

## Chapter 32 Zoning

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# Article 1.00. Title, Purpose, and Scope

## § 1.01. Title.

This chapter shall be known as the "Village of Lawrence Zoning Ordinance." Within the following text, it may be referred to as the "ordinance" or the "Zoning Ordinance."

## § 1.02. Purpose.

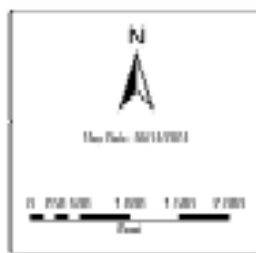
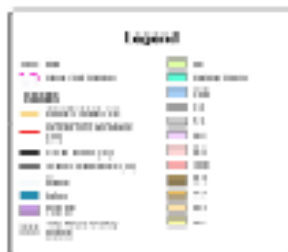
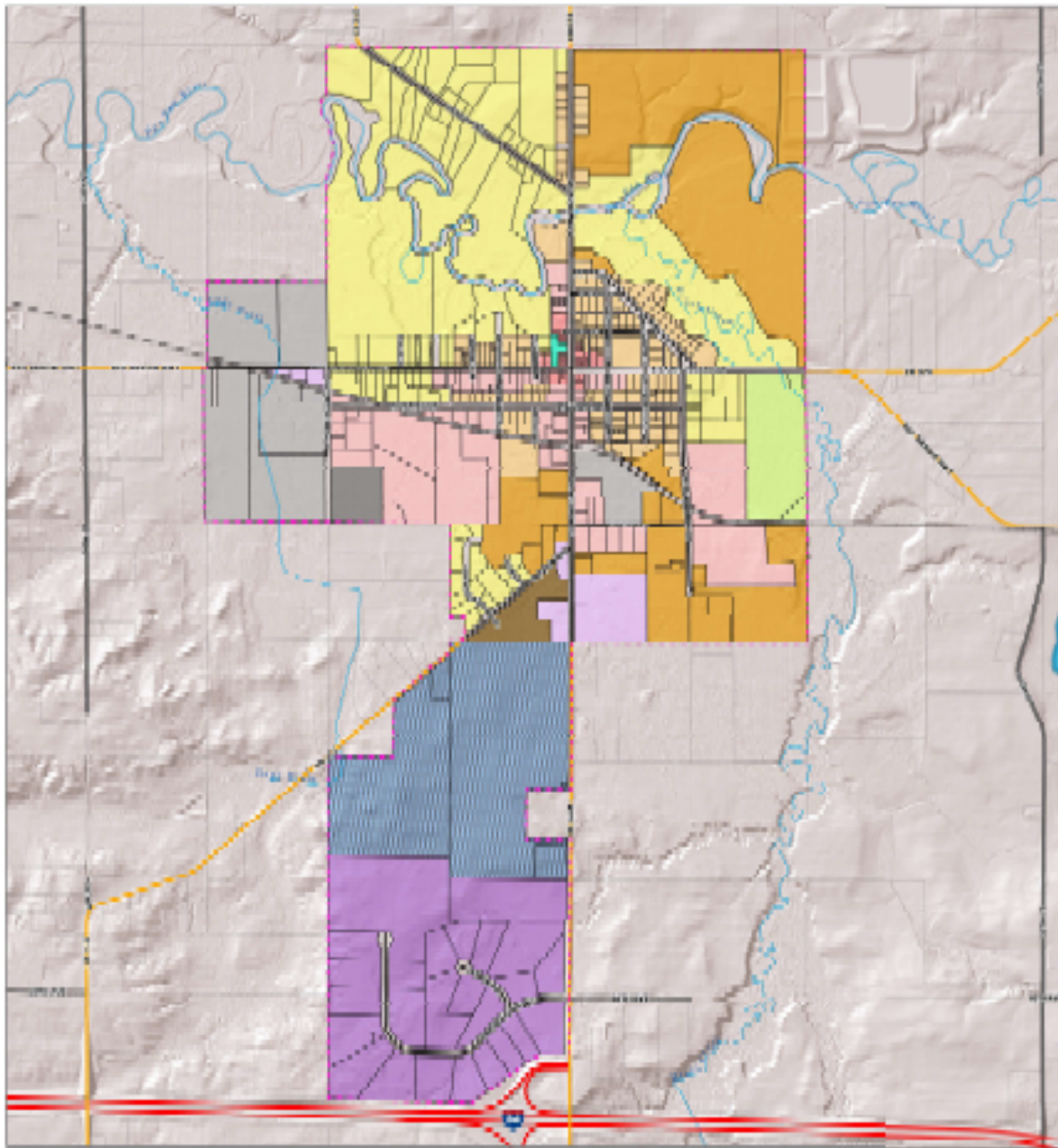
This chapter is based on the Village of Lawrence Master Plan, as the same may be amended from time to time by the Village and is intended and designed to regulate the use of land and structures for the purposes authorized by the Michigan Zoning Enabling Act and pursuant to the guiding principles, goals, and policies of the Master Plan.

## § 1.03. Scope.

- A. The provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.
- B. The chapter shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this chapter shall govern.
- C. Zoning applies to every building, structure, or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this chapter.

## § 1.04. Zoning Map.

## VILLAGE OF LAWRENCE - ZONING



# Article 2.00. Rules of Text Interpretation and Definitions

## § 2.01. Rules of text interpretation.

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

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word "erected" shall include the moving upon the land of any structure, including mobile homes.
- F. A "building" or "structure" includes any part thereof.
- G. The phrases "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for"; are all intended to be synonymous phrases.
- H. The word "person" includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other entity of any kind, or a combination thereof.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or," the conjunction shall be interpreted as follows:
  - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply; and
  - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- J. The word "he" shall mean "he" or "she."
- K. The provisions of this chapter are intended to impose the minimum requirements adopted to promote the public health, safety, and general welfare, and shall be interpreted and applied accordingly.
- L. Any word or term not specifically defined in section 2.02 or elsewhere in this chapter shall be considered to be defined in accordance with its most applicable customary or common meaning.
- M. Any reference in this chapter to a specific law is intended to also include any amendment of that law, and any subsequently enacted superseding law on the same subject matter.

## § 2.02. Definitions of terms.

For the purpose of this chapter the following terms and words are herein defined, and these definitions shall apply in the interpretation and enforcement of this chapter unless otherwise specifically stated:



**ACCESSORY BUILDING**

A detached subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to the use of the main building or premises. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building, including a carport, covered porch or other roofed structure.

**ACCESSORY USE**

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

**ADULT FOSTER CARE (LARGE GROUP) FACILITY**

A residential facility licensed by the state pursuant to Public Act 218 of 1979, as amended which provides resident services, supervision and care for 13 to 20 persons 24 hours a day.

**ADULT FOSTER CARE (MEDIUM GROUP) FACILITY**

A residential facility licensed by the state pursuant to Public Act 218 of 1979, as amended, which provides resident services, supervision and care for six (6) to 12 persons 24 hours a day.

**ADULT FOSTER CARE (SMALL GROUP) FACILITY**

A residential facility licensed by the state pursuant to Public Act 218 of 1979, as amended, which provides resident services, supervision and care for five or fewer persons 24 hours a day.

**ADULT USE/MEDICAL MARIHUANA ESTABLISHMENTS/FACILITIES**

A. The term includes any of the following:

1. Any term defined by the Michigan Medical Marihuana Act, MCL333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
2. Any term defined by the Medical Marihuana Facilities Licensing Acts, MCL333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
3. Any term defined by the Marihuana Tracking Act, MCL333.27901 et seq., shall have the definition given in the Tracking Act.
4. Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.
5. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.
6. "Permit" means a current and valid Permit for a Commercial Medical Marihuana Facility or Commercial Adult Use Marihuana Establishment issued under this Ordinance, which shall be granted to a Permittee only for and limited to a specific Permitted Premises and a permitted Property.
7. "Permittee" means a person holding a VILLAGE OF LAWRENCE operating Permit issued under the provision of the Authorization to Operate a Medical Marihuana Facility or the Authorization to Operate an Adult Use Marihuana Establishment.

8. "Permitted Premises" means the particular building or buildings within which the Permittee will be authorized to conduct the Facility's/Establishment's activities pursuant to the Permit.
9. "Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
10. "Co-location" means the aggregation of multiple licenses, or additional licenses of the same type, permitted under the MMMFLA or the MRTMA and located on one or more lot of record owned by an existing MMMFLA or MRTMA licensee, approved for operation in the VILLAGE OF LAWRENCE.
11. "Security Plan" means a plan for preventing unauthorized access to, or theft pilferage from an MMMFLA licensed facility or an MRTMA licensed establishment, approved for operation in the VILLAGE OF LAWRENCE. The plan is subject to review and reasonable approval by the VILLAGE staff, but shall include at a minimum the following components: (1) A Perimeter security for all facilities except the provisioning center or marihuana retailer;(2) an exterior lighting system;(3) a building security system;(4) An on-site security guard; (5)An off-site official contact list;(6) Established hours of operation;(7) Appropriate signage;(8)A plan for facility or establishment Inspection by the VILLAGE OF LAWRENCE;(9)Such other conditions as may be suitable for the particular license, or facility/establishment to be operated by the MMMFLA licensee/MRTMA licensee.

A security Plan must be approved with the VILLAGE Planning Commission with the advice of Law Enforcement Designee and Fire Chief.

#### **ALLEY**

A passage or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

#### **ALTER or ALTERATION**

Any change, improvement, or repair to the structure that results in a change or modification to the exterior dimension of said structure. Roofing, siding, insulation, etc., shall not be construed to be a change in the exterior dimension.

#### **ANIMAL**

Any dog, cat, bird, reptile, mammal, fish or any other such creature.

#### **AUTOMOBILE**

Any vehicle with four or more wheels, which is self-propelled by an engine or motor, and designed for the transporting of the operator and accompanying passengers, on public roads. An automobile includes any passenger car, station wagon, suburban, van, panel or pickup truck of a light delivery type none of which may exceed 8,500 pounds of gross vehicle weight (weight of vehicle and load capacity).

#### **AUTOMOBILE REPAIR, MAJOR**

Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rust proofing.

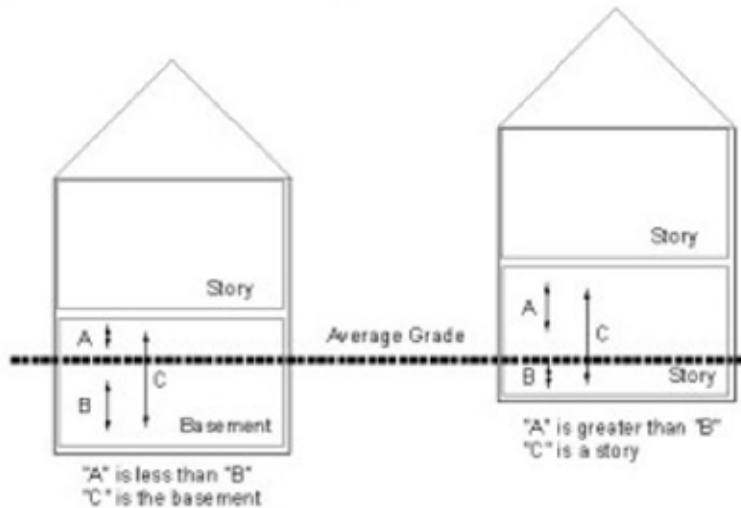
#### **AUTOMOBILE REPAIR, MINOR**

Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for

operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including the sale of accessories, greasing, oiling and minor automotive repair on the premises.

### **BASEMENT**

That portion of a building below the first-floor joists, at least half of whose clear ceiling height is below the level of the adjacent ground.



### **BED-AND-BREAKFAST INN**

A private residence, owned and occupied by the innkeeper, that offers sleeping accommodations to transient tenants in five or fewer rooms for rent; is the residence in which the innkeeper resides while renting the rooms; and in which breakfast is provided to tenants at no extra cost.

### **BUILDING**

A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

### **BUILDING, EXISTING**

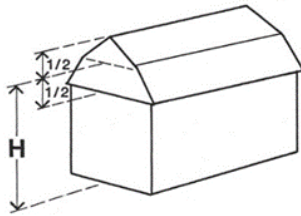
Any building actually constructed or the construction of which was started previous to the effective date of the ordinance from which this chapter is derived provided that the construction of any such building continues uninterruptedly and is completed within six months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value of record at the time of damage shall not be considered an existing building.

### **BUILDING HEIGHT**

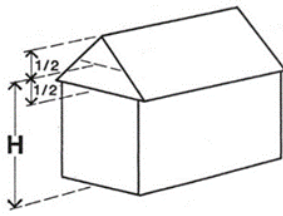
Building height is the vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.

## Building Height

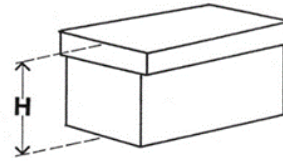
H = Height of building



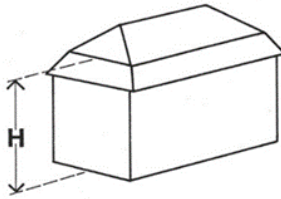
Gambrel Roof



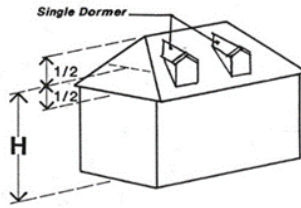
Gable Roof



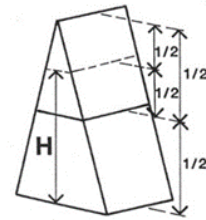
Flat Roof



Mansard Roof



Hip Roof



"A"-Frame

## BUILDING INSPECTOR

The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

## BUILDING LINE

A line parallel to the front lot line and which marks the location of the building.

## BUILDING PERMIT

A permit signifying compliance with the provisions of this chapter as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Village of Lawrence.

## BUSINESS DISTRICT(S)

The CBD Central Business District, the B-1 Local Business District, the B-2 General Business and any other subsequently established zoning district which includes "B" or "Business" in its title.

## CELLAR

See "basement."

## CEMETERY

Land used for the burial of the dead, including a columbarium, crematory, and mausoleum.

## CHICKEN

The common domestic fowl (*Gallus gallus*).

## **CHILD-CARE FACILITY**

A facility for the care of children under 18 years of age, as licensed and/or registered and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated standards and rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

### **A. CHILD- DAY-CARE CENTER**

A facility, other than a private residence, receiving one or more preschool age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child-care center" or "day-care center" does not include: 1) 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 hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a twelve-month period; or 2) a facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.

### **B. HOME CHILD-CARE**

A private home which is the bona fide private residence of the operator of the family day-care home and in which one or more, but less than seven, minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

### **C. FAMILY GROUP CHILD-CARE HOME**

A private home which is the bona fide private residence of the operator of the group day-care home and in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

## **CLINIC**

A building or group of buildings where human patients are treated, but not lodged overnight for examination and treatment by more than one professional, such as a physician or dentist.

## **CONDITIONAL REZONING AGREEMENT (CR AGREEMENT)**

A written agreement approved and executed by the Village and property owner, incorporating a CR Plan, and setting forth Rezoning Conditions and any other terms mutually agreed upon by the parties relative to land for which the Village has approved a conditional rezoning.

## **CONDITIONAL REZONING PLAN (CR PLAN)**

A plan of the property which is the subject of a conditional rezoning, prepared by a licensed engineer or architect, that shows the location, size, height, design, and other measures or features of buildings, structures and improvements on and adjacent to the property. The details to be offered for inclusion on a CR Plan shall be determined by the applicant, subject to approval of the Village Council after recommendation by the Planning Commission.

## **CONDOMINIUM TERMS**

### **A. CONDOMINIUM COMMON ELEMENT**

That portion of a condominium project designed and intended for joint ownership and/or use by the owners of individual condominium units, as described in the master deed for the condominium project.

### **B. CONDOMINIUM PROJECT**

A development plan or project consisting of not less than two condominium units established in conformance with the Michigan Condominium Act (P.A. 59 of 1978, as amended).

### **C. CONDOMINIUM PROJECT PLAN**

The drawings and technical information prepared in compliance with this chapter and the Michigan Condominium Act (P.A. 59 of 1978, as amended) for review by the Planning Commission.

## **CONDOMINIUM UNIT**

That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. The functional equivalent of a "lot."

## **CONSTRUCTION**

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

## **CONVALESCENT OR NURSING HOME**

A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven or more persons are cared for. This home shall conform and qualify for license as required by the state.

## **CONVENIENCE STORE**

A commercial establishment which sells miscellaneous food and nonfood items, and may be constructed in conjunction with another principal use, such as a gasoline station.

## **DISTRICT**

An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; and lot areas, building height limits, and other requirements are established. This term and the term "zone" mean the same thing as used in this chapter.

## **DUCK**

Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.

## **DWELLING**

A building or portion thereof arranged or designed to provide living facilities for a single family, complying with the following standards:

- A. Minimum square footage requirements as set forth in Article 6.
- B. A core area of living space of at least 20 feet by 20 feet in size.
- C. Permanently attached to a solid foundation as required by the Michigan Single State Construction Code.

- D. No exposed wheels, towing mechanism, undercarriage or chassis.
- E. No additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure.
- F. Connection to a public sewer and water supply or to such private facilities approved by the local health department.
- G. Aesthetic compatibility in design and appearance to conventionally on-site constructed dwellings, including, where appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
- H. Compliance with all pertinent building and fire codes, including those pertaining to newly manufactured homes or newly manufactured mobile homes.
- I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state law or otherwise specifically required by this chapter for mobile home parks.

**DWELLING, MULTIPLE-FAMILY**

A building containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY**

A building containing not more than one dwelling unit.

**DWELLING, TWO-FAMILY**

A building containing two separate dwelling units.

**DWELLING UNIT**

A building or a portion thereof arranged or designed to provide living, cooking and sanitary facilities for not more than one family of permanent residents.

**ELEVATION, BUILDING**

The total length of any side of a building facing in the same direction.

**ESSENTIAL SERVICES BY PUBLIC UTILITIES AND OTHER AGENCIES**

The erection, construction, alteration or maintenance by public utilities, municipal departments or other governmental agencies of electric substations, gas regulator buildings and auxiliary buildings, underground or overhead gas, electrical communication, steam or water transmission or distribution systems, or collection, supply or disposal systems, including: poles, wires, mains, drains, sewers, pipes, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices, buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies or communication towers.

**FAMILY**

The term may include either of the following:

- A. One or more persons related by the bonds of consanguinity, marriage, or adoption, and foster children and servants, and not more than one additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or

- B. A collective number of individuals occupying a dwelling unit with a demonstrable and recognizable relationship of a permanent and distinct domestic character, and cooking and otherwise housekeeping as a single housekeeping unit.
- C. Notwithstanding the foregoing, certain types of living arrangements and occupancies shall not be considered to be within the scope of this term, including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order; and any group of students or other individuals whose domestic association is likely or contemplated to exist for a limited or temporary duration, or whose association is otherwise of a transitory, temporary or resort-seasonal character or nature.

**FENCE**

A barrier constructed of either wood, metal, stone, brick or masonry materials that may act as an enclosure of an area of land, property boundary identification or visual screen, which surface may be of either solid or open construction.

