Natural Features: Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater.

C. Vehicular and Pedestrian Traffic: Site plans shall fully conform to the driveway and traffic standards of the Michigan Department of Transportation and the Manistee County Road Commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured.

D. Public Safety: Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of both the Village and the County.

E. Drainage: Site plans shall fully conform to the Manistee County Drain Commission stormwater guidelines and evidence of such shall be provided.

F. Erosion: Site plans shall fully conform to the Manistee County Soil and Erosion Control Ordinance.

G. Hazardous Waste Management: Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.

H. Public Health: Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the District #10 Health Department.

I. Statutory Compliance: Site plans shall fully conform with all applicable State and Federal statutes.

9406) Site Plan Amendments.

A. Approval Required: Site plan amendments shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the approving body or person. Minor site plan amendments, as defined in Section 9606.B. of this Ordinance, may be made by the person or body who approved the original site plan.

B. Minor Site Plan Amendments: Minor site plan amendments shall be limited to the following site plan changes:

   a. Moving walls within the confines of the approved building footprint.
   b. Moving the ingress and egress drive a distance up to one hundred (100') feet, if required by the Manistee County Road Commission or Michigan Department of Transportation.
   c. Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature and quality.
   d. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
   e. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.
   f. Altering the location of an accessory structure that is less than one hundred (100) square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
   g. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.

C. Approval Required: A site plan amendment shall be approved if it is found that the change will not adversely affect the initial reasons for granting approval.

9407) Review of Condominium Projects

A. Commission Review: Prior to the recording of a master deed and exhibits for a new condominium subdivision, the developer shall submit the master deed and exhibits for review and approval by the Commission according to the requirements of this Article. Prior to the recording of a master deed and exhibits for the conversion or expansion of an existing condominium subdivision, the developer shall submit the master deed and exhibits for review and approval by the Commission according to the requirements of this Article.

Further, these documents may be submitted for review and approval by the Village Attorney and Village Consultants to verify compliance with local Ordinances and state law.

B. Conformance to Ordinance Requirements: All principal buildings and/or accessory structures within a condominium subdivision shall comply, to the extent applicable, with the regulations of this Zoning Ordinance and the Michigan Condominium Act, PA 59 of 1978 (amended), being MCL 559.101 to 559.276, *et seq*.

C. Conformance to Road Commission Requirements: All streets, public or private, within a condominium subdivision shall be designed and constructed in accordance with the current standards and specifications of the Manistee County Road Commission. Private roads may be constructed with less width to paved area, but to the same design standards.

D. Dedication of Public Utility Easements: The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easements dedication documentation may be reviewed by the Village Attorney and Village Consultants.

E. Monumentation Required: All condominium subdivisions which consist in whole or in part of condominium units which are building envelopes shall be marked with monuments as required in Section 1238 of this Ordinance.

9408) Drawings of Record.
Upon completion of required improvements, the developer shall submit drawings of record, certified by a surveyor or engineer, to the Zoning Administrator. All submitted drawings of record shall be on a Mylar sheet of at least thirteen (13") inches by sixteen (16") inches. In the case of a condominium subdivision, the developer shall provide two (2) copies of the recorded master deed and any exhibits.

9409) Performance Guarantees.
To ensure compliance with the Ordinance requirements and any conditions imposed thereunder, the Commission or Zoning Administrator may require the deposit of a performance guarantee.

A. Form: A performance guarantee shall be in the form of a cash deposit or certified check the amount of the estimated cost of the approved site improvements. The Village shall have the right to determine the form of the performance guarantee.

B. Deposit: The performance guarantee shall be deposited with the Village prior to the issuance of a land use permit or special use permit. Upon receipt of the performance guarantee, the Village shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.

C. Return: Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Village shall, within

thirty (30) days, return to the applicant the performance guarantee deposited and any accrued interest.

D. Completion of Improvements: In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay the Village the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Village use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Village's administrative costs related to the completion of the improvements, with the balance being refunded to the applicant.