**FLOOR AREA**

The area of all floors calculated by measuring the dimensions of the outside walls of a building, excluding the floor area of basements, garages, accessory buildings, attics, breezeways and porches.

**FOOTCANDLE**

The illuminance cast on a surface by a one candela source one foot away. One footcandle is the equivalent of 10.76 lux.

**FRONTAGE**

The length of the front property line of the lot, lots or tract of land abutting a public/private street, road, or highway.

**GARAGE, PRIVATE**

A building accessory to a dwelling, or a portion thereof, which is designed and used primarily for the housing or storage of noncommercial motor vehicles owned and used by the occupants of the building to which it is accessory.

**GASOLINE/FUELING STATION**

A gasoline service station is a space, structure, building or part of a building, used for the retail sale, or supply of motor vehicle fuels and any other accessory for sale or retail as a clearly secondary activity.

**GLARE**

Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see or that causes annoyance or discomfort.

**GRADE**

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**HIVE**

A box or boxes containing 20 or more moveable frames or top bars of European or Western honey bees (*Apis mellifera*). Also known as a colony.

**HOME OCCUPATION**

An occupation customarily engaged in by residents in their own dwelling.



**HOTEL**

A building occupied as a temporary lodging place for individuals who are lodged with or without meals, in which as a rule the rooms are rented singularly in which provision is not made for cooking in any individual room.

**HOTEL, BOUTIQUE**

A hotel with no more than 10 guest rooms, and which is constructed of high quality architectural materials that complement the character of the surrounding neighborhood as determined by the Planning Commission.

**ILLUMINANCE**

A measure of light incident on a surface, expressed in lux or footcandles.

**INDUSTRIAL DISTRICT(S)**

The I-1 Light Industrial District, I-2 General Industrial District and any other subsequently established zoning district which includes "I" or "Industrial" in its title.

**ISOFOOTCANDLE PLAN (PHOTOMETRIC PLAN)**

A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.

**KENNEL**

Any lot or premises used for the boarding, breeding, training of five or more dogs for remuneration. Kennel shall also mean the keeping of four or more dogs over the age of six months with or without remuneration.

**LIVESTOCK**

An animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor or the production of milk, eggs, manure, wool, or other animal-based products.

**LOT**

A parcel of land (including a "unit" within a site condominium development) with the frontage required by this chapter on a public street, or on a private road as specifically allowed by this chapter, and separated from other land by legal description, deed, or subdivision plot.

**LOT, AREA**

The total horizontal area included within lot lines.

**LOT, CORNER**

A lot located with frontage on two intersecting streets.

**LOT COVERAGE**

The amount of a lot, stated in terms of percentage, which is covered by all the buildings and other structures located on the lot, including porches, breezeways, patio roofs and the like, whether open box type and/or lathe roofs or fully roofed, but not including fences, walls, swimming pools, swing sets and other residential recreational structures that are not buildings.

**LOT, DEPTH OF**

The average horizontal distance between the front lot line and the rear lot line measured at right angles to lot width. Where the front lot line and the rear lot line are not parallel the average horizontal distance between them shall be calculated as the mean (midpoint) of the two extreme horizontal distances.

**LOT, DOUBLE FRONTAGE**

An interior or through lot which abuts two streets that are located on opposite sides of the lot.

**LOT FRONTAGE**

That portion of a lot extending along the front lot line.

**LOT, INTERIOR**

A lot other than a corner lot.

**LOT LINE, FRONT**

That portion of a lot which abuts a street or a lawful private road. In the case of a corner lot or double frontage lot, the front lot line shall be that line separating the lot from the street which is designated as the front street in the plat and/or in the request for a building or zoning compliance permit, except as otherwise provided above with respect to waterfront lots.

**LOT LINE, REAR**

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

**LOT LINE, SIDE**

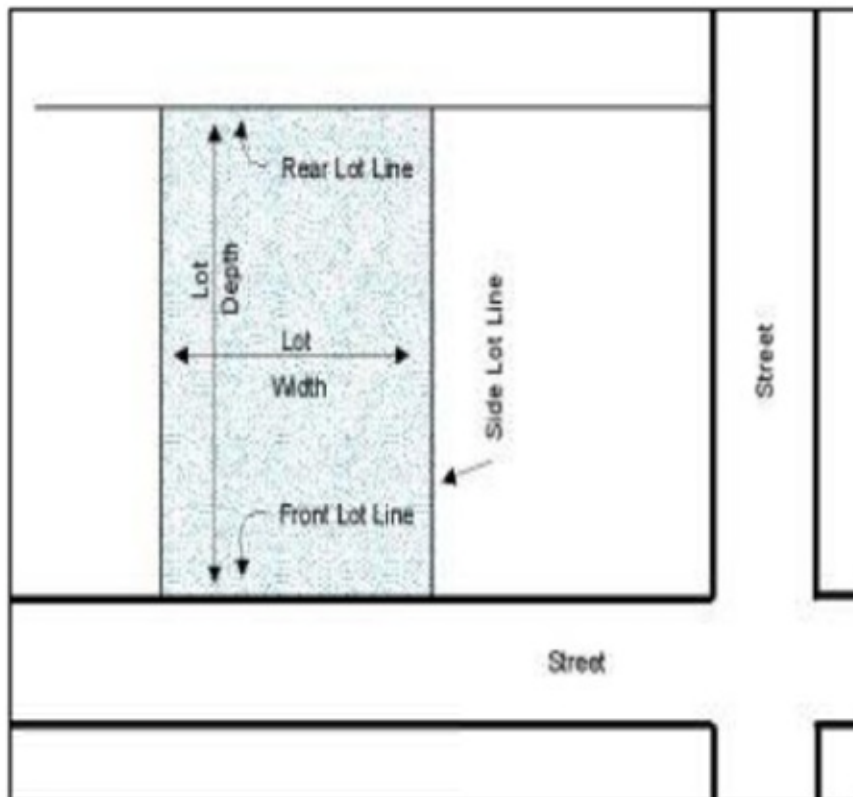
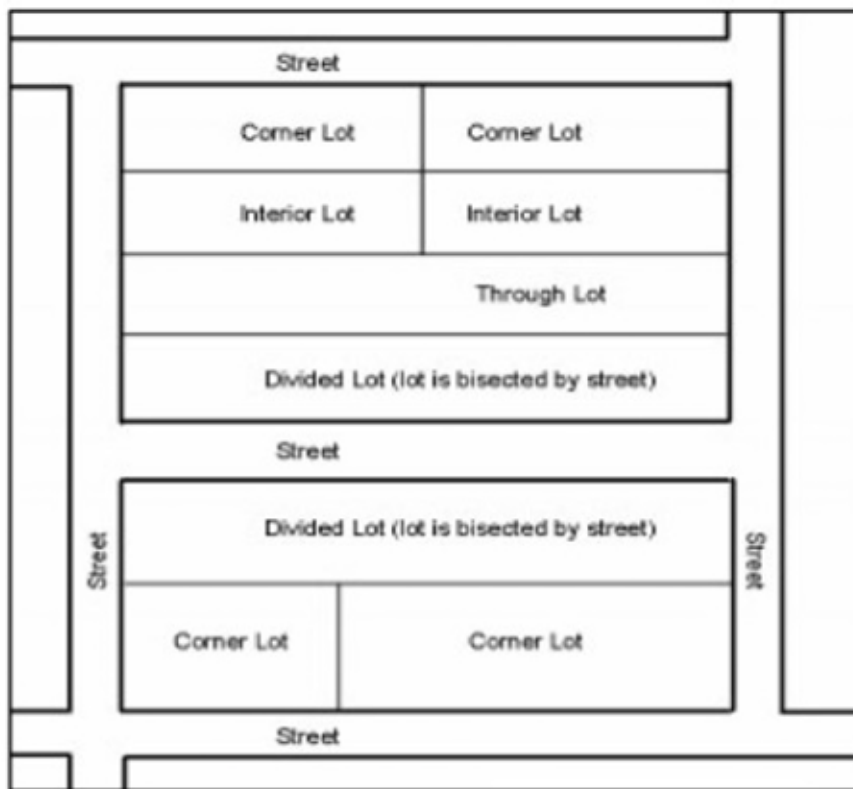
Any lot boundary line which is not a front lot line or a rear lot line. A side lot line separating a lot from another lot, or lots is also called an interior lot line.

**LOT, WATERFRONT**

See "waterfront lot."

**LOT, WIDTH**

The average horizontal distance between the side lot lines as measured at right angles to lot depth. Where the side lot lines are not parallel, the average horizontal distance between the side lot lines shall be calculated as the mean (midpoint) of the two extreme horizontal distances.



## LUMINAIRE

A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or

reflective surfaces, lamps and similar devices (permanently installed or portable), used for illumination or advertisement.

#### **MICROBREWERY**

An establishment licensed by the State of Michigan as a microbrewery.

#### **MOBILE HOME**

Any vehicle, without motive power designed for carrying property or persons or so constructed and licensable as a mobile home under the laws of the State of Michigan.

#### **MOTEL**

A group of attached or detached dwellings not more than two stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges.

#### **NONCONFORMING BUILDING OR STRUCTURE**

A building or structure that was legally established and was lawfully existing at the time this chapter became effective, but which does not conform to the present dimensional or bulk regulations of the district in which it is located.

#### **NONCONFORMING LOT OF RECORD**

A lot that was legally established by recorded deed or land contract or other legal document and was lawfully existing at the time this chapter became effective, but which does not conform to the present dimensional regulations of the district in which it is located.

#### **NONCONFORMING USE**

The use of a building or of land lawfully existing at the time this chapter became effective, but which does not conform to the present use regulations of the district in which it is located.

#### **NUDE OR NUDITY**

The knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female individual's breast with less than a fully opaque covering of the nipple and areola. Nudity, as used in this chapter, does not include a woman's breastfeeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.

#### **OPEN SPACE**

Land area which is maintained as a yard or court providing space between two or more buildings or between a building line and the boundary line of a parcel of land, other space suitable for recreation, or land in its natural state which is unimproved; all of which is primarily open and unobstructed from the land surface to the sky.

#### **OUTDOOR LIGHTING**

The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

#### **OUTDOOR RECREATION**

Outdoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits, such as, but not limited to, fishing, hiking, cross-country skiing, and bird watching.

#### **OUTDOOR TRASH CONTAINER/DUMPSTER**

A large trash receptacle of 2 cubic yards or more that is designed to be hoisted and emptied into a truck.

**PARKING SPACE**

That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto.

**PATIO**

A structure consisting primarily of flooring at ground level.

**PERMANENT RESIDENT**

Any person who has resided in the same dwelling for a continuous period of 30 or more days is construed as a permanent resident for the purpose of this chapter.

**PET**

A domesticated animal kept for pleasure rather than utility.

**PLANNED UNIT DEVELOPMENT**

A land development project comprehensively planned as an entity via an overall site plan which may permit flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of natural features. This definition shall include a tract of land having more than one single-family dwelling and/or two-family dwelling upon it other than a mobile home park.

**PRINCIPAL USE**

The primary or predominant use of the premises.

**PRIVATE ROAD**

A private right-of-way for vehicular access to abutting properties which has been lawfully established in accordance with this chapter and any other applicable ordinances of Lawrence Village, and all other applicable county or state laws, rules and regulations.

**PUBLIC UTILITY**

Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and the furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation, or water.

**PUBLIC UTILITY BUILDINGS AND STRUCTURES**

Gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures; provided that wireless communications support structure, as defined in this chapter, and buildings accessory thereto, shall not be considered a public utility building or structure for purposes of this chapter.

**RABBIT**

Any of a family (Leporidae) of long-eared short-tailed lagomorph mammals with long hind legs.

**RECREATIONAL VEHICLE**

Any self-propelled vehicle or towed vehicle primarily designed and used for recreational, camping or travel purposes. This definition includes travel trailers, camping trailers, motor homes, and truck campers, as said terms are defined by Michigan statute at MSA 14.15 (12501); MCL § 333.12501, and boats, boat trailers, snowmobiles, snowmobile carriers, rafts, dune buggies, and motorcycle carriers.

**RELIGIOUS INSTITUTION**

A building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.

**RESIDENTIAL DISTRICT(S)**

The R-1 Single Family Residential District, R-2 Single Family Residential District, R-3 Multiple Family Residential District and any other subsequently established zoning district which includes "R" or "Residential" in its title. This term and the terms "residential use district" and "residential zone" mean the same thing as used in this chapter.

**RESTAURANT, CARRY-OUT**

Any establishment whose principal business is the sale of foods 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. The customer stands in line or at a counter to be served.
- B. The food or beverage served is carried out of the building to be eaten on or off the premises.

**RESTAURANT, DRIVE-IN**

Any establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state, and whose design, method of operation or any portion of whose business includes the following characteristics:

- A. Foods or beverages are served directly to the customer in a motor vehicle either by an employee or by other means which eliminates the need for the customer to exit the motor vehicle.

**RESTAURANT, FAST-FOOD**

Any establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes both the following characteristics:

- A. The customer stands in line or at a counter to be served.
- B. The customer consumes the food and/or beverage either within the building or out of the building on a fairly equal basis.

**RESTAURANT, STANDARD**

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

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

**ROOFLINE**

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

## **SAFETY LIGHTING**

Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.

## **SEMINUDE OR SEMI-NUDITY**

A state of dress in which opaque covering covers no more than the genitals or anus and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part.

## **SECURITY LIGHTING**

Exterior lighting installed solely to enhance the security of people and property.

## **SETBACK (BUILDING OR STRUCTURE)**

The minimum horizontal distance required to exist between a building or structure (including any portion of steps, porches, vestibules, patios raised above grade, or eaves) and the front, side or rear lot line. The required setback or yard area is that area encompassed by the respective lot lines and the respective setback lines.

## **SETBACK LINE (MINIMUM)**

The line which pertains to and defines those minimum building/structure setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for by this chapter.

## **SHARP CUTOFF FIXTURE**

A down-type fixture, mounted horizontally and angled perpendicular to the ground.

## **SIGN**

Every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboards and signs painted directly on walls or structures.

1. *Abandoned sign.* Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more. Signs attached to a nonresidential use temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant for 1 year or more. Any sign remaining after the demolition of the principal structure shall also be deemed to be abandoned.
2. *Awning.* A sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, or doorway.
3. *Awning sign.* A message painted on, printed on, or attached flat against the surface of an awning.
4. *Balloon sign.* An air or gas filled sign, at least 17 inches in height or taller, that is secured to a structure or the ground.
5. *Banner sign.* A sign intended to be hung either with or without frames, possessing message applied to paper, plastic, or fabric of any kind.



Banner Sign

6. *Billboard (poster panel).* An off-premises sign structure typically designed for outdoor advertising.
7. *Canopy.* A structure, free of enclosing walls, which extends from a building for the purpose of providing shelter over a storefront or entryway.
8. *Canopy sign.* A message painted on, printed on, or attached flat against the surface of a canopy.
9. *Changeable copy.* That portion of a sign that is designed or used to display characters, letters, words, or illustrations that can be readily changed or rearranged by manual, mechanical, or electronic means without altering the face of the sign.



10. *Channel letter sign.* Individual custom-made letters, typically metal or plastic, which are applied to sign panels or attached to structures to convey a message. Channel letters may also be described as dimensional letters.
11. *District.* A zoning district specified in the Lawrence Village Zoning Ordinance.
12. *Electronic billboard.* An off-premises sign that displays digital images to convey a message that is changed every few seconds generally by a computer.
13. *Electronic message sign.* A sign with a fixed or changeable display or message composed of a series of lights that may be changed through electronic means.





14. *Entrance way sign.* A sign that designates the entrance way to a residential or nonresidential subdivision.
15. *Feather sign.* A vertically oriented sign, generally made of fabric, attached to a single pole allowing the fabric to hang loose at one or two of the four corners.



16. *Festoons.* A string of ribbons, tinsel, flags, pennants, or pinwheels used to attract attention.
17. *Flashing sign.* Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.
18. *Freestanding sign.* Any and every exterior sign or sign structure affixed to the land.
19. *Human sign.* Any device containing a message carried or displayed by a person, any person wearing clothing containing a message, or any person wearing a costume for advertising purposes, which are intended to attract attention.
20. *Identification sign.* A sign that identifies the business name, owner or resident and/or the street address and which sets forth no other advertisement.
21. *Illuminated sign.* A sign that provides artificial light by either emission or reflection.
22. *Inflatable sign.* An object that can be distended with a gas, usually air, and is generally made of metallic and/or cloth material for the purpose of attracting attention.



23. *Incidental sign.* A sign internal to a site which provides information, generally directional, to the public where goods, facilities, or services are available on site.

24. *Marquee*. Any permanent roof-like structure that is attached to a building, generally above the building entrance, and projects beyond the wall of the building.
25. *Marquee sign*. A sign attached to a marquee.



26. *Monument sign*. A freestanding sign typically installed low to the ground, where the sign surface is attached to a proportionate solid base or structural frame.



27. *Nit*. A measure of luminance equal to one candela per square meter.
28. *Nonconforming sign*. A sign that was lawfully permitted at the time it was erected but is no longer permitted under current ordinance requirements.
29. *Off-premises commercial sign*. A sign which contains a commercial message unrelated to a business or profession conducted or to a commodity, service, or activity, not sold or offered upon the premises where such sign is located.
30. *Pennant sign*. Any lightweight plastic, fabric, or other material, whether containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind and attract attention.
31. *Pole sign*. A sign supported by one or more uprights, poles, or braces placed in the ground and not attached to any building.



32. *Portable sign.* A freestanding sign not permanently anchored or secured to either a building or the ground, such as but not limited to "A" frame, poles temporarily driven into ground, T shaped, or inverted T shaped sign structures.
33. *Projecting sign.* A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.



34. *Roof sign.* Any sign which is erected above the roof of a building.



35. *Sandwich board signs.* A sign constructed in such a manner as to form an "A" or tent-like shape, which is moveable and not secured to the ground or surface upon which it is located.



36. *Setback.* The required minimum horizontal distance between the property line and the sign.
37. *Sign display structure.* A device designed or used to display, incorporate, hold, or otherwise exhibit the message of a sign.
38. *Snipe sign.* A temporary and moveable sign made of any material that is found in unauthorized or permitted areas such as tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, or located within the road right-of-way.



39. *Spinners.* Signs held by a human that are used to draw attention through movements such as twisting or spinning the sign or dancing with the sign.
40. *Temporary sign.* A sign with or without a structural frame intended for a limited period of time.
41. *Vehicle sign.* A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, busses, airplanes, and trailers.
42. *Wall sign.* A sign that is attached directly to or painted upon a building wall which does not project more than 18 inches therefrom. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower).



Wall Sign

43. *Window sign.* A sign placed inside or upon a window facing the outside which is intended to be seen from outdoors.

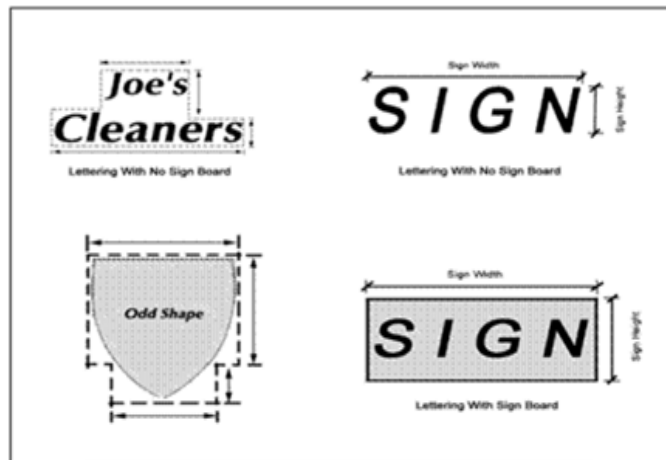


Window Sign

44. *Yard sign, temporary.* A removable, light weight, and portable sign that is intended to be displayed for a limited period and is not designed to be permanently affixed to the ground, building, or structure.

## SIGN AREA

The area of a sign shall be the computed area of the background upon which lettering, insignia, or other devices are placed. Where said display area is the face of a building, the area of such sign shall be the product of the total width and the total height occupied by such lettering, devices, or insignia. For signs having two sides, the maximum display area shall be permitted on both sides and the total area of one side only shall be deemed to be the total sign area. The supporting structure shall not be included in the area computation unless utilized as part of the total display area.



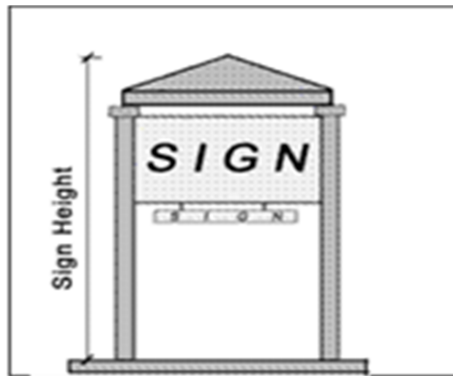
Measurement of Sign Area

## SIGN HEIGHT

The distance from the grade at the bottom of a sign to the upper-most point of the sign. Grade shall be interpreted as the final ground elevation after construction or the elevation of the



center line of the road, whichever is higher. Earth mounding for landscaping and/or screening is not part of the final grade for sign height calculations.



### **SOLAR PANEL**

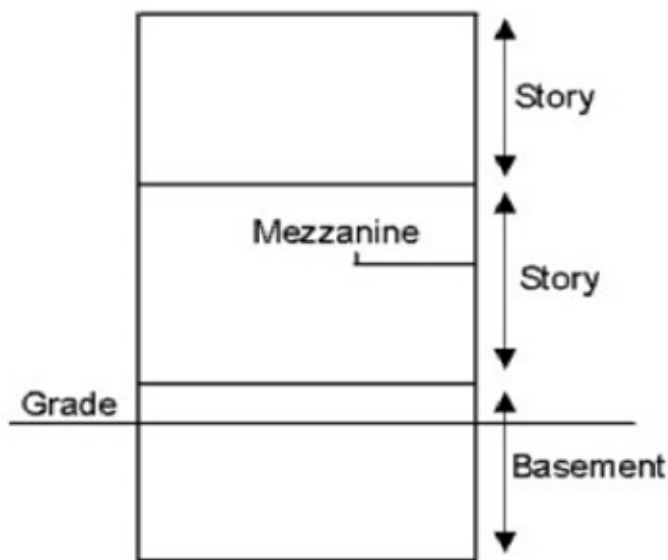
A solar panel, a photovoltaic panel, solar hot air or hot water panel collector device or other type of energy system which relies on solar radiation as the source for the generation of electricity or the transfer of stored heat. A solar panel is an accessory use in all zoning districts.

### **SPECIAL LAND USE**

A use listed as a "special land use" in a zoning district is recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility needs, and other similar characteristics) as necessitating prior Planning Commission authorization pursuant to specified standards in order to safeguard the general health, safety and welfare.

### **STORY**

That portion of a building included between the surface of any floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.



**STREET**

A public or private thoroughfare, other than an alley, which affords the principal means of vehicular access to abutting property. This term is synonymous with the term "highway" or "road."

**STRUCTURE**

Anything constructed, assembled or erected, or to be moved to or from any premises, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to fences, or wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.

**USE**

The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be used, occupied or maintained.

**VARIANCE**

The granting to a petitioner, by the Zoning Board of Appeals, permission to vary from the strict application of this chapter as provided in Article 11.

**VETERINARY CLINIC**

A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or surgical attention.

**WATERFRONT LOT**

Any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which:

- A. Abuts the shoreline of any waterway; or
- B. Abuts a promenade, walkway, or other property which itself abuts the shoreline of any waterway and which provides access and/or use rights to the waterway.

**WATERWAY**

A natural or man-made lake, river, stream, channel, pond, or other natural or artificial watercourse.

**WIND ENERGY SYSTEM**

An electrical generating facility, accessory to a principal use, comprised of a wind turbine, rotor, support structure, and related electrical equipment that operates by converting the kinetic energy of wind into electrical energy, and that is designed and operated to wholly or primarily provide electricity to the principal use, rather than to the electric utility grid.

**WINERY (INCLUDING CIDERY)**

An establishment licensed by the State of Michigan as a winery/small winery. A winery may, with proper licensing, produce brandy and operate a wine tasting room.

**WIRELESS COMMUNICATIONS**

1. *Attached Wireless Communications Facilities.* Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like, including distributed antenna systems (DAS) or small cells. A wireless communication support structure proposed to be newly established shall not be included within this definition.

2. *Co-location.* The placement or installation of wireless communication equipment on an existing wireless communication support structure, tower, water tower, utility pole, building, or other structure, or within an existing wireless communication equipment compound, with the view toward

reducing the overall number of wireless communication support structures required to support wireless communication antennas within the Village.

3. *Wireless Communications Equipment.* The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

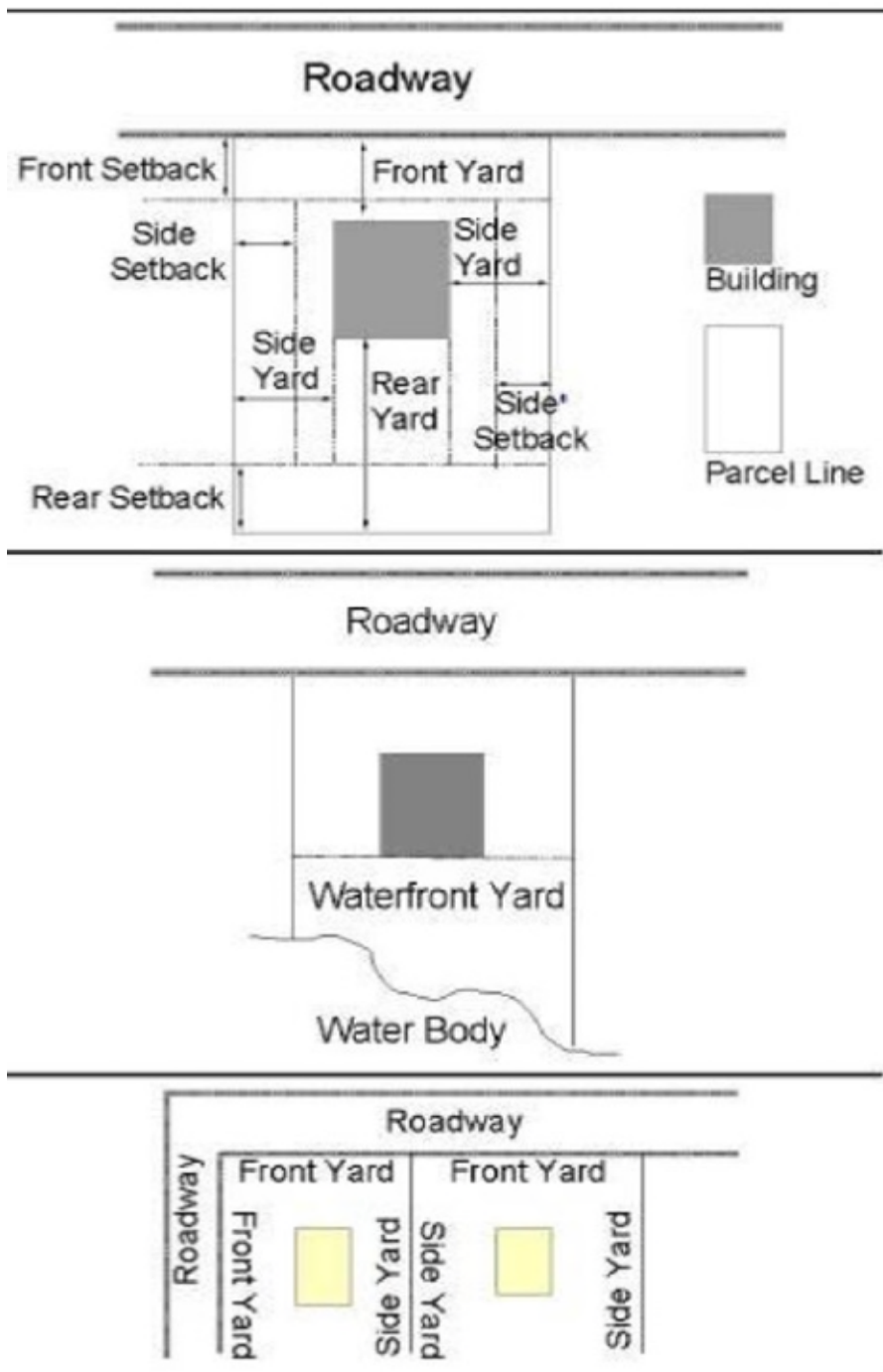
4. *Wireless Communications Facility.* All support structures and communications equipment used in the provision of wireless communications services. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

5. *Wireless Communications Support Structure.* A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

## **YARD**

An open space of a required minimum width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein. The depth/width of such yard shall be measured at the shortest horizontal distance between the applicable lot line (front, rear, side) and the nearest point of a building or projection thereof.





#### **YARD, REQUIRED FRONT**

Open space extending across the full width of a lot between the front lot line and the nearest point of the building or projection thereof. The depth of such yard is the shortest horizontal distance between the front lot line and the nearest point of the building or projection thereof.

#### **YARD, REQUIRED REAR**

Open space extending across the full width of a lot between the rear lot line and the nearest point of the building or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and nearest point of the building or any projection thereof.

**YARD, REQUIRED SIDE**

Open space extending on each side of a lot from the front yard to the rear yard, or in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard is the shortest distance between the side lot line and nearest point of the building or any projection thereof.

**YARD, FRONT**

Open space extending across the full width of a lot between the front lot line and the nearest point of the building or projection thereof.

**YARD, REAR**

Open space extending across the full width of a lot between the rear lot line and the nearest point of the building or projection thereof.

**YARD, SIDE**

Open space extending on each side of a lot from the front yard to the rear yard, or in the absence of either of such yards, to the front lot line or rear lot line.

**ZONE**

See "district."

# Article 3.00. Establishment of Zoning Districts

## § 3.01. Zoning Districts.

For the purpose of this chapter, the Village of Lawrence is hereby divided into the following zoning districts:

R-1 Single-Family Residential District  
R-2 Single-Family Residential District  
R-3 Multiple-Family Residential District  
R-4 Manufactured Home District  
CBD Central Business District  
B-1 Local Business District  
B-2 General Business District  
I-1 Light Industrial District  
I-2 General Industrial District  
PUD Planned Unit Development District  
PUD-BP Planned Unit Development Business Park District  
P Parking District  
RE Recreation District  
THO Tiny House Overlay District

## § 3.02. Zoning Map and use district boundaries.

The locations and boundaries of the zoning districts are hereby established as shown on the Zoning Map of the Village of Lawrence, which accompanies and is hereby made a part of this chapter, including such amendments of the Zoning Map as may be made from time to time. Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, which is not clarified by measurements pursuant to the scale of the Zoning Map, the following rules of construction and interpretations shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Village boundaries shall be construed as following Village boundaries.
- D. Boundaries indicated as approximately following shorelines or lake or streambeds shall be construed as following such shorelines or lake or streambeds, and in the event of change in the location of shorelines or lake or streambeds, shall be construed as moving with the shoreline and lake or streambed.
- E. If all or any portion of a public street, alley, right-of-way, easement, or land which is not clearly included in a district on the Zoning Map shall ever revert to or otherwise come into private ownership, or ever be used for any purpose other than a public purpose, such land area shall be

construed as located in the district immediately adjacent thereto, or within the most restrictive of the immediately adjacent districts if there be more than one.

- F. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of the chapter or applicable amendment thereto.

### §3.03 Areas not included within district.

In every case where land has not been clearly included within another district pursuant to the Zoning Map and the interpretive rules of this article, such land shall be in the R-1 Single-Family Residential District.

### §3.04 Annexation.

When property not now within Lawrence Village shall become annexed into the Village, the property shall be classified within the R-1 Single-Family Residential District until the property is appropriately classified in accordance with Article 11.00.

### § 3.05. Permissive zoning concept.

Land uses are allowed in the various zoning districts by express specific designation in this chapter. Where a use is not so designated, it is prohibited, unless construed by the Zoning Administrator or Zoning Board of Appeals to be sufficiently similar to a use expressly allowed. No land contained within any zoning district within the Village of Lawrence shall be used for any purpose other than those uses specifically allowed in the district in which the building or land is located, except as otherwise provided herein.

### § 3.06. Permitted uses.

A use listed as a "permitted use" in Article 4.00 and Article 5.00 of this chapter is recognized as a use of land and buildings which is harmonious with other such uses which may lawfully exist within the same district (or is designated as a permitted use due to statutory requirement). A permitted use is subject to the various applicable provisions of this chapter, but otherwise it is considered to be a lawful use not requiring special or extraordinary controls or conditions.

### § 3.07. Special land uses.

A use listed as a "special land use" in Article 4.00 and Article 5.00 of this chapter is recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility needs, and other similar characteristics) as necessitating prior Planning Commission authorization and approval standards, and sometimes approval conditions, in order to safeguard the general health, safety and welfare of the community.

## Article 4.00. Uses Allowed by District

### § 4.01. Uses allowed by district.

The following table, Uses Allowed by District, lists permitted uses and special land uses by zoning district. Refer to Article 2, Definitions, for specific definitions of all uses

### § 4.02. Table of Uses Allowed by District.

Legend: P – permitted; S – Permitted by Special Land Use Permit; Blank – Prohibited/No; Y – Yes

Use	R-1	R-2	R-3	CBD	B-1	B-2	I-1	I-2	PUD	PUD-BP	RE	Use Standard
Accessory Bldgs or Uses <sup>a</sup>	P	P	P	P	P	P	P	P	P	P		Y
Adult Foster Care Facility												
Small (1-5 persons)	P	P	P									
Medium (6-12 persons)	S	S	S									Y
Large (13-20 persons)			S									Y
Adult Regulated Use						S						Y
Automotive Paint/Bump Shop							S	P	P	P		Y
Automotive Repair, Major or minor <sup>b</sup>					S	S	P		P	P		Y
Bakeries							P	P	P	P		
Bottlingworks <sup>c</sup>							P	P	P	P		
Box/Carlton/Cardboard Printing/Forming Fac.							P	P	P	P		
Car Wash Establishments					P	P	P	P	P	P		
Cemetery, existing at adoption of ord.		P										
Cemetery, New		S										Y
Child Care Facility												
Home (1-6 children)	P	P	P									
Family Group (7 - 12 children)	S	S	S									Y
Day Care Center					P	P						
Coal/Building Materials Storage Yard							S	S	S	S		Y
Cold Storage Plants							P	P	P	P		
Commercial Lodging												
Bed and Breakfast		S										Y
Boutique Hotel				S	S	S			S	S		Y
Hotels/Motels					P	P			P	P		

Legend: P – permitted; S – Permitted by Special Land Use Permit; Blank – Prohibited/No; Y – Yes

Use	R-1	R-2	R-3	CBD	B-1	B-2	I-1	I-2	PUD	PUD-BP	RE	Use Standard
Contractors' Storage Yard							P	P	P	P		
Convalescent/Nursing Homes			S						P			Y
Custom craft shops				P	P	P			P	P		
Drive In/Through Restaurants/Bar				S		P			P	P		Y
Dwelling Units												
Single-Family	P	P	P		P				P			
Two- & Three-Family			P						P			
Multiple-Family			P						P			
Electric Transformer Stations/Substations							P	P	P	P		
Farm Supply & Feed Store					S	S			S	S		Y
Financial Institutions				P	P	P			P	P		
Food Vendor Trucks				S					P	P		Y
Funeral Homes/Mortuaries					P							
Gasoline/Fueling Station <sup>d</sup>					S	S						Y
Health Spas/Fitness Centers				P	P	P			P	P		
Indoor Sport Courts							P	P	P	p		
Indoor/Outdoor Comm'l Recreation Facility							P	P	P	p		
Institutional/Community rec centers	S	S	S						S	S		Y
Kennel									S	S		Y
Machine Shops <sup>e</sup>							P	P	P	P		
Major Home Occupation	S	S										Y
Manufacture of food products							P	P	P	P		

Legend: P – permitted; S – Permitted by Special Land Use Permit; Blank – Prohibited/No; Y – Yes

Use	R-1	R-2	R-3	CBD	B-1	B-2	I-1	I-2	PUD	PUD-BP	RE	Use Standard
<b>Marihuana Establishments/Facilities</b>												
Adult Use/Med Marihuana Grower Est/Fac												
Class A License							S	S	S	S		Y
Class B License							S	S	S	S		Y
Class C License							S	S	S	S		Y
Excess Grower (Adult Use)							S	S	S	S		Y
Adult Use/Med Marihuana Processor							S	S	S	S		Y
Adult Use/Med Marihuana Safety Compliance							S	S	S	S		Y
Adult Use/Med Marihuana Secure Transporter							S	S	S	S		Y
Adult Use Marihuana Microbusiness							S	S	S	S		Y
Adult Use Marihuana Retailer									S	S		Y
Medical Marihuana Provisioning Center									S	S		Y
Medical/Dental Office/Clinic				P	P	P			P	P		
Microbrewery/Winery/Cidery				P	P	P			P	P		Y
Mini-storage					P	P	P	P	P	P		Y
Minor Home Occupation	P	P	S									Y
Mixed Use Establishments <sup>f</sup>				S					P			Y
Museums/Art Galleries <sup>g</sup>				P								
Municipal Utility Pumping Stations	P	P	P	P	P	P	P	P	P	P		
Nature Center											P	
Nonprofit swimming pool clubs	S	S	S									Y
Off-street parking lots				P								
Office				P	P	P	P	P	P	P		
Open-air Business					S	S	S	S				Y
Other Uses similar to permitted uses <sup>h,j</sup>				P			P	P	P	P		
Outdoor Recreation											P	
Personal Service Establishments <sup>i</sup>				P	P	P			P	P		



Legend: P – permitted; S – Permitted by Special Land Use Permit; Blank – Prohibited/No; Y – Yes

Use	R-1	R-2	R-3	CBD	B-1	B-2	I-1	I-2	PUD	PUD-BP	RE	Use Standard
Preserve/Conservation Area											P	
Publicly owned/Gov't Buildings		P	P	P	P	P	P	P	P	P		
Public/Parochial Schools <sup>k</sup>	P	P	P									
Public Parks/parkways	P	P										
Public Recreational facility	P	P										
Religious Institutions	S	S	S	S	S	S			P			Y
Restaurant/Bar <sup>l</sup>				P	P	P			P	P		
Retail Store				P	P				P	P		
Senior Housing			S	S					P			Y
Telecommunications Tower							S					Y
Testing & Research Laboratories							P	P	P	P		
Theaters/Concert Halls				P					S			
Tin Shop or Plumbing Supply Shop							P	P	P	P		
Tool and Die Shops							P	P	P	P		
Truck Terminals							S	S	S	S		Y
Utility & Public service bldgs/uses <sup>m</sup>	S	S	S		P	P	P	P	P	P		Y
Utility Gas Regulators							P	P	P	P		
Utility Transmission Towers							P	P	P	P		
Veterinary Hospital/Clinic					S	S	P	P	P	P		Y
Warehousing Facility					P	P	P	P	P	P		

Footnotes for Table:

- a. Customarily incidental to permitted principal uses. When in accordance with the provisions of section 8.01.
- b. Including Medium-heavy and Heavy Automobile Repair in the PUD district ONLY.
- c. Including milk bottling or distribution stations.
- d. With or without a convenience store and/or carwash.
- e. Also, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, sheet metal shops, undercoating and rustproofing shops, and welding shops.
- f. Commercial and residential uses combined in one structure.
- g. Also, similar cultural uses.
- h. Subject to additional restrictions for the CBD found in section 6.02.
- i. Including but not limited to the following:
  - B-1 Zoning district: repair shops (watches, radio, television, shoe), tailor shops, barbers and beauty salons, health/fitness centers.
  - B-2 Zoning district: health spas.
- j. But not more objectionable than uses permitted in the I-1, I-2, and PUD districts respectively.
- k. And other private schools offering courses in general education, and not operated for profit.
- l. Including the following by listed zoning district:
  - CBD: sidewalk and outdoor cafes.
  - B-1: drive-in and drive-through restaurants.
  - B-2: drive-in and drive-through restaurants.
- m. Without storage yards in Residential Zoning Districts R-1, R-2, and R-3.