E. Performance Guarantee Agreement: At the time the performance guarantee is deposited with the Village and prior to the issuance of a land use permit or special use permit, the applicant and Village shall enter into an agreement incorporating the provisions of this Section.

9410) Validity and Revocation of Site Plan Approval

A. Validity of Approval: An approved site plan shall be valid for a period of twelve (12) months from the date of issuance of the land use permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Zoning Administrator shall notify the applicant in writing of the expiration of the permit; provided, however, that the Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.

B. Revocation: The Commission shall have the authority to revoke site plan approval following a hearing if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Zoning Administrator may issue a stop work order and a notice to appear for a hearing before the Commission. Notice of the hearing date shall be provided to the applicant no less than ten (10) days prior to the date of the meeting.

9411) Fees.

Application fees shall be established by resolution of the Village Council. Before issuance of a land use permit or special use permit, any costs incurred by the Village shall be paid for by the applicant

Article 96
Zoning Board of Appeals

9601) Statement of Purpose
The purpose of this Article is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

9602) Composition.
The Zoning Board of Appeals shall consist of five (5) members and one (1) alternate who shall be appointed in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

9603) Organization

A. Rules of Procedure: The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Zoning Board of Appeals shall annually elect a chairperson, a vice chairperson, and a secretary.

B. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals' Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Village Board of Appeals shall not conduct official business unless a majority of the regular members of the Board is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, PA 267 of 1976.

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

D. Records: The minutes of all meetings shall contain the grounds for every determination made by the Zoning Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Zoning Board of Appeals for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Village.

E. Legal Counsel: An attorney for the Village may act as legal counsel for the Zoning Board of Appeal.

9604) Jurisdiction
The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary land use permit. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance. This jurisdiction shall not include the hearing of appeals related to Special Land Uses or planned unit development (PUD) decisions.

9605) Authorized Appeals
The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

A. Administrative Review: The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Commission in administering or enforcing the provisions of this Ordinance. This authority shall not include review of Special Land Use or PUD decisions of the Commission.

B. Interpretation of the Ordinance: The Zoning Board of Appeals shall hear and decide upon requests to:

   a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
   b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator. (See Section 1802 of this Ordinance.)
   c. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a sufficiently similar permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no sufficiently similar permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted in the Village until or unless the text of the Ordinance is amended to permit it.

C. The permission and duration associated with temporary uses in the Village as defined in the definitions chapter of this ordinance.

D. Variance: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion:

   a. The strict enforcement of the provisions of this Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
   b. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
   c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor.
   d. The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.
   e. The requested variance will not be contrary to the spirit and intent of this Ordinance.

f. A variance under this Ordinance shall not be granted which permits a use not otherwise permitted within the zoning district, upon the property for which a variance is being requested.

E. Conditions: The Zoning Board of Appeals may impose conditions upon an affirmative decision. These may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

a. Be designed to protect natural resources, the health, safety, and welfare, as well as social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
b. Be related to valid exercise of the police power and purposes which are affected by the proposed use or activity.
c. Be necessary to meet the intent and purpose of the zoning regulations; 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.
d. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals and the landowner. The Zoning Board of Appeals shall maintain a record of changes granted in conditions.

F. Rehearing: No rehearing on an application denied by the Zoning Board of Appeals shall be granted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made within eight (8) days of the decision of the Boning Board of Appeals. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

G. Reapplication: After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Administrator to be valid.

9606) Interpretation
In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

9607) Procedures
A. Notice of Appeal: Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer or department of the Village, by filing a written Notice of Appeal with the Zoning Administrator on forms established for that purpose and accompanied with such information as is

necessary to decide such request. At a minimum, eight (8) copies of a plot plan showing the information required by Section 9403.a. through 9403.d. of this Ordinance, shall be submitted. Upon receipt of a Notice of Appeal, the Zoning Administrator shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals. Any appeal from the order, requirement, decision or determination of the Zoning Administrator concerning the enforcement or interpretation of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator's decision.