## Article 5.00. District Standards

### § 5.01. R-1 Single-Family Residential District.

- A. Intent. The R-1 single-family residential zoning district is typically a single-family housing area. While most of the developed portion of the village is served by utilities, the low density status is designed to preserve those areas which have developed strictly as single-family detached units on separate lots. The dwelling unit density in the R-1 district shall still be at a sufficient scale to support utility system operation and maintenance costs.
- B. Permitted uses:
1. One-family detached dwellings.
  2. State licensed residential facilities, as defined and required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206). Both adult foster care facilities and family childcare homes serving 1 – 6 individuals.
  3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
  4. Public, parochial and other private schools offering courses in general education, and not operated for profit.
  5. Minor home occupations.
  6. Accessory buildings or uses, when in accordance with the provisions of section 8.01.
- C. Special land uses:
1. Churches.
  2. Utility and public service buildings and uses, without storage yards.
  3. Major home occupation.
  4. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs.
  5. Group day care homes. Both adult foster care facilities and childcare homes serving 7 – 12 individuals.
- D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

### § 5.02. R-2 Single-Family Residential District.

- A. Intent. The R-2 single-family residential district encompasses land primarily adjacent to the central business district, and some of the older localities of the village. The residential character of the R-2 district is mainly urban, single-family homes of earlier construction on small individual lots. On a limited basis, tiny homes are allowed within the R-2 district but are subject to location within and requirements of the Tiny House Overlay District
- B. Permitted uses:
1. One-family detached dwellings.
  2. State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206). Both adult foster care facilities and family childcare homes serving 1 – 6 individuals.
  3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
  4. Cemeteries which lawfully occupied land at the time of adoption of the ordinance from which this division is derived.
  5. Public, parochial and other private schools offering courses in general education, and not operated for profit.

6. Minor home occupations.
7. Accessory buildings and uses, customarily incident to the above principal permitted uses.

C. Special land uses:

1. Churches.
2. Utility and public service buildings and uses, without storage yards.
3. Major home occupation.
4. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs.
5. New Cemeteries.
6. Group day care homes. Both adult foster care facilities and childcare homes serving 7 – 12 individuals.
7. Bed and breakfast facilities.

D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

## § 5.03. R-3 Multiple-Family Residential District.

A. Intent. The R-3 district is intended for multiple family residential uses. This district is characterized by the duplexes, townhouses, row houses, apartments, and specialized or group housing for seven or more unrelated individuals. Senior housing is also permitted by special land use permit.

B. Permitted uses:

1. One-family detached dwellings.
2. Two-family and three-family dwellings.
3. Multiple-family dwellings.
4. Public, parochial and other private schools offering courses in general education, and not operated for profit.
5. State licensed residential facilities, as defined and required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206). Both adult foster care facilities and family childcare homes serving 1-6 individuals.
6. Accessory buildings or uses, when in accordance with the provisions of section 8.01.

C. Special land uses:

1. Churches.
2. Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit.
3. Utility and public service buildings and uses, without storage yards.
4. Minor home occupation.
5. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs.
6. Family and group day care homes.
7. Convalescent and nursing homes.
8. Housing for the elderly.
9. Adult foster care facilities (medium: 6 – 12 adults and large: 13 – 20 adults) as regulated by the state.

D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

## § 5.04 R-4 Manufactured Home District.

- A. Intent. The R-4 district is intended to house manufactured home developments. Manufactured home developments typically have a higher density impact than conventional single-family development. In order to avoid adverse impact upon other areas of the village, certain land areas are hereby recognized as appropriate for continued manufactured home use provided that proper site design standards and requirements are met.
- B. Principal permitted uses.

In the R-4 district, no use shall be permitted unless otherwise provided in this chapter, except for the following:

1. Manufactured home parks.
2. Manufactured homes located in a manufactured home park.
3. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
4. Minor home occupations.
5. Accessory buildings and uses customarily incidental to the above principal permitted uses.
6. Off-street parking in accordance with section 9.11.

## § 5.05. CBD Central Business District.

- A. <https://ecode360.com/print/34999489>Intent. The CBD central business district is intended to permit a variety of commercial, administrative, financial, civic, cultural, residential, entertainment and recreational uses in an effort to provide the harmonious mix of activities necessary to further enhance the central business district as a commercial and service center.

- B. <https://ecode360.com/print/34999490>Permitted uses:

1. Retail business within a completely enclosed building, excluding Marihuana Provisioning Centers and Marihuana Retail Establishments.
2. Personal service establishments, including but not limited to, repair shops (watches, radio, television, shoe), tailor shops, barbers and beauty salons, health/fitness centers.
3. General and professional offices including medical and dental offices but not clinics.
4. Restaurants and taverns to include sidewalk and outdoor cafes, excluding food rest trucks, drive-in and/or drive-through restaurants.
5. Financial Institutions.
6. Theaters and concert halls.
7. Publicly owned buildings including government facilities.
8. Off-street parking lots, the requirements shall be in accordance with the requirements of section 5.11.
9. Custom craft shops.
10. Museums, art galleries, and similar cultural uses.
11. Accessory building and uses customarily incidental to the above principal permitted uses.
12. Other uses which are similar to the above and subject to the following restrictions:
  - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail (including on-line sales) from premises where produced.
  - b. All business, servicing or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.

- c. Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.

C. Special land uses:

1. Mixed use establishments, i.e., commercial and residential uses combined in one structure.
2. Senior Housing.
3. Religious institutions.
4. Boutique Hotel.
5. Restaurants and taverns to include food vendor trucks, drive-in and/or drive-through restaurants.

- D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

## § 5.06. B-1 Local Business District.

- A. Intent. The B-1 local business district is intended to accommodate various types of office, retail, and service establishments. This district is also intended to allow for uses which do not typically generate large volumes of traffic or require extended hours of operation.

B. Permitted uses:

1. Single-family dwelling.
2. General and professional offices.
3. Financial institutions.
4. Custom crafts.
5. Medical or dental clinics.
6. Restaurants and taverns, including drive-in and drive-through.
7. Car wash establishments.
8. Hotels and motels.
9. Retail shops and service establishments, excluding Marihuana provisioning centers and Marihuana retail establishments.
10. Personal service establishments, including but not limited to, repair shops (watches, radio, television, shoe), tailor shops, barbers and beauty salons, health/fitness centers.
11. Child Daycare Centers.
12. Funeral parlors and mortuaries.
13. Warehousing facilities, including mini-storage facilities.
14. Public utilities.
15. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Special land uses:

1. Gasoline/fuel dispensing business, with or without a convenience store and/or carwash.
2. Open-air businesses.
3. Boutique hotel.
4. Religious institutions.
5. Automotive repair, major or minor.
6. Veterinary hospital or clinic.
7. Farm supply and feed stores.

- D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

## § 5.07. B-2 General Business District.

- A. Intent. The B-2 general business district is intended to serve the commercial needs of the residents of the greater village area as well as the passing motorist. It is characterized by businesses with large lot requirements, extended hours, and major thoroughfare locations.
- B. Permitted uses:
1. General and professional offices.
  2. Financial institutions.
  3. Custom crafts.
  4. Medical or dental clinics.
  5. Restaurants and taverns, including drive-in and drive-through.
  6. Car wash establishments.
  7. Hotels and motels.
  8. Personal service establishments, including health spas.
  9. Child Daycare Centers.
  10. Warehousing facilities, including mini-storage facilities.
  11. Public utilities.
  12. Accessory buildings and uses customarily incidental to the above principal permitted uses.
- C. Special land uses:
1. Gasoline/fuel dispensing business, with or without a convenience store and/or carwash.
  2. Open-air businesses.
  3. Religious institutions.
  4. Boutique hotel.
  5. Automotive repair, major or minor.
  6. Veterinary hospital or clinic.
  7. Farm supply and feed stores.
  8. Adult Regulated Uses.
- D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

## § 5.08. I-1 Light Industrial District.

- A. Intent. The I-1 light industrial district is intended to establish a zone where designated industrial and commercial businesses may locate and intermingle, which produce a minimum amount of adverse effect on adjoining premises, are compatible with one another, and do not require large yard areas for isolation or protection from adjoining premises or activities.
- B. Permitted uses:
1. Wholesale and warehousing.
  2. Testing and research laboratories.
  3. Tool and die shops.
  4. Office.
  5. Facilities for printing or forming box, carton and cardboard products.
  6. Electric transformer stations and substations, electric transmission towers, gas regulators and municipal utility pumping stations.

7. Indoor sport courts.
8. Bottling works, including milk bottling or distribution stations.
9. Manufacture of food products.
10. Veterinary hospital or clinics.
11. Mini-storage facilities.
12. Contractors' storage yards.
13. Tin shops or plumbing supply shops.
14. Bakeries.
15. Cold storage plants.
16. Motor vehicle repair shop.
17. Car washing establishment.
18. Machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, sheet metal shops, undercoating and rustproofing shops, and welding shops.
19. Indoor or outdoor commercial recreation facility, such as a bowling center, skating rink, miniature golf, video amusement establishment, pool and billiard establishment.
20. Public utilities
21. Other uses similar to but not more objectionable than uses permitted in this district.
22. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Special land uses:

1. Automobile paint and bump shop.
2. Telecommunications tower.
3. Coal or building materials storage yard.
4. Open-air business.
5. Truck terminals.

D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

## § 5.09. I-2 General Industrial District.

A. Intent. The I-2 general industrial district is intended to provide areas where heavier types of industry may best utilize essential public and private facilities and utilities while minimizing the negative impacts typically associated with this type of industry.

B. Permitted uses:

1. Wholesale and warehousing.
2. Testing and research laboratories.
3. Tool and die shops.
4. Office.
5. Facilities for printing or forming box, carton and cardboard products.
6. Electric transformer stations and substations, electric transmission towers, gas regulators and municipal utility pumping stations.
7. Indoor sport courts.
8. Bottling works, including milk bottling or distribution stations.
9. Manufacture of food products.
10. Veterinary hospital or clinics.
11. Mini-storage facilities.
12. Car washing establishment.



13. Contractors' storage yards.
14. Tin shops or plumbing supply shops.
15. Bakeries.
16. Cold storage plants.
17. Public utilities
18. Indoor or outdoor commercial recreation facility such as a bowling center, skating rink, miniature golf, video amusement establishment, pool and billiard establishment.
19. Automobile paint and bump shop.
20. Machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, lumber and planning mills, sheet metal shops, undercoating and rustproofing shops, and welding shops.
21. Other uses similar to but not more objectionable than uses permitted in this district.
22. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Special land uses:

1. Open-air business.
2. Coal or building materials storage yard.
3. Truck terminals.

D. Lot, yard and area requirements. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Article 6.00.

## § 5.10. PUD Planned Unit Development District.

A. Intent. The purposes of this district are to:

1. Permit greater flexibility in the regulation of land and encourage creative and imaginative design in development through the use of planned unit development legislation, as authorized by the Michigan Zoning Act (Public Act 110 of 2006, as amended).
2. Provide for a mixture of housing choices with the integration of retail/service establishments, recreational opportunities, offices, and light industrial uses.
3. Further the vision and redevelopment strategies for the areas set forth in the Village of Lawrence Master Plan.

B. Applicability.

1. The PUD District is intended to apply to parcels abutting the west side of CR 365 N from the Village of Lawrence to parcels with the following parcel tax id numbers: 80-44-480-003-10 and 80-44-480-003-15 excluding parcels with the following parcel tax id numbers: 80-13-016-002-11 and 80-13-016-002-20.
2. The PUD District boundary defines an area along CR 365 and is generally consistent with the PUD identified in the Village of Lawrence Master Plan.
3. The PUD District sets forth use and design standards that are specific to the PUD area, as well as streetscape standards intended to apply similarly to all of the PUD.
4. Buildings existing within the PUD District prior to (insert date of adoption) shall not be subject to the building design standards set forth herein.
5. Any expansion or modification to an existing or approved use, building, or site that requires site plan review by the Planning Commission pursuant to section 11.02 Shall be subject to the requirements of the PUD District.

6. Any new development shall be subject to the requirements of the PUD District.
7. A site plan shall be submitted in accordance with section 11.02 For all permitted uses. All special land uses shall be subject to the special land use permit requirements set forth in section 7.02.

C. Planned unit development provisions.

1. Permitted Uses:

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Churches.
- d. Convalescent and nursing homes.
- e. Senior Housing.
- f. Retail business within a completely enclosed building.
- g. Personal service establishments, including but not limited to, repair shops (watches, radio, television, shoe), tailor shops, barbers and beauty salons, health/fitness centers.
- h. General and professional offices including medical and dental offices.
- i. Restaurants and taverns to include sidewalk and outdoor cafes, food vendor trucks, drive-in and/or drive-through restaurants.
- j. Financial Institutions.
- k. Mixed use establishments, i.e., commercial and residential uses combined in one structure.
- l. Hotels and motels.
- m. Wholesale and warehousing.
- n. Testing and research laboratories.
- o. Tool and die shops.
- p. Electric transformer stations and substations, electric transmission towers, gas regulators and municipal utility pumping stations.
- q. Indoor sport courts.
- r. Veterinary hospital or clinics.
- s. Mini-storage facilities.
- t. Car washing establishment.
- u. Contractors' storage yards.
- v. Tin shops or plumbing supply shops.
- w. Bakeries.
- x. Bottling works.
- y. Box/Carton/Cardboard Printing/Forming Facility.
- z. Custom craft.
- aa. Manufacture of food products.
- bb. Public library.
- cc. Publicly owned/Gov't Buildings.
- dd. Cold storage plants.
- ee. Public utilities
- ff. Indoor or outdoor commercial recreation facility such as a bowling center, skating rink, miniature golf, video amusement establishment, pool and billiard establishment.
- gg. Automobile repair, including medium-heavy duty and heavy duty; automobile paint and bump shop.
- hh. Machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, lumber and planing mills, sheet metal shops, undercoating and rustproofing shops, and welding shops.
- ii. Other uses similar to but not more objectionable than uses permitted in this district.
- jj. Accessory buildings and uses customarily incidental to the above principal permitted uses.

2. Special Land Use Uses:

- a. Adult Use/Medical Grower Facility/Establishment: Classes A-C and Excess Grower.
- b. Adult Use/Medical Processor.
- c. Adult Use/Medical Safety Compliance.
- d. Adult Use/Medical Secure Transporter.
- e. Adult Use Microbusiness.
- f. Adult Use Retailer.
- g. Medical Provisioning Center.
- h. Coal/Building Materials Storage Yard.
- i. Boutique Hotel.
- j. Farm Supply & Feed Store.
- k. Institutional/Community rec centers.
- l. Theaters.
- m. Truck Terminal.

D. Design requirements.

1. Residential Uses:

- a. Single Family: R-1 Zoning District Requirements Apply
- b. Duplex and Multiple Family: R-3 Zoning District Requirements Apply

2. Commercial Uses: B-2 Zoning District Requirements Apply

3. Light Industrial Uses: I-1 Zoning District Requirements Apply

4. General Industrial Uses: I-2 Zoning District Requirements Apply

5. Residential architectural requirements:

- a. A prominent front façade pedestrian entry shall face the front lot line.
- b. A front porch or landing with steps shall be provided.
- c. Front façade shall be at least 25% windows and doors.
- d. Accessory buildings shall not be forward of the residential dwelling.

6. Site layout requirements:

- a. Integrated approaches to development that minimize vehicular entry points shall be provided.
- b. Vehicular and pedestrian connections to adjacent development sites shall be provided.
- c. Reduced lot coverage requirements will be considered for an integrated design approach with adjacent property.

E. Site design requirements. The following site design requirements shall apply within the PUD District:

1. Parking:

- a. Except as specified herein, off-street parking and loading areas shall be in accordance with section 9.11. Compliance with parking requirements may be met through on-site parking or common parking facilities, subject to Planning Commission approval.
- b. The Planning Commission may approve reduced on-site parking, or the paving of only a portion of the parking area, leaving a portion as grass for overflow parking, if it is demonstrated that adequate parking otherwise exists in a shared and/or adjacent

parking facility during the principal operating hours of all uses to share said parking and access is shared.

2. Utilities. All utilities, including telephone, electric, and cable television, shall be placed underground.
  3. Outdoor lighting. On-site outdoor lighting shall be in accordance with section 9.14.
  4. Dumpsters. Dumpster facilities are allowed only in rear yards and shall be in accordance with section 9.13.
  5. Signs.
    - a. Signage shall be in accordance with section 9.17.
    - b. Existing freestanding signage shall be considered lawfully nonconforming and subject to the provisions of Article 10.
  6. Outdoor spaces. Outdoor dining or general gathering spaces accessory to the principal use on the premises shall be allowed, upon approval by the Planning Commission.
  7. Stormwater management. Stormwater management systems shall be designed to achieve compliance with Zoning Ordinance standards and are required to:
    - a. Incorporate and/or use natural drainage systems on the site or within the district.
    - b. Protect the surrounding natural environment.
    - c. Retain the natural retention and storage capacity of nearby wetlands or waterways.
    - d. Not increase flooding or the possibility of polluting surface water or groundwater.
- F. Green space requirements. There shall be designated an amount of green space within the planned unit development of not less than 15% of the total planned unit development district, subject to the following standards:
1. Designated green space shall be of functional value as it relates to opportunities for wildlife habitat, natural feature preservation, recreation, visual impact, and accessibility.
  2. Designated green space shall be located along the roadways so as to be visible and accessible to the public.
  3. Designated green space shall be designed to effectively connect open spaces throughout the planned unit development.
  4. Any significant and/or sensitive environmental resources shall be included within the designated green space.
  5. The following land areas may be included as designated green space for purposes of meeting minimum green space requirements:
    - a. The landscaped area of any road right-of-way or private road easement;
    - b. On-site landscaping, where connected with green space areas;
    - c. Stormwater detention/retention basins, including natural wetland areas.
  6. Structures or buildings which are accessory to the designated green space may be allowed and shall be erected only in accordance with the approved site plan.
  7. Designated green space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as recorded deed restrictions; covenants that run perpetually with the land; a conservation easement; or land trust. Conveyance shall assure that the green space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
    - a. Indicate the proposed allowable use(s) of the designated green space;
    - b. Require that the designated green space be maintained by parties who have an ownership interest in the green space;
    - c. Provide standards for scheduled maintenance of the green space;

- d. Provide for maintenance to be undertaken by the Village in the event that the designated green space is inadequately maintained or is determined by the Village to be a nuisance, with the assessment of the costs for maintenance upon the green space ownership.

G. Procedural guidelines.

1. Application requirements. The application for development approval within the PUD District shall be made according to the development review process set forth in this section.
2. Effect of approval. After a site plan has been approved and construction of any part thereof commenced, no other type of development will be allowed on the site without further approval by the Planning Commission and after proceedings conducted as in the original application.
3. Conformity to approved plan. Property within the PUD District which is the subject of site plan approval must be developed in strict compliance with the approved site plan. If construction and development does not conform to same, the approval thereof shall be forthwith revoked by the Village. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.
4. Amendment to approved plan. A proposed amendment or modification to a previously approved site plan within the PUD District shall be submitted for review in the same manner as the original application.
5. Project phasing.
  - a. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and green space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the occupants and residents of the planned unit development and surrounding area.
  - b. Each phase of the development shall commence within one year of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the site plan shall become null and void.
6. Performance bond.
  - a. The Planning Commission may require that a performance bond, bank letter of credit, or cash bond in such amounts as may be determined to be deposited with an authorized third party agreed upon by both parties to ensure completion of the site in accordance with the approved plans. The bond shall be for the purpose of securing the health, safety, and welfare of Village residents and adjacent property owners.
  - b. Such bond or bank letter of credit, if required, shall be set at a minimum of 100% of the cost of the unfinished work for which the bond was required. The Village shall provide for the rebate of any cash bond filed in reasonable proportion to the ratio of the work completed, provided the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements related to the deposit.
7. Development agreement.
  - a. No building permit shall be issued for development and no construction activity commenced within the planned unit development until an affidavit containing the legal description of the planned unit development and the subject development site within the planned unit development; the date and terms of the site plan approval; and a declaration that all improvements will be carried out in accordance with the approved site plan is recorded with the Register of Deeds for Van Buren County.

- b. All required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be filed with the Village and recorded at the Register of Deeds.
8. Revocation. In any case where construction of the approved site plan has not commenced within one year of the date of the final approval, all approvals shall be null and void if a request for an extension is not received per section 11.02.
9. Development review process.
- a. Preapplication meeting. An applicant desiring to submit an application for site plan review within the PUD District is encouraged to attend a preapplication meeting with the Planning Commission. The purpose of the preapplication meeting is to determine general compliance with the planned unit development eligibility and design requirements, and to identify issues of significance regarding the proposed application. The applicant shall present the following information for a preapplication meeting:
    - i. Sketch plan of the proposed development site layout;
    - ii. Accurate legal description of the development site;
    - iii. Names and addresses of all current owners of the development site;
    - iv. Total site acreage;
    - v. Number of acres to be developed by use;
    - vi. Number of acres of undeveloped land;
    - vii. Number of acres of designated open space;
    - viii. Number and type of residential units;
    - ix. Details of nonresidential use;
    - x. Details of vehicular and pedestrian circulation system;
    - xi. Location and details of known natural features; and
    - xii. Relationship of the development site design to the existing/planned layout of the planned unit development.
  - b. Preliminary plan review.
    - i. An application for development approval within the PUD District shall be subject to mandatory preliminary plan review by the Planning Commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to site plan review.
    - ii. Preliminary plan approval shall not constitute an approval of a detailed site plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the site plan. A request for a modification to the approved preliminary plan shall be submitted for review in the same manner as the original preliminary plan was submitted and reviewed.
  - c. Preliminary plan requirements. Engineering details of a preliminary plan are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The preliminary plan, drawn to a reasonable scale, shall provide the following information:
    - i. Boundaries of the planned unit development and the development site;
    - ii. General location map showing existing land use and ownership within the planned unit development and of adjacent land;
    - iii. Topography of the development site and its relationship to adjoining land.'
    - iv. Location of existing/proposed streets adjacent to and within the planned unit development; proposed connection to and/or extension of existing streets within the planned unit development;

- v. Pedestrian and vehicular circulation systems and related parking facilities on the development site and their relationship to existing/planned systems within the planned unit development;
- vi. Delineation of proposed residential and nonresidential areas on the development site, indicating for each area its size, number and composition of buildings, dwelling unit density, building envelopes, height and orientation of buildings;
- vii. Designated green space;
- viii. Proposed landscaping, including greenbelts, berms, and/or screening;
- ix. Stormwater drainage system
- x. Public facilities;
- xi. The following documentation shall accompany the preliminary plan:
  - a) Name, address and telephone number of:
    - [1] All persons with an ownership interest in the land within the Planned Unit Development District, together with a description of the nature of each entity's interest;
    - [2] All engineers, attorneys, architects or registered land surveyors associated with the development site;
    - [3] The developer or proprietor of the development site;
    - [4] Any person authorized to represent the owner in the review process.
  - xii. Accurate legal description of the planned unit development and development site;
  - xiii. Total acreage of the planned unit development and development site;
  - xiv. Number and type of units to be developed;
  - xv. General statement as to how open space and recreation areas are to be owned and maintained.
  - xvi. General indication of the proposed sequence and approximate time frames of development phases.
  - xvii. A narrative describing how the development site design is consistent with the purposes of the Planned Unit Development District and the capacity and availability of necessary public facilities to the development; and the impact the development will have on adjoining properties.
- d. Additional information. During the preliminary plan review process, the Planning Commission may require additional information it determines is reasonably necessary to demonstrate compliance with the planned unit development standards. Such information may include, but not be limited to, hydrological tests, traffic studies, or wetland determinations.
- e. Site plan review. The Planning Commission shall hold a public hearing on an application for development approval within the PUD District.
  - i. An application for development approval within the Planned Unit Development District shall be subject to site plan review by the Planning Commission. The detailed site plan shall conform to the approved preliminary plan and incorporate any revisions or recommendations made by the Planning Commission at the preliminary plan review.
  - ii. An application for development approval within the Planned Unit Development District shall be subject to final approval by the Village Council. If a detailed site plan is not submitted for review within six months of preliminary plan approval, the Planning Commission may require resubmission of the preliminary plan for further review and possible revision.
- f. Site plan requirements. The following information shall be included on, or attached to, all site plans:

- i. An update of the approved preliminary plan pursuant to the site plan informational requirements set forth in section 11.02.
  - ii. Engineering plans presented in sufficient detail to indicate compliance with Village standards.
  - iii. Easements, deed restrictions, and other documents pertaining to pedestrian and vehicular systems; the designated open space system; and recreation areas.
  - iv. If condominium ownership is proposed, all documentation required by the condominium regulations of the Village.
- g. Review criteria. Approval of a site plan within the PUD District shall be determined on the basis of the site plan review criteria set forth in section 11.02, as well as the following criteria:
  - i. The overall design and land uses proposed in connection with the planned unit development site shall be consistent with the purpose of the planned unit development concept and the specific design standards set forth herein.
  - ii. The proposed development site shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.
  - iii. The proposed development site shall be designed to minimize the impact of traffic generated by the development on the surrounding land uses and road network.
  - iv. The proposed development site shall be designed so as to be in character with the surrounding area as it relates to bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
  - v. The proposed development site shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
  - vi. The designated green space shall be of functional value as it relates to opportunities for open space preservation, visual impact along roadways, and/or connectivity within the planned unit development and adjacent properties.
  - vii. The proposed development site shall comply with all applicable federal, state, and local regulations.

## § 5.11. PUD-BP Planned Unit Development-Business Park District.

### A. Intent. The purposes of this district are to:

- 1. Permit greater flexibility in the regulation of land and encourage creative and imaginative design in development through the use of planned unit development legislation, as authorized by the Michigan Zoning Act (Public Act 110 of 2006, as amended).
- 2. Provide for a mixture of housing choices with the integration of retail/service establishments, recreational opportunities, offices, and light industrial uses.
- 3. Further the vision and redevelopment strategies for the areas set forth in the Village of Lawrence Master Plan.

### B. Applicability.

- 1. The PUD-BP District is intended to apply to parcels located in the Lawrence-Crandall Business and parcels with the following parcel tax id numbers: 80-44-480-003-10 and 80-44-480-003-15.



2. The PUD-BP District boundary defines an area along CR 365 and is generally consistent with the PUD identified in the Village of Lawrence Master Plan.
3. The PUD-BP District sets forth use and design standards that are specific to the PUD-BP area, as well as streetscape standards intended to apply similarly to all of the PUD-BP.
4. Buildings existing within the PUD-BP District prior to (insert date of adoption) shall not be subject to the building design standards set forth herein.
5. Any expansion or modification to an existing or approved use, building, or site that requires site plan review by the Planning Commission pursuant to section 11.02 Shall be subject to the requirements of the PUD-BP District.
6. Any new development shall be subject to the requirements of the PUD-BP District.
7. A site plan shall be submitted in accordance with section 11.02 For all permitted uses. All special land uses shall be subject to the special land use permit requirements set forth in section 7.02.

C. Planned unit development-business park provisions.

1. Permitted Uses:

- a. Retail business within a completely enclosed building.
- b. Personal service establishments, including but not limited to, repair shops (watches, radio, television, shoe), tailor shops, barbers and beauty salons, health/fitness centers.
- c. General and professional offices including medical and dental offices.
- d. Restaurants and taverns to include sidewalk and outdoor cafes, food vendor trucks, drive-in and/or drive-through restaurants.
- e. Financial Institutions.
- f. Hotels and motels.
- g. Wholesale and warehousing.
- h. Testing and research laboratories.
- i. Tool and die shops.
- j. Electric transformer stations and substations, electric transmission towers, gas regulators and municipal utility pumping stations.
- k. Indoor sport courts.
- l. Veterinary hospital or clinics.
- m. Mini-storage facilities.
- n. Car washing establishment.
- o. Contractors' storage yards.
- p. Tin shops or plumbing supply shops.
- q. Bakeries.
- r. Bottling works.
- s. Box/Carton/Cardboard Printing/Forming Facility.
- t. Custom craft.
- u. Manufacture of food products.
- v. Publicly owned/Gov't Buildings.
- w. Cold storage plants.
- x. Public utilities.
- y. Indoor or outdoor commercial recreation facility such as a bowling center, skating rink, miniature golf, video amusement establishment, pool and billiard establishment.
- z. Automobile repair, including medium-heavy duty and heavy duty; automobile paint and bump shop.

- aa. Machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, lumber and planing mills, sheet metal shops, undercoating and rustproofing shops, and welding shops.
- bb. Truck terminals.
- cc. Other uses similar to but not more objectionable than uses permitted in this district.
- dd. Accessory buildings and uses customarily incidental to the above principal permitted uses.

2. Special Land Use Uses:

- n. Adult Use/Medical Grower Facility/Establishment: Classes A-C and Excess Grower.
- o. Adult Use/Medical Processor.
- p. Adult Use/Medical Safety Compliance.
- q. Adult Use/Medical Secure Transporter.
- r. Adult Use Microbusiness.
- s. Adult Use Retailer.
- t. Medical Provisioning Center.
- u. Coal/Building Materials Storage Yard.
- v. Boutique Hotel.
- w. Farm Supply & Feed Store.
- x. Institutional/Community rec centers.
- y. Truck Terminal.

D. Design requirements.

- 7. Commercial Uses: B-2 Zoning District Requirements Apply
- 8. Light Industrial Uses: I-1 Zoning District Requirements Apply
- 9. General Industrial Uses: I-2 Zoning District Requirements Apply
- 10. Site layout requirements:

- a. Integrated approaches to development that minimize vehicular entry points shall be provided.
- b. Vehicular and pedestrian connections to adjacent development sites shall be provided.
- c. Reduced lot coverage requirements will be considered for an integrated design approach with adjacent property.

E. Site design requirements. The following site design requirements shall apply within the PUD-BP District:

1. Parking:

- a. Except as specified herein, off-street parking and loading areas shall be in accordance with section 9.12. Compliance with parking requirements may be met through on-site parking or common parking facilities, subject to Planning Commission approval.
- b. The Planning Commission may approve reduced on-site parking, or the paving of only a portion of the parking area, leaving a portion as grass for overflow parking, if it is demonstrated that adequate parking otherwise exists in a shared and/or adjacent parking facility during the principal operating hours of all uses to share said parking and access is shared.

- 2. Utilities. All utilities, including telephone, electric, and cable television, shall be placed underground.
- 3. Outdoor lighting. On-site outdoor lighting shall be in accordance with section 9.15.
- 4. Dumpsters. Dumpster facilities are allowed only in rear yards and shall be in accordance with section 9.14.

5. Signs.

- a. Signage shall be in accordance with section 9.19.
- b. Existing freestanding signage shall be considered lawfully nonconforming and subject to the provisions of Article 10.

6. Outdoor spaces. Outdoor dining or general gathering spaces accessory to the principal use on the premises shall be allowed, upon approval by the Planning Commission.

7. Stormwater management. Stormwater management systems shall be designed to achieve compliance with Zoning Ordinance standards and are required to:

- a. Incorporate and/or use natural drainage systems on the site or within the district.
- b. Protect the surrounding natural environment.
- c. Retain the natural retention and storage capacity of nearby wetlands or waterways.
- d. Not increase flooding or the possibility of polluting surface water or groundwater.

F. Green space requirements. There shall be designated an amount of green space within the planned unit development of not less than 15% of the total planned unit development-business park district, subject to the following standards:

1. Designated green space shall be of functional value as it relates to opportunities for wildlife habitat, natural feature preservation, recreation, visual impact, and accessibility.
2. Designated green space shall be located along the roadways so as to be visible and accessible to the public.
3. Designated green space shall be designed to effectively connect open spaces throughout the planned unit development.
4. Any significant and/or sensitive environmental resources shall be included within the designated green space.
5. The following land areas may be included as designated green space for purposes of meeting minimum green space requirements:

- a. The landscaped area of any road right-of-way or private road easement;
- b. On-site landscaping, where connected with green space areas;
- c. Stormwater detention/retention basins, including natural wetland areas.

6. Structures or buildings which are accessory to the designated green space may be allowed and shall be erected only in accordance with the approved site plan.

7. Designated green space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as recorded deed restrictions; covenants that run perpetually with the land; a conservation easement; or land trust. Conveyance shall assure that the green space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:

- a. Indicate the proposed allowable use(s) of the designated green space;
- b. Require that the designated green space be maintained by parties who have an ownership interest in the green space;
- c. Provide standards for scheduled maintenance of the green space;
- d. Provide for maintenance to be undertaken by the Village in the event that the designated green space is inadequately maintained or is determined by the Village to be a nuisance, with the assessment of the costs for maintenance upon the green space ownership.

G. Procedural guidelines.

1. Application requirements. The application for development approval within the PUD-BP District shall be made according to the development review process set forth in this section.
2. Effect of approval. After a site plan has been approved and construction of any part thereof commenced, no other type of development will be allowed on the site without further approval by the Planning Commission and after proceedings conducted as in the original application.
3. Conformity to approved plan. Property within the PUD-BP District which is the subject of site plan approval must be developed in strict compliance with the approved site plan. If construction and development does not conform to same, the approval thereof shall be forthwith revoked by the Village. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.
4. Amendment to approved plan. A proposed amendment or modification to a previously approved site plan within the PUD-BP District shall be submitted for review in the same manner as the original application.
5. Project phasing.
  - a. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and green space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the occupants and residents of the planned unit development and surrounding area.
  - b. Each phase of the development shall commence within one year of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the site plan shall become null and void.
6. Performance bond.
  - a. The Planning Commission may require that a performance bond, bank letter of credit, or cash bond in such amounts as may be determined to be deposited with an authorized third party agreed upon by both parties to ensure completion of the site in accordance with the approved plans. The bond shall be for the purpose of securing the health, safety, and welfare of Village residents and adjacent property owners.
  - b. Such bond or bank letter of credit, if required, shall be set at a minimum of 100% of the cost of the unfinished work for which the bond was required. The Village shall provide for the rebate of any cash bond filed in reasonable proportion to the ratio of the work completed, provided the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements related to the deposit.
7. Development agreement.
  - a. No building permit shall be issued for development and no construction activity commenced within the planned unit development until an affidavit containing the legal description of the planned unit development and the subject development site within the planned unit development; the date and terms of the site plan approval; and a declaration that all improvements will be carried out in accordance with the approved site plan is recorded with the Register of Deeds for Van Buren County.
  - b. All required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be filed with the Village and recorded at the Register of Deeds.
8. Revocation. In any case where construction of the approved site plan has not commenced within one year of the date of the final approval, all approvals shall be null and void if a request for an extension is not received per section 11.02.

9. Development review process.

- a. Preapplication meeting. An applicant desiring to submit an application for site plan review within the PUD-BP District is encouraged to attend a preapplication meeting with the Planning Commission. The purpose of the preapplication meeting is to determine general compliance with the planned unit development eligibility and design requirements, and to identify issues of significance regarding the proposed application. The applicant shall present the following information for a preapplication meeting:
  - i. Sketch plan of the proposed development site layout;
  - ii. Accurate legal description of the development site;
  - iii. Names and addresses of all current owners of the development site;
  - iv. Total site acreage;
  - v. Number of acres to be developed by use;
  - vi. Number of acres of undeveloped land;
  - vii. Number of acres of designated open space;
  - viii. Number and type of residential units;
  - ix. Details of nonresidential use;
  - x. Details of vehicular and pedestrian circulation system;
  - xi. Location and details of known natural features; and
  - xii. Relationship of the development site design to the existing/planned layout of the planned unit development.
- b. Preliminary plan review.
  - i. An application for development approval within the PUD-BP District shall be subject to mandatory preliminary plan review by the Planning Commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to site plan review.
  - ii. Preliminary plan approval shall not constitute an approval of a detailed site plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the site plan. A request for a modification to the approved preliminary plan shall be submitted for review in the same manner as the original preliminary plan was submitted and reviewed.
- c. Preliminary plan requirements. Engineering details of a preliminary plan are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The preliminary plan, drawn to a reasonable scale, shall provide the following information:
  - i. Boundaries of the planned unit development and the development site;
  - ii. General location map showing existing land use and ownership within the planned unit development and of adjacent land;
  - iii. Topography of the development site and its relationship to adjoining land.'
  - iv. Location of existing/proposed streets adjacent to and within the planned unit development; proposed connection to and/or extension of existing streets within the planned unit development;
  - v. Pedestrian and vehicular circulation systems and related parking facilities on the development site and their relationship to existing/planned systems within the planned unit development;
  - vi. Delineation of proposed residential and nonresidential areas on the development site, indicating for each area its size, number and composition of buildings, dwelling unit density, building envelopes, height and orientation of buildings;
  - vii. Designated green space;

- viii. Proposed landscaping, including greenbelts, berms, and/or screening;
- ix. Stormwater drainage system
- x. Public facilities;
- xi. The following documentation shall accompany the preliminary plan:
  - a) Name, address and telephone number of:
    - [1] All persons with an ownership interest in the land within the Planned Unit Development District, together with a description of the nature of each entity's interest;
    - [2] All engineers, attorneys, architects or registered land surveyors associated with the development site;
    - [3] The developer or proprietor of the development site;
    - [4] Any person authorized to represent the owner in the review process.
  - xii. Accurate legal description of the planned unit development and development site;
  - xiii. Total acreage of the planned unit development and development site;
  - xiv. Number and type of units to be developed;
  - xv. General statement as to how open space and recreation areas are to be owned and maintained.
  - xvi. General indication of the proposed sequence and approximate time frames of development phases.
  - xvii. A narrative describing how the development site design is consistent with the purposes of the Planned Unit Development-Business Park District and the capacity and availability of necessary public facilities to the development; and the impact the development will have on adjoining properties.
- d. Additional information. During the preliminary plan review process, the Planning Commission may require additional information it determines is reasonably necessary to demonstrate compliance with the planned unit development standards. Such information may include, but not be limited to, hydrological tests, traffic studies, or wetland determinations.
- e. Site plan review. The Planning Commission shall hold a public hearing on an application for development approval within the PUD-BP District.
  - i. An application for development approval within the Planned Unit Development-Business Park District shall be subject to site plan review by the Planning Commission. The detailed site plan shall conform to the approved preliminary plan and incorporate any revisions or recommendations made by the Planning Commission at the preliminary plan review.
  - ii. An application for development approval within the Planned Unit Development-Business Park District shall be subject to final approval by the Village Council. If a detailed site plan is not submitted for review within six months of preliminary plan approval, the Planning Commission may require resubmission of the preliminary plan for further review and possible revision.
- f. Site plan requirements. The following information shall be included on, or attached to, all site plans:
  - i. An update of the approved preliminary plan pursuant to the site plan informational requirements set forth in section 11.02.
  - ii. Engineering plans presented in sufficient detail to indicate compliance with Village standards.
  - iii. Easements, deed restrictions, and other documents pertaining to pedestrian and vehicular systems; the designated open space system; and recreation areas.
  - iv. If condominium ownership is proposed, all documentation required by the condominium regulations of the Village.

- g. Review criteria. Approval of a site plan within the PUD-BP District shall be determined on the basis of the site plan review criteria set forth in section 11.02, as well as the following criteria:
  - i. The overall design and land uses proposed in connection with the planned unit development site shall be consistent with the purpose of the planned unit development concept and the specific design standards set forth herein.
  - ii. The proposed development site shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.
  - iii. The proposed development site shall be designed to minimize the impact of traffic generated by the development on the surrounding land uses and road network.
  - iv. The proposed development site shall be designed so as to be in character with the surrounding area as it relates to bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
  - v. The proposed development site shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
  - vi. The designated green space shall be of functional value as it relates to opportunities for open space preservation, visual impact along roadways, and/or connectivity within the planned unit development and adjacent properties.
  - vii. The proposed development site shall comply with all applicable federal, state, and local regulations.

## § 5.12. P VEHICULAR PARKING DISTRICT.

A. Intent. This district is for the purpose of accommodating off-street parking needs within selected areas of the Village in order to meet the parking requirements of adjoining development which could not otherwise be provided on the same parcel of land as the principal use generating said parking need. The use of the district is limited to the off-street parking of automobiles and non-commercial vehicles which may provide a transition land use between residential and non-residential uses. Due to the nature of the district, the regulations are designed to protect adjacent residential districts.

B. Principal uses permitted.

Parking of automobiles and other non-commercial vehicles, unless patronizing, delivering, or picking up from a business.

C. Prohibited Uses.

No off-street parking area within the P Parking District shall be used for the storage, sale, repair, dismantling or servicing of any vehicles, trailers, equipment or materials.

D. Required conditions.

1. The P Parking District may be applied to a parcel of land upon a finding by the Village that there is insufficient land otherwise available to meet the off-street parking requirements of this Ordinance and that all of the provisions of this District can be met.
2. Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility.

3. A parking facility must be located so that a major point of pedestrian access to such facility is within four hundred (400) feet walking distance of the entrance to the use served.
4. No off-street parking facility shall be designed to permit vehicles to back out directly upon the public road.
5. No parking facility shall be used as a commercial parking lot where a fee or charge is made for the use of said parking facility.
6. A site plan of a proposed parking facility shall be approved in accordance with Article 11 prior to construction.

#### E. Design Standards.

All off-street parking facilities established within the P Parking District shall be maintained throughout the operation of such facilities:

1. The parking facility shall provide the required number of spaces for the respective uses served, as specified in Section 9.12 or elsewhere in this Ordinance, exclusive of any parking spaces otherwise provided in accordance with the Ordinance.
2. Parking facilities shall be provided for the physically handicapped in accordance with applicable laws and regulations.
3. Entrance and exit driveways serving parking facilities from the public road shall be designed in accordance with the standards established by the Village of Lawrence Department of Public Works and/or the Michigan Department of Transportation, which shall be shown on the required site plan for their review and approval.
4. No parking space shall be closer than five (5) feet from a property line within the P Parking District or fifteen (15) feet from a property line contiguous with a residential district.
5. Each parking space shall have a minimum dimension of ten (10) feet in width and twenty (20) feet in length.
6. The width of interior driveways shall not be less than:
  - a. Twenty-five (25) feet where the parking space is perpendicular to the driveway.
  - b. Eighteen (18) feet when 45 degree to 60 degree angle parking is used.
  - c. Fourteen (14) feet when the parking spaces are parallel to the driveway.
7. The parking and driveway surfaces shall consist of a pavement having asphalt or concrete binder, except that compact gravel surfacing may be used for those parking facilities serving seasonal land uses or for surplus and/or overflow parking facilities. When compacted gravel is used in lieu of asphalt, the surface shall be treated for dust control.
8. All parking surfaces and driveways, whether paved or containing compact gravel surfacing, shall be adequately drained to prevent the collection of surface water thereon or any increase of drainage of surface upon adjoining land.
9. All paved parking facilities shall be marked with painted stripes identifying individual parking spaces including directional markings for appropriate traffic circulation throughout the facility. In addition, the outer perimeter of all required and permitted parking surfaces shall be provided with either a curb or wheel bumper blocks which will serve to prevent any parking encroachment upon the required setback areas.
10. Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to reflect the light away from any adjoining residential property and so as to not cause any reflection or glare which would adversely affect safe vision of operators of vehicles moving on the adjoining roads.
11. All off-street parking facilities shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four (4) feet or more than eight (8) feet in height. Planting shall be maintained in good condition and not encroach upon adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard by way of obstruction or visibility.

## § 5.13 RE Recreational District.



- A. Intent. This zoning district is intended to provide for the conservation of open space, wetlands and woodlands in the Village, in order to make them available for public and private enjoyment and scientific, educational and recreational uses.
- B. Permitted Uses.
  - 1. Preserve/Conservation Area.
  - 2. Outdoor recreation.
  - 3. Nature center.

## § 5.14 THO Tiny House Overlay District.

- A. Purpose and intent.
  - 1. In accordance with the Zoning Enabling Act (P.A. 110 of 2006, MCLA § 125.3101 et seq.) and the Planning Enabling Act (Act 33 of 2008, MCLA § 125.3801 et seq.), this district is intended to overlay existing zoning districts and provide an alternative to development within those districts under certain conditions.
  - 2. This section's purpose is to encourage the use of Village land in accordance with its Master Plan; reduce barriers to attainable housing within the Village; allow for the development/redevelopment of nonconforming properties; and encourage developers to focus development for meeting the housing needs of the workforce in the Village of Lawrence and the surrounding community.
- B. Findings. The Village finds that attainable housing provides a benefit to the community, is consistent with its Master Plan, and can be achieved through the use of tiny houses if certain conditions are met:
  - 1. Utilization of legal nonconforming lots of record will allow a more consistent land to building ratio for these undersized lots.
  - 2. Provide attainable housing for the Village workforce and/or seniors as a new development option to complement single- and multi-family housing within the Village and the surrounding community.
- C. Districts. These regulations are intended to result in development substantially consistent with Zoning Ordinance standards and the Master Plan. The Tiny Houses Overlay District shall be established as an overlay district applicable to the following district:
  - 1. PUD Planned Unit Development.
- D. Scope. For the purposes of this article, a "tiny house" is defined as a dwelling unit with a minimum square footage of 210 square feet and a maximum square footage of 499 square feet for use as a residence.
- E. Eligibility.
  - 1. The parcels in the Tiny Houses Overlay District at this time include the following:
    - (a) 80-44-103-002-00.
    - (b) 80-44-107-005-30.
    - (c) 80-44-107-005-60.

- (d) 80-44-107-005-90.
- (e) 80-44-107-007-00.
- (f) 80-44-113-007-00.
- (g) 80-44-113-008-50.
- (h) 80-44-114-002-00.
- (i) 80-44-114-002-50.
- (j) 80-44-201-003-50.
- (k) 80-44-201-005-00.
- (l) 80-44-201-005-50.
- (m) 80-44-201-005-75.
- (n) 80-44-204-001-50.
- (o) 80-44-204-002-50.
- (p) 80-44-204-003-00.
- (q) 80-44-204-003-50.
- (r) 80-44-205-004-30.
- (s) 80-44-205-004-60.
- (t) 80-44-206-004-00.
- (u) 80-44-206-102-00.
- (v) 80-44-254-009-00.
- (w) 80-44-349-020-01.
- (x) 80-44-349-020-10.
- (y) 80-44-349-022-00.
- (z) 80-44-349-046-00.
- (aa) 80-44-349-048-00.
- (bb) 80-44-349-053-00.
- (cc) 80-44-349-088-00.
- (dd) 80-44-350-013-10.

A map is hereby adopted and may be amended from time to time by resolution of the Village Council. See attached.

2. In reviewing additions to the Tiny Houses Overlay District in the future, the Village shall focus on the circumstances surrounding the properties, including whether they are legal nonconforming lots, or are undersized due to the narrowness of the platted lot.

- F. District restrictions.
1. Underlying Village of Lawrence zoning district restrictions on the parcels enrolled in the Tiny Houses Overlay District, including those of the underlying zoning district, remain in full force and effect except as modified herein.
  2. Tiny Houses within the Tiny Houses Overlay District are to be considered a use permitted under special conditions.
- G. Use permitted under special conditions. A Tiny House may utilize property within the Tiny Houses Overlay District, subject to the following conditions:
1. Dimensional and acreage relief.
    - a. Legal nonconforming lots of record.
      - i. Front setback: 25'
      - ii. Side setback: 5' for one/15' total (both)
      - iii. Rear setback: 30'
      - iv. Side Street setback: 16'
      - v. Minimum dwelling square footage: 210 square feet
      - vi. Maximum dwelling square footage: 499 square feet
      - vii. Maximum lot coverage: 25%
    - b. New Development.
      - i. Front setback: 25'
      - ii. Side setback: 5' for one/15' total (both)
      - iii. Rear setback: 30'
      - iv. Side Street setback: 16'
      - v. Minimum dwelling square footage: 210 square feet
      - vi. Maximum dwelling square footage: 499 square feet
      - vii. Maximum lot coverage: 25%
      - viii. Minimum lot area for development: 3 Ac
      - ix. Minimum green space (common area): 20,000 square feet
  2. Tiny homes must be on a permanent foundation. Towing mechanism and wheels/axles are to be removed.
  3. Tiny Houses on Wheels (THOW) and Park models are prohibited.
  4. If the site design utilizes a central green for the common area, lot lines abutting the central green shall be the front lot line.
  5. If the site design utilizes green space around the perimeter as the common area, lot lines abutting the central road right-of-way shall be the front lot line.
  6. Accessory building/structure. One accessory building **OR** structure is permitted in the rear yard not to exceed the maximum allowed lot coverage percentage.
  7. Tiny homes must have a front door, front porch, or garage door facing the front lot line. Front porches provide consistency with the character of the Village of Lawrence existing homes. Garage door facing the front lot line is for 2 story style tiny houses only.
  8. A minimum of 1 parking space shall be provided for each Tiny House per the Village of Lawrence Code of Ordinances.
- H. Nonelection. Nothing herein shall prevent the property owner of a legal nonconforming lot from submitting a permit application pursuant to the requirements in the underlying zoning district in which the property sits. Nothing herein shall bar a request for a variance from either the Tiny Houses Overlay District's or the underlying zoning district's requirements.

## Article 6.00. Schedule of Regulations

### § 6.01. Table of Dimensions.

Zoning District	Lot Width/ Frontage	Lot Area	Bldg Height	Required Front Setback	Required Side Setback	Required Rear Setback	Minimum Bldg Sq. Feet	Maximum Lot Coverage
R-1	80'	10,000 sf	30' ; 2 stories	25'	10'	30'	1,000 sf	35%
R-2	50'	5,000 sf	30' ; 2 stories	25'	10'	30'	1,000 sf	35%
R-3	150'	2 Ac	30' ; 2 stories	50'	20'	50'	eff - 600 1 bdr - 900 2 bdr - 1300 3 bdr - 1500	60%; 20% open space
R-4			30' ; 2 stories					
CBD	25'	2,000 sf	25' ; 2 stories	0'	0'	20'	--	80%
B-1	50'	6,000 sf	25' ; 2 stories	25'	10'	20'	1,000 sf	50%
B-2	150'	15,000 sf	30' ; 2 stories	30'	15'	35'	1,200 sf	60%
I-1	250'	2 Ac	50' ; 3 stories	50'	30'	50'	--	--
I-2	250'	2 Ac	50' ; 3 stories	50'	30'	50'	--	--
PUD	See Section 6.02 and the above district requirements based on use							
THO legal nonconform- ing lots				25'	5' for one/ 15' total <sup>(1)</sup>	30'	Min: 210 sq. ft./ Max: 499 sq. ft.	25%
THO New Development		3 Ac.		25'	5' for one/ 15' total <sup>(1)</sup>	30'	Min: 210 sq. ft./ Max: 499 sq. ft.	25%; 20,000 sq. ft. green space <sup>(2)</sup>
RE	80'	1 Ac	18'; 1 story	50'	15'	50'	--	15%

### § 6.02. Notes to Table of Dimensions.

1. Side Street setback: 16'
2. Minimum green space (common area) for the development. See section 5.14 for all requirements.

# Article 7.00. Special Land Uses

## § 7.01. Special land uses.

- A. Intent. The procedures and standards in this section are intended to provide a consistent and uniform method for review of proposed plans for special land uses. Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district. This section contains standards for review of each special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

## § 7.02. Procedures and requirements.

- A. Procedures and requirements. Special land use proposals shall be reviewed in accordance with the procedures in section 11.02 for site plan review, except as follows:
1. Public hearing required. A public hearing shall be held by the Planning Commission before a decision is made on a special land use request. The public hearing shall be noticed as required by law.
  2. Planning Commission action.
    - a. The Planning Commission shall review the application for special land use, including all pertinent plans, specifications, and other data upon which the applicant intends to rely, together with the public hearing findings and reports and recommendations. The Planning Commission shall then make a decision regarding the proposed special land use, based on the requirements and standards of this chapter.
    - b. The Planning Commission may approve, approve with conditions, or deny the special land use application as follows:
      - i Approval. Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the Planning Commission shall approve the special land use.
      - ii Approval with conditions. The Planning Commission may impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
        - a) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this chapter.
      - iii Denial. Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this chapter, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Village, the Planning Commission shall deny the special land use.

- c. Where the Planning Commission determines that Village Council consideration of a special land use application is warranted, the Planning Commission may instead offer a recommendation on the application, with conditions if appropriate, for action by the Village Council.
3. Recording of Planning Commission. Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.
4. Effect of approval. Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.
5. Zoning Board of Appeals authority. The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision concerning a special land use proposal. The ZBA shall have the authority to consider variances associated with a special land use that relate to setbacks and dimensional requirements.
6. Expiration of special land use approval. If construction has not commenced, or if the project has commenced but has not made reasonable progress within 12 months after final approval, the approval becomes null and void and a new application for special land use approval shall be required. However, the applicant may apply in writing to the Planning Commission for an extension of special land use approval. The Planning Commission may grant one or more extensions of up to 12 months, upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved special land use plan conforms to current Zoning Ordinance standards.
7. <https://ecode360.com/print/34999949>Modification to approved special land use. Special land use approval in accordance with provisions of this section may subsequently be modified, subject to the following requirements:
  - a. Modifications that do not change the nature of the use or that do not affect the intensity of use may be reviewed and approved following normal site plan review procedures described in section 11.02.
    - i. In evaluating change in intensity of use, the Planning Commission shall consider the extent of increase of vehicular or pedestrian traffic, the change in demand for public services, extent to which the total floor area occupied by the proposed use will increase, increased demand for parking, off-site impacts from noise, fumes, drainage, etc., and similar considerations.
  - b. Modifications that change the nature of the use or that result in an increase in the intensity of the use shall be reviewed in the same manner as a new special land use proposal, following the procedures in this section.
8. Special land use violation. In the event that construction or subsequent use is not in compliance with the approved special land use application, the Zoning Administrator shall take corrective action, unless a revised special land use application is submitted for Village review, following the normal special land use review procedures. If the builder, developer, or current user fails to take corrective action or pursue approval of an amended plan, the Zoning Administrator or his/her designee may issue a citation, after which the Village Council may commence and pursue appropriate action in a court having jurisdiction.

9. Revocation. All approved special land uses shall be subject to the following provisions, as a condition automatically imposed upon every such approved special land use.
  - a. The Zoning Administrator may recommend revocation of a special land use permit upon determining a violation of the terms and conditions of a special land use approval or related provisions of this chapter. The Zoning Administrator shall provide written notice of the revocation recommendation to the permit holder/property owner by personal delivery or regular mail, and also to the Village Clerk.
  - b. The Planning Commission shall review the Zoning Administrator's recommendations to revoke a special land use permit and shall hold a public hearing thereon preceded by notice in accordance with statutory provisions governing special land use matters. The Zoning Administrator shall provide written notice of the public hearing to the permit holder/property owner by personal delivery or regular mail.
  - c. After notice and public hearing as provided herein, the Planning Commission may vote, by a majority of its membership, to revoke a special land use permit upon verifying the grounds for the Zoning Administrator's revocation recommendation by a preponderance of the evidence presented thereon at the hearing, and upon a further finding that the underlying violations have not been cured within a reasonable period of time as established by the Planning Commission. Written notification of a Planning Commission determination to revoke a special land use permit shall be provided to the permit holder/property owner by personal delivery or regular mail.
  - d. Premises for which a special land use permit has been revoked by the Planning Commission shall be used only as otherwise allowed pursuant to the relevant section of the Zoning Ordinance for the applicable zoning district.
  - e. A determination of the Planning Commission revoking a special land use permit may be appealed to Circuit Court as provided by law.

### § 7.03. Criteria for review.

- A Standards for granting special land use approval. Approval of a special land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this chapter, will comply with all applicable requirements of this chapter, including site plan review criteria set forth in section 11.02, applicable site development standards for specific uses set forth in section 6.01, and the following standards:
  1. Compatibility with adjacent uses. The proposed special land use shall be designed, constructed, operated, and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
    - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
    - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
    - c. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
    - d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this chapter may be required as a condition of approval of a special land use.
2. Compatibility with the Master Plan. The proposed special land use shall be consistent with the general principles and objectives of the Village's Master Plan.
3. Public services. The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, roads, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.
4. Impact of traffic. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
  - a. Proximity and access to major thoroughfares.
  - b. Estimated traffic generated by the proposed use.
  - c. Proximity and relation to intersections.
  - d. Adequacy of driver sight distances.
  - e. Location of and access to off-street parking.
  - f. Required vehicular turning movements.
  - g. Provisions for pedestrian traffic.
5. Detrimental effects. The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
6. Economic well-being of the community. The proposed special land use shall not be detrimental to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.
7. Compatibility with natural environment. The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

## Article 8.00. Use Standards

### § 8.01. Accessory Uses and Accessory Buildings/Structures.

- A. To qualify as an accessory use, the use shall:
  1. Be clearly incidental and subordinate to, and customarily and commonly associated with, the operation of the principal use.
  2. Shall be operated and maintained under the same ownership as the principal use.
  3. Shall be operated and maintained on the same lot as the principal use, or on a contiguous lot.
  4. Shall not include structures or structural features inconsistent with the principal use.
- B. Except as otherwise provided in this chapter, a residential accessory building, including a private garage, shall be subject to the following:
  1. No accessory building may be used as a dwelling.



2. The total combined floor space of the accessory building(s) shall not exceed the first floor square footage of the principal building and the maximum lot coverage percentage for all buildings/structures on the lot.
  3. When an accessory building is not structurally attached to the residence, it shall be located in the side or rear yard. The definition of "lot line, front" set forth in section 2.02 shall determine the "front yard."
  4. An accessory building shall be setback 10 feet from a rear lot line, a side lot line, and other buildings/structures. An accessory building shall be setback 5 feet from a rear alley way.
  5. The maximum height for a detached accessory building in a residential zoning district is 14 feet as defined in section 2.02 Definitions. Other zoning districts maximum height for a detached accessory building shall be the maximum height permitted in that zoning district.
  6. Accessory buildings attached to the principal building must comply with applicable height, setbacks, and lot coverage requirements as the principal building.
- C. An otherwise permissible residential accessory building that does not comply with applicable size, location, height, and/or lot coverage requirements is allowable as a special land use, subject to the provisions of this chapter pertaining to special land uses, and the following additional requirements:
1. The accessory building shall be located at least eight feet from all property lines.
  2. The accessory building shall not be used for any purpose/use other than as approved by the Planning Commission.
  3. The accessory building as approved by the Planning Commission shall not be eligible for any variance relief from the Zoning Board of Appeals from any size, location, height, and/or lot coverage requirement approved by the Planning Commission.
  4. An accessory building for which special land use approval is required under this subsection shall also be subject to site plan review pursuant to section 11.02. The special land use permit application shall be accompanied by a site plan of the subject property containing the following information:
    - i. The date, North arrow and scale.
    - ii. The location and dimensions of all property lines and all existing and proposed building setbacks.
    - iii. The location, dimensions, and height of all existing and proposed buildings/structures on the subject property and any existing buildings on adjacent property within 100 feet of the subject property.
    - iv. The location and dimensions of all existing and proposed driveways.
    - v. The location and width of the pavement and right-of-way of all abutting roadways.
    - vi. The location of existing and proposed utilities.
    - vii. A statement setting forth the purpose for which the proposed accessory building will be used.
- D. An otherwise permissible residential accessory building is allowable as a special land use on an otherwise vacant lot, or on a lot having only another accessory building(s), to be used for permissible residential purposes, subject to the provisions of this chapter pertaining to special land uses, and the additional related requirements set forth in Subsections **B** and **C**.
- E. Accessory buildings may be established to serve a lawful nonconforming residence providing that such accessory building(s) are established in accordance with this section and Article 8.

## § 8.02. Adult Regulated uses.

A. Intent. The establishment of Adult Regulated Uses shall be permitted by special land use in the B-2 Zoning District provided for in the Village of Lawrence ("Village") Zoning Ordinance. Adult Regulated Uses include:

1. Adult arcade
2. Adult bookstore, adult novelty store or adult video store
3. Adult cabaret
4. Adult motel
5. Adult motion picture theater
6. Adult theater
7. Massage parlor
8. Sexual encounter establishment
9. Nude model studio

B. Separation Requirements. Adult Regulated Uses shall be subject to the following restrictions:

1. A person shall not operate, cause to be operated, or be the responsible party for a corporation or other entity operating an Adult Regulated Use within 1,500 feet of another such business.
2. A person shall not operate, cause to be operated, or be the responsible party for a corporation or other entity operating an Adult Regulated Use within 1,500 feet of:
  - a. Any religious institution;
  - b. Any school;
  - c. A public park or public building;
  - d. A boys club, girls club, or similar existing organization; or
  - e. The boundary of any residential district or a property line of a lot devoted to residential use.
3. The distance between any use is to be measured in a straight line from the nearest lot line to the nearest lot line.

C. Regulations Pertaining to Adult-Oriented Uses.

1. A person who operates or causes to be operated an Adult motion picture theater on the premises in a public viewing room of less than one hundred fifty (150) square feet of floor space, shall comply with the following requirements:
  - a. The interior of the business shall have a portion of the premises designated as a manager's station. Patrons shall not be permitted in the manager's station. A manager's station may not exceed thirty-two (32) square feet of floor area and may have no dimension greater than eight (8) feet.
  - b. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.
  - c. The interior of the premises shall be configured in such a manner that there is an unobstructed view, by direct line of sight, from a manager's station to every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video recording equipment.
  - d. No booth or viewing room may be occupied by more than one person at any one time.
  - e. No holes shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom.
  - f. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than a two (2) foot candle as measured at the floor level.

2. The interior of an Adult Regulated Use premises shall be lit with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle of light inside the business in those areas to which patrons are permitted.
- D. Prohibitions Regarding Minors. A person shall not operate or cause to be operated an Adult Regulated Use and knowingly, or with reasonable cause to know, permit, suffer, or allow:
1. Admittance of a person under eighteen (18) years of age to the business premises;
  2. A person under eighteen (18) years of age to remain at the business premises;
  3. A person under eighteen (18) years of age to purchase goods or services at the business premises; or
  4. A person under eighteen (18) years of age to work at the business premises as an employee.
- E. Prohibited Conduct. It is unlawful for an operator to knowingly violate the following regulations or to allow, either knowingly or through negligent failure to supervise, an employee or a patron to violate the following regulations.
1. It shall be a violation of this chapter for any person to drink, possess or consume alcoholic beverages on the premises of an Adult-Oriented Use business.
  2. It shall be in violation of this chapter for any person to knowingly or intentionally, in an Adult Regulated Use, appear in a state of nudity. It is unlawful for an operator to knowingly violate this regulation or to allow, either knowingly or through a negligent failure to supervise, an employee or a patron to violate this regulation.
  3. It shall be a violation of this chapter for any employee to knowingly or intentionally, in an Adult Regulated Use, appear in a semi-nude condition unless the employee, while semi-nude, shall be at least six (6) feet from any patron or customer and on a fixed stage at least eighteen (18) inches from the floor.
  4. It shall be a violation of this chapter for any employee, while semi-nude in an Adult Regulated Use, to knowingly or intentionally receive any pay or gratuity directly from any patron or customer or for any patron or customer to knowingly or intentionally pay or give any gratuity directly to any employee, while said employee is semi-nude in an Adult Regulated Use.
  5. It shall be a violation of this chapter for any employee, who regularly appears semi-nude in an Adult Regulated Use, to knowingly or intentionally touch a customer or the clothing of a customer.
  6. It shall be a violation of this chapter to knowingly operate an adult booth other than as follows: the interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station to each area of the premises, including the interior of each adult booth but excluding restrooms, to which any patron is permitted for any purpose. A manager's station shall not exceed thirty-two (32) square feet of floor area. The view required in this paragraph must be by direct line of sight from a manager's station and at least one employee is required to be on duty and situated in each manager's station at all times that any patron is in the area monitored by that respective manager's station. The view area specified in this paragraph shall remain unobstructed by any doors, curtains, or walls at all times that any patron is on the premises.
  7. It shall be a violation of this chapter for any person to knowingly enter or remain present in an adult booth at any time the adult booth is occupied by another person, unless two or more persons are necessary for repair or maintenance of the booth.
  8. It shall be a violation of this chapter for any employee to create, maintain, or permit holes or openings of any kind to exist between adult booths.
  9. It shall be a violation of this chapter for any operator to allow an Adult Regulated Use to remain open to customers between the hours of 2:00 a.m. and 7:00 a.m. on any day or between the hours of 2:00 a.m. and 12:00 p.m. noon on Sundays.
  10. It shall be a violation of this chapter for any person to possess, use, or distribute any illegal controlled substance on the premises of an Adult Regulated Use.
  11. It shall be a violation of this chapter for any person to engage in any act of lewdness, assignation, or prostitution on the premises of an Adult Regulated Use.

F. Penalties and Relief.

1. Any person, business, or entity violating or refusing to comply with any provision of this chapter shall, upon conviction, be deemed responsible for a municipal civil infraction.
2. Any person deemed responsible for a municipal civil infraction shall be subject to punishment by a fine set by Section 11.07, as authorized by state law.
3. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of the provisions of this chapter, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
4. In addition to the penalties in this section, any violation of this chapter, the Medical Facilities Act and rules or Adult-Use Act and rules may result in the denial of a permit, or the revocation, suspension, or non-renewal of a permit issued under this chapter.
5. Nothing in this chapter shall prevent the Village from pursuing any other remedy provided by law and equity, including an injunction, in conjunction with or in lieu of prosecuting persons under this section for violation of this chapter.
6. If an injunction must be sought, attorney's fees and costs will be assessed against persons under this section for violation of this chapter.

## § 8.03. Adult Use/Medical Marihuana Establishments/Facilities.

- A. Intent. <https://ecode360.com/print/35000065>To provide for and limit, the location of facilities/establishments licensed under the MMMFLA or MRTMA within the VILLAGE limits, without totally prohibiting the types of land uses otherwise permitted by the MMMFLA or MRTMA.
- B. Adult Use/Medical Marihuana Establishments/Facilities Additional Requirements for all types of Facilities/Establishments:
  1. A description of the security plan for the Medical Marihuana Facility/Adult Use Establishment, including, but not limited to, any lighting, alarm barriers, recording/monitoring devices, and/or security guard arrangements proposed for the facility/establishment and premises. The security plan must contain the specification details of each piece of security equipment;
  2. A crisis response plan;
  3. A floor plan of the Medical Marihuana Facility/Adult Use Establishment, the location of the Material Safety Data sheets and any chemical and pesticide storage, and a plan for disposal of unused pesticides and chemicals;
  4. A list of any chemicals being stored on the premises;
  5. A staffing plan;
  6. Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility/Adult Use Establishment;
  7. A location area map of the Medical Marihuana Facility/Adult Use Establishment and surrounding area that identifies the relative locations and distances of the subject Medical Marihuana Facility/Adult Use Establishment (closest property line of the subject Medical Marihuana Facility's/Adult Use Establishment's real property) to the closest real property comprising a public or private elementary, vocational or secondary school; church or a place of worship; library, and any State licensed Child Care Facility
  8. No Adult Use/Medical Marihuana Establishment/Facility shall be located within one thousand (1,000) feet of real property comprising a public or private elementary, vocational or secondary school, church or a place of worship, library, and any State licensed Child Care Facility;
  9. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal. The plan must indicate how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction into the public wastewater system is prohibited.

C. Adult Use/Medical Marihuana Establishments/Facilities Additional Requirements for a Grower Facility/Establishment:

1. The grower facility shall comply at all times and in all circumstances with the Michigan Marihuana Act, the Medical Marihuana Facilities Licensing Act, MRTMA, and all applicable regulations, as they may be amended from time to time;
2. The grower must manage its onsite odor by the installation of an operable filtration system to the ventilation and exhaust equipment. Odors must otherwise be effectively confined to the interior of the building from which the odor is generated.
3. Grower Establishments/Facilities using artificial light for night time growing periods must present a plan to contain all artificial light to the interior space of the facility.
4. Exterior signage or advertising identifying the establishment/facility as a Grower Establishment/Facility shall be prohibited.
5. A grower plan that includes, as a minimum, description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;
6. A chemical and pesticide list that states the names of chemicals and pesticides to be used in the Establishment/Facility
7. All Growing must be performed within an Enclosed Locked Establishment/Facility.

D. Adult Use/ Medical Marihuana Establishments/Facilities Additional Requirements for a Marihuana Retailers/ Provisioning Centers:

1. The Provisioning Center/Marihuana Retailer shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, MRTMA, and all applicable regulations, as they may be amended from time to time;
2. No Provisioning Center/Marihuana Retailer shall be open between the hours of 9:00 p.m., and 9:00 a.m.
3. Consumption of Marihuana shall be prohibited on the premises of a Provisioning Center/Marihuana Retailer, and a sign shall be posted on the premise of each Provisioning Center/Marihuana Retailer indicating that consumption is prohibited;
4. No Provisioning Center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the building on which the Provisioning Center/Marihuana Retailer is operated;
5. Disposal of Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in non- conformance with local and state laws and regulations;
6. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.
7. It shall be prohibited to use the symbol or image of a Marihuana leaf in the exterior building signage.
8. No licensed Provisioning Center/Marihuana Retailer shall place or maintain, or cause to be placed or maintained an advertisement of Marihuana in any form or through any medium within one thousand feet of the real property comprising a public or private elementary, vocational or secondary school, library, or any State Licensed Child Care Facility.

E. Adult Use/Medical Marihuana Establishments/Facilities Additional Requirements for a Safety Compliance Facility:

1. The Safety Compliance Facility shall comply at all times and in all circumstances with the MMMA, Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, MRTMA, and all applicable regulations, as they may be amended from time to time.
  2. An Approved Security Plan.
  3. Co-location of this license shall be permitted.
  4. Exterior signage or advertising identifying the facility as a Safety Compliance Facility shall be prohibited.
- F. Adult Use/Medical Marihuana Establishments/Facilities Additional Requirements for a Processor Facility:
1. The Processor Facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, MRTMA, and all applicable regulations, as they may be amended from time to time;
  2. All activity related to the Processor Facility shall be done indoors;
  3. The odor must be managed by installation of an operable filtration system to the ventilation and exhaust equipment. Odors must otherwise be effectively confined to the interior of the building from which the odor is generated;
  4. No marihuana shall be manufactured or processed in any manner that would create excessive noise beyond the interior of the structure if adjoining tenant may be disturbed by the said noise.
  5. An approved Security Plan.
  6. Co-location of this license shall be permitted.
- G. Adult Use/Medical Marihuana Establishments/Facilities Additional Requirements for a Secure Transporter:
1. The Secure Transporter shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, MRTMA, and all applicable regulations, as they may be amended from time to time;
  2. Must have an approved Security Plan.

## §8.04. Automobile Paint and Bump Shop.

- A. Minimum lot area shall be 10,000 square feet with a minimum lot width of 100 feet.
- B. Any building shall be located not less than 30 feet from any side or rear lot line abutting residentially zoned or used property.
- C. Outside storage or parking of disabled, wrecked, or dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting service for each indoor repair stall located on said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residentially used and/or zoned properties.
- D. When adjoining residentially used or zoned property, a five-foot high fence or planting strip shall be erected and maintained along the connecting interior lot line.
- E. Minimum driveway width is 15 feet and no more than 1 curb cut for every 50' of frontage.

## §8.05. Automobile Repair, major or minor.

- A. Minimum lot area shall be 12,000 square feet.
- B. Minimum lot width shall be 100 feet.
- C. An automobile repair facility shall be located not less than 40 feet from any right-of-way line and not less than 25 feet from any side or rear lot line abutting residentially used or zoned property.
- D. Ingress and egress drives shall not be more than 30 feet in width.
- E. No more than one curb opening shall be permitted for every 50 feet of frontage along any street.
- F. No drive or curb opening shall be located nearer than 25 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- G. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- H. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
- I. When adjoining residentially used or zoned property, a five-foot fence or planting strip shall be erected and maintained along the connection interior lot line, or if separated by an alley, then along the alley lot line. Such fences may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Village Council.
- J. Outside storage or parking of disabled, wrecked, or dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting service for each indoor repair stall located on said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residentially used and/or zoned properties.
- K. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

## §8.06. Automobile Repair Medium Heavy Duty & Heavy Duty

- A. Minimum lot area shall be 10,000 square feet with a minimum lot width of 100 feet.
- B. Any building shall be located not less than 30 feet from any side or rear lot line abutting residentially zoned or used property.
- C. Outside storage or parking of disabled, wrecked, or dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting service for each indoor repair stall located on said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residentially used and/or zoned properties.
- D. When adjoining residentially used or zoned property, a five-foot high fence or planting strip shall be erected and maintained along the connecting interior lot line.
- E. Minimum driveway width is 15 feet and no more than 1 curb cut for every 50' of frontage.

## § 8.07. Bed-and-breakfast inns.

- A. The minimum lot area shall be 10,000 square feet with a minimum frontage of 50 feet on a public street.
- B. A residence shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this amendment.
- C. The minimum size of rental room shall be 125 square feet.
- D. The minimum size for manager/owner living quarters shall be 480 square feet.
- E. A common room or area for guest relaxation is required.
- F. For those facilities which are not owner occupied, a manager must reside on the premises and have an equity interest in the facility.

- G. One off-street parking space shall be provided for each rental room in addition to the two off-street spaces required for single-family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.
- H. Bathrooms must be furnished for guestrooms at a ratio of not less than one bathroom per two rental rooms.
- I. The premises (including corner lots) may be permitted one advertising sign not exceeding nine square feet in area mounted to the wall. One sign with a maximum of two square feet in area may be located in the front yard so as to not be a clear vision hazard or in the road right-of-way.
- J. Approval by the building inspector is required prior occupancy of the facility. Thereafter, the building inspector may conduct an annual compliance inspection.
- K. Approval of the Van Buren County Health Department is required if other than a continental breakfast is served.
- L. The maximum stay at a bed and breakfast facility shall be 30 continuous days.
- M. A site plan shall be submitted in accordance with Section 11.02.
- N. The use of the facility may be subject to any other reasonable conditions placed upon the use by the village planning commission or village council considered necessary to achieve the purpose of this chapter.

## § 8.08. Boutique Hotel

- A. Each unit shall contain at least a bedroom and bath with a minimum gross floor area of 200 square feet.
- B. Customary hotel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture shall be provided.
- C. No more than 10 guest rooms are provided.
- D. The hotel is constructed of high-quality architectural materials that complement the character of the surrounding neighborhood as determined by the Planning Commission.

## § 8.09. Cemeteries.

- A. Off-street parking facilities shall satisfy the average parking needs at time of interment.
- B. Buildings and activities shall not be closer than 25 feet to adjacent residential uses or zoning properties.

## § 8.10. Child Day Care Center.

- A. Regulations and conditions.
  - 1. Each child day-care center shall be duly licensed or registered by the State of Michigan Department of Social Services (DSS) continuously and for all times it is operating as a child day care center. Any day care center whose license or certificate of registration by the State of Michigan is no longer valid and/or which has been revoked or denied or refused by the DSS shall immediately lose its status and authorization to continue to operate.
  - 2. Buildings and lots used for child day care centers shall conform to all state, DSS, and local requirements, rules, and standards.
  - 3. Each child day care center shall provide, equip, and maintain on the premises the minimum square feet of indoor floor space and outdoor play area as required by the DSS. An applicant for a group child-care home or child-care center or day-care center shall submit to the Planning Commission sufficient information and documentation regarding the maximum number of children allowed and the amount of indoor floor space and outdoor play area required by the



DSS for the proposed child-care facility prior to obtaining a special land use permit or site plan approval to operate within the Village.

4. The lot occupied by any child day care center shall have a fence which shall be not less than four feet but not more than six feet in height and which shall completely enclose the outdoor area where the minor children play or congregate.

## § 8.11. Coal or Building Materials Storage Yard

- A. An office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office.
- B. Only products, materials, and equipment owned and operated by the building contractor or coal operation shall be permitted for storage.
- C. Outside storage shall not be located within the required front yard. Such storage shall not be located in an required parking or loading space.
- D. Outside storage shall be screened from the view of a public street, and adjacent properties zoned or used either as residential or commercial. Screening measures shall meet the requirements of section 9.18.
- E. The location and size of areas for outside storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under section 11.02 site plan review.

## § 8.12. Convalescent/Nursing Homes.

- A. Minimum lot size shall be three acres.
- B. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
- C. The main building shall be set back at least 50 feet and accessory building shall be set back at least 75 feet from the front and rear property lines and 20 feet from the side property lines.
- D. The facility shall be designed to provide a minimum of 1,000 square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include required yard setbacks and accessory uses.

## § 8.13. Farm Supply and Feed Store

- A. Each principal agribusiness use shall have frontage upon and access to a major or collector street.
- B. The minimum lot area is 2 acres, and the minimum lot width is 200 feet.
- C. A bulk collection, storage, distribution, and similar structure shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear property line.
- D. The total lot coverage of all main and accessory buildings shall not exceed 30 percent of the lot on which they are located.
- E. Outdoor sales shall be subject to the following provisions:
  1. There shall be no strings of flags, pennants or bare light bulbs permitted.
  2. No merchandise for sale shall be displayed within any required front yard setback.
  3. There shall be no broadcast of continuous music or announcements over any loudspeaker or public-address system.

## § 8.14. Gas/fuel dispensing with or without convenience store or carwash

- A. Minimum lot area shall be 10,000 square feet.
- B. Minimum lot width shall be 80 feet.
- C. An automobile repair facility shall be located not less than 40 feet from any right-of-way line and not less than 25 feet from any side or rear lot line abutting residentially used or zoned property.
- D. Ingress and egress drives shall not be more than 30 feet in width.
- E. No more than one curb opening shall be permitted for every 50 feet of frontage along any street.
- F. No drive or curb opening shall be located nearer than 25 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- G. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- H. All gasoline dispensing pumps shall be located not less than 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 overhanging any public sidewalk, street, or right-of-way.
- I. When adjoining residentially used or zoned property, a five-foot fence or planting strip shall be erected and maintained along the connection interior lot line, or if separated by an alley, then along the alley lot line. Such fences may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Village Council.
- J. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- K. As a condition of any special use permit, any refined fuel sales, and service shall be compliant with all state and federal regulations regarding same and the violation of those regulations may result in good cause for the Village to terminate a special use permit issued under this section.

## § 8.15. Group Day Care Homes

- A. Group Child Day Care Homes.
  - 1. Must be licensed and registered by the State of Michigan.
  - 2. Outdoor play area shall be fenced in or screened (section 9.05) subject to Planning Commission approval.
  - 3. Home maintained in a manner visibly consistent with the surrounding neighborhood.
  - 4. Day care home shall be principally operated by the resident of the home with not more than 1 nonresident employee.
  - 5. If the license is denied, revoked, or refused to renew, it shall be grounds for revocation of Village approval.
  - 6. Minimum of 150 square feet of usable outdoor play area per child. Play area requirement may be waived by the Planning Commission if a public play area is within 500 feet of the group day care home.
  - 7. The lot or parcel occupied by the group day care home shall not be located closer than a minimum of 500 feet to another lot or parcel occupied by any of the following:
    - a. Another licensed group day care home.
    - b. An adult foster care, small group home.
    - c. A facility offering substance abuse treatment and rehabilitation service.
    - d. A community correction center, residence home, halfway house, or similar facility administrated by the department of corrections.

8. Hours of operation shall not exceed 16 hours during a 24-hour period.
9. Off-street parking shall be provided for employees.

B. Group Adult Foster Care Homes.

1. The parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 500 square feet per adult, excluding employees and/or care givers.
2. The property is maintained in a manner that is consistent with the character of the neighborhood.
3. Parking requirements as required for adult foster care homes, set forth in article 9 shall be met.
4. Appropriate licenses with the State of Michigan shall be maintained at all times.
5. A group adult foster care home shall not be located within 1,500 feet of any other foster care facility.
6. All outdoor lighting shall be in accordance with section 9.15.
7. A landscape buffer shall be around the perimeters of all parking areas visible from adjacent properties or streets.

## § 8.16. Kennels.

A. Regulations and conditions.

1. The kennel shall be operated in conformance with all applicable county and state laws and regulations.
2. The kennel shall be located on property with a lot area of at least five contiguous acres for a kennel with a capacity for up to 10 dogs, and an additional one acre for each three additional dog capacity, up to a limit of 25 dogs.
3. The facilities and activities of a kennel that is not fully enclosed and/or that has any outside animal runs shall be located at least 500 feet from all boundary lines of any residential zoning district, and at least 500 feet from all lot lines of any property upon which a dwelling is situated.
  - a. The facilities and activities of a fully enclosed kennel, without any outside animal runs, shall be located at least 100 feet from all boundary lines of any residential zoning district, and at least 100 feet from all lot lines of any property upon which a dwelling is situated.
  - b. A kennel may include an approved exercise area pursuant to Subsections **A(4) to (6)** and **(9)** herein and still be considered a fully enclosed kennel facility for purposes of this section.
4. A kennel intending to offer any outside dog exercise opportunities shall enclose the area intended to be used for such purposes with fencing at least six feet in height, and otherwise sufficient to preclude dogs from straying beyond the exercise area.
5. A kennel with an approved outside dog exercise area, but without any outside animal runs, shall not allow dogs outside except in the approved exercise area, for reasonable periods of time, and shall be operated in such a manner as to not allow more than four dogs in the exercise area at the same time.
6. Outside animal runs and/or outside dog exercise areas shall be sufficiently monitored such that any dog(s) engaging in repetitive barking shall be promptly brought inside.
7. The kennel shall have waste disposal systems adequate to handle all animal waste generated by the facility at its maximum capacity.
8. The kennel shall be designed, constructed, operated and maintained in such a manner as to at all times provide humane, clean, dry, and sanitary conditions for each animal kept on the

- premises, including sufficient square footage for each animal, in accordance with applicable state laws and regulations, and the recommendations of the American Kennel Association.
9. A kennel that is not fully enclosed and/or that has any outside animal runs shall not create noise, odor, or other objectionable characteristics incident to the operation of the facility that is discernible beyond the boundaries of the property upon which the facility is located. A fully enclosed kennel (including a facility with an approved outside exercise area) shall not create noise, odor, or other objectionable characteristics incident to the operation of the facility that is discernible beyond the boundaries of the property upon which the facility is located at a level beyond what is reasonable and customary in residential areas where dogs reside with residents.
  10. A kennel may be located on the same lot as a single-family dwelling owned by the owner and/or operator of the kennel; provided that in such circumstances the nature and character of all buildings and facilities used for kennel purposes shall be aesthetically compatible with the dwelling use of the premises and with the principal uses of all adjoining properties.
  11. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated to accommodate all potential customers and employees, and to prevent any traffic congestion as a result of the kennel. The off-street parking area shall, at a minimum, be gravel surfaced. The Planning Commission may require the off-street parking area to be hard surfaced with asphalt or concrete pavement, if the parking area is located such that fugitive dust from an unpaved parking area will migrate off site and be detrimental to the uses and occupants of adjoining property, or to the public health, safety and welfare, generally.
  12. The Planning Commission may require a vegetative buffer to be installed and maintained around the perimeter of some or all of the kennel facilities for visual screening and/or noise abatement purposes, and/or to diminish off-site distractions to any dog(s) that may be in any permissible exercise area or other permissible outside area. The Planning Commission may determine whether to impose such requirements and/or the extent of such requirements as a condition of approval of the special land use permit and/or as a condition of approval of a subsequent site plan for the facility.

## § 8.17. Major home occupations.

- A. Occupations engaged in upon a residential premises by the resident or residents of the same and which do not materially impair the rural character of the general area, and which also comply with the following conditions and regulations.
- B. Conditions and regulations.
  1. The home occupation conducted upon the premises is clearly incidental and subordinate to the principal use of the premises for residential purposes
  2. The home occupation shall be conducted within the dwelling, attached garage or in a detached accessory building located on the same premises as the dwelling. The term "premises" as used in this section shall include adjoining parcels under common ownership and occupancy. This term shall also include parcels under common ownership and occupancy that would be contiguous to one another except for an intervening public or private right-of-way.
  3. No occupation conducted upon the premises shall occupy an area greater than 25% of the combined floor area of the dwelling and any open porch, attached garage and detached accessory building(s).
  4. The home occupation must be owned and operated by a person or persons residing on the premises. However, the Planning Commission shall have the authority to permit additional assistants who do not so reside within such dwelling where the same would not materially impair the rural character of the general area or cause traffic congestion or parking problems.

5. No home occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, traffic, parking, or lighting.
6. There shall be no alteration in the rural character of the premises in connection with such home occupation.
7. All articles or material used in connection with the home occupation shall be stored in an enclosed building.
8. No article or service shall be sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupation.
9. The home occupation special land use permit may be revoked by the Planning Commission for noncompliance with this chapter and/or the terms and conditions of the special land use permit. Any such revocation shall be preceded by not less than seven days' written notice by first class mail to the occupant of the subject property of the proposed revocation, the reasons therefor, and the date, time, and place of the hearing at which the Planning Commission will consider such revocation.
10. The home occupation shall be permitted only after the issuance of a special land use permit as provided in this chapter. A home occupation shall not be allowed if the Planning Commission determines that the home occupation would alter or change the rural/residential character of the area.
11. A sketch plan containing the following information shall accompany any application for a special land use permit for a home occupation:
  - a. North arrow and accurate scale;
  - b. Area of subject parcel;
  - c. Location of all existing and proposed structures on the subject site;
  - d. Identification of all structures intended to be used in connection with the home occupation;
  - e. Setbacks of all structures from property lines;
  - f. Access, parking, loading, and proposed on-site circulation; and (g) Location and separation distances of structures on adjacent properties.

## § 8.18. Microbreweries, wineries, cideries and distilleries.

### A. Regulations and conditions.

1. This section is intended to promote local agricultural production by allowing the construction of microbrewery, winery, cidery and distillery production facilities, along with associated tasting rooms and retail sale of related products.
2. This section is intended to encourage the growing of crops and production as an integral component of the rural and agricultural ambiance of Lawrence Village and to maintain the viability of farming in Lawrence Village by allowing valued added processing and direct sales of beverages.
3. If required by law, a microbrewery, winery, cidery or distillery must be licensed by the applicable federal, state and/or local agency and shall provide proof of such licensing (or pending application) with the special land use application. All required licensing must be kept current by the licensee. The facility shall comply with the requirements of said license at all times.
4. Microbreweries, wineries, cideries and distilleries may also include ancillary services such as tasting rooms, associated food service and sale of associated retail products. Any ancillary services must obtain all appropriate licenses as required by the federal, state and/or local agencies and provide proof of such licenses (or pending application) with the special land use

application. All required licensing must be kept current by the licensee. The facility shall comply with the requirements of said license at all times.

5. All production activities shall take place within a fully enclosed building.
6. All buildings and structures used for microbrewery, winery, cidery or distillery purposes must meet minimum required setbacks in the applicable zoning district. However, in order to encourage the use and/or reuse of existing structures, the Planning Commission may consider reduction of setback requirements, upon site plan review and a finding that such reduction in the required setback will not be injurious to the public health, safety and welfare and will not cause negative impacts on surrounding properties or public areas (including roads and road rights-of-way).

## § 8.19. Mini/self-storage facilities.

### A. Regulations and conditions.

1. The development site shall be at least two acres in size.
2. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residentially used and/or zoned properties.
3. All outdoor storage areas shall be provided with a smooth and dust-free surface.
4. All parking, maneuvering and drive aisles shall be 40 feet in width.

## § 8.20. Minor Home occupations.

### A. Home occupations shall be permitted only after the issuance of a zoning compliance permit by the Zoning Administrator as provided in this chapter.

### B. Home occupations, as regulated by this section, shall include professional business and personal service on a small scale including, but not limited to: insurance agencies, beauty shops, barber shops, income tax services, repair shops, arts and crafts, real estate, photographic studio, music teaching, small appliance and electrical motor repair, professional office, and consulting services.

Honey processing and direct consumer sales per State of Michigan GAAMP, labeling, and licensing requirements are also regulated by this section. The sale of fresh eggs produced from chickens located on the same property is allowed as a minor home occupation provided all standards for the sale of eggs per the State of Michigan Food Law, licensing, labeling, and storage are complied with. Other similar uses may be permitted as home occupations, subject to the provisions of this section.

### C. Regulations and conditions.

1. The home occupation shall be conducted entirely within the dwelling.
2. No home occupation conducted within the dwelling shall occupy an area greater than 25% of the total floor area of the dwelling exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters. In no event, however, may a home occupation occupy an area greater than 300 square feet.
3. The home occupation must be owned and conducted by a person or persons residing in the dwelling on the premises.
4. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, traffic, parking, or lighting.
5. There shall be no alteration in the residential character of the premises in connection with such home occupation.

6. There shall be no external evidence of said home occupation, such as window displays, other than the small nameplate sign as specified herein.
  7. No article or service shall be sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupation.
- D. The zoning compliance permit for the home occupation may be revoked by order of the Planning Commission for noncompliance with this chapter and/or the terms and conditions of the zoning compliance permit. Any such revocation shall be preceded by not less than seven days' written notice by first class mail to the occupant of the subject property of the proposed revocation, the possible reasons therefor, and the date, time and place of the hearing at which the Planning Commission will consider such revocation.

## § 8.21. Mixed Use Establishments.

- A. Commercial uses are restricted to the first floor.
- B. Residential and non-residential uses shall have separate entrances and exits.
- C. Buildings containing only commercial uses shall have separate entrances and exits for each use.
- D. Signage shall be permitted per section 9.19.
- E. Off-street parking shall be provided at the ratio of one space per apartment unit when on-site parking is provided or when off-street parking is provided within 300 feet of the building it is intended to serve. **OR** off-street parking at a ratio of one off-street parking space per apartment unit is proposed in the Parking District, subject to approval of a majority of the Village Council.

## § 8.22. Multiple-family dwellings.

### A. Regulations and conditions.

1. Minimum lot width/frontage shall be 150' to accommodate any ingress/egress design requirements.
2. Minimum lot area shall be 2 acres.
3. Building length: 200 feet maximum.
4. Building height: 2 stories maximum. Maximum height in feet to the midpoint of the sloped roof from average grade shall be 30 feet.
5. Setbacks:
  - a. For all buildings:
    - (i) Front: 50 feet minimum.
    - (ii) Side: 20 feet minimum.
    - (iii) Rear: 50 feet minimum.
6. For accessory buildings/structures the minimum allowable distance between dwelling units and accessory buildings/structures shall be 15 feet.
7. The minimum allowable distance between dwelling buildings and/or community center buildings shall be 25 feet.
8. Swimming Pools shall comply with the requirements in section 9.20 of this Ordinance.
9. An outdoor storage area may be provided for residents to secure recreational vehicles, such as campers, boats and trailers. This area shall be included in the parking/hard surface dimensional area for lot coverage calculations. This area shall not be visible from any public or private road. This area shall be located in a side or rear yard.
10. Open/green space shall be provided as 20% of the lot area.

11. Lot Coverage: 60% of the lot area maximum for all buildings/structures, outdoor storage areas, hard surfaces, and parking areas.
12. The minimum dwelling unit sizes shall be as follows:
  - a. Efficiency: 600 square feet.
  - b. One bedroom: 900 square feet.
  - c. Two bedrooms: 1,300 square feet.
  - d. Three bedrooms: 1,500 square feet.
13. Buildings shall be readily accessible by fire and emergency vehicles from a public street, private access road, or other approved area. To facilitate emergency vehicle access, the following guidelines shall be complied with:
  - a. Streets with no outlet shall be terminated with a T-turnaround or Cul-de-sac, designed in accordance with the standards established and periodically updated by the Van Buren County Road Commission. OR
  - b. A circular drive throughout the development may be utilized to provide emergency vehicle access to all buildings.
14. Parking spaces shall be provided as specified in section 9.12 of this ordinance.
15. All utility lines shall be placed underground.

## § 8.23. Open air businesses.

### A. Motor Vehicle Sales.

1. Regulations and conditions.
  - a. Adequate security outdoor lighting shall be provided upon the premises to illuminate any outdoor goods, merchandise or activities located thereon.
  - b. Outdoor display or parking of sales items and equipment shall be maintained on a dust-free surface.
  - c. The size and location of such outdoor sales businesses shall not be such as to unreasonably interrupt or impede pedestrian or vehicular travel by customers or patrons of adjoining commercial businesses.
  - d. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the locational requirements for parking lots as specified in section 9.12, with the exception of the front setback requirement.

### B. Open Air Businesses other than Motor Vehicle Sales.

1. Regulations and conditions.
  - i