B. Hearing: Upon receipt of a Notice of Appeal, or of an application for Ordinance interpretation, or variance request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.

C. Notice of Hearing: When the chairperson of the Zoning Board of Appeals schedules a public hearing, notice of the hearing shall be given to the applicant and to all owners of an interest in lots, as recorded on the Village tax roll, and within three hundred (300) feet of the lot upon which a variance is requested, of the time and place of the Zoning Board of Appeals meeting at which the application will be considered; provided, however, such notice shall be given in accordance with the Michigan zoning Enabling Act, PA 110 of 2006, as amended. .

D. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

E. Stay: An appeal shall postpone all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed that by reason of facts stated in the certificate a postponement would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be postponed except by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by a court of competent jurisdiction.

F. Fee: A fee as established by the Village Board, shall be paid to the Village at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Zoning Administrator, Planning Commission, or Village Council is the initiating party.

G. Decision: The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the total membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

H. Performance Guarantee: In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit or certified check acceptable to the Village covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Village Treasurer to insure faithful conformance with the conditions or completion of the improvements.

9608) Review by Circuit Court

The decision of the Zoning Board of Appeals shall be final. A review of a Zoning Board of Appeals decision is by way of Circuit Court.

Article 98
Amendment, Penalties, Validity

9801) Amendment
Amendments may be made to this ordinance, from time to time, in accordance with Public Act 110 of 2006, the Michigan Zoning Enabling Act.

9802) Penalties
A. Nuisance *Per Se*. Any building or structure which is erected, reconstructed, altered, converted, maintained, or used or any use of land or premises which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance *per se*.

B. Authorized Local Official. The Village Zoning Administrator is hereby designated as the authorized local official to issue municipal civil infraction citations.

C. Violations; Civil Infractions. Any person, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated, voluntary association, who violates any provision of this Ordinance shall be guilty of a civil infraction. Violation of this Ordinance and its penalties shall be judicially enforced through the 85th Judicial District Court. Enforcement for violations of this Ordinance shall be as follows:
   a. Unless immediate action is necessary upon the determination by the Village Zoning Administrator that there is a danger to the public health, safety, or welfare, the person violating this Ordinance shall be served personally or through firs class mail with a notice of violation requiring that the violation be corrected within thirty (30) days of the notice;
   b. Upon failure to correct the violation or in cases when immediate action is necessary, a person violating this Ordinance shall be issued a citation requiring their appearance in the 85th Judicial District Court. A person who violates this Ordinance shall be guilty of a civil infraction and shall be fined not less than $150.00 nor more than $500.00 plus costs.
   c. A person who violates this Ordinance shall be guilty of a civil infraction and when having been previously found responsible or admitted responsibility for a violation of this Ordinance in a civil infraction proceeding within one (1) year immediately preceding the issuance of the second citation, shall be fined not less than $300.00 nor more than $500.00 plus costs.
   d. A person who violates this Ordinance shall be guilty of a civil infraction and when having been found responsible or admitted responsibility for violation of this Ordinance in a civil infraction proceeding on at least two prior occasions within two (2) years immediately preceding the issuance of the third or later citation, shall be fined $500.00 plus costs.

D. Violations; Civil Action. The Village Council, the Village Zoning Administrator, the Board of Appeals, the Attorney for the Village, or any owner or owners of real estate within the Land Use District in which such building, structure or land is situated, may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate, or remove any building or structure or

use, which has been erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance.

E. Cumulative Remedies. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of this Ordinance in a civil infraction proceedings hall not bar a civil action seeking equitable relief beyond the jurisdiction of the 85th Judicial District Court under Section 9802. of this Ordinance, hereof, arising from the same violation.

9806) Repeal of Ordinance

Any all Ordinances which control the division and use of land, the placement of structures and dictation of spatial relationships of those structures, including any amendments thereto are hereby repealed in their entirety. All other resolutions or ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict, hereby repealed.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations that are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

9808) Validity and Severability Clause

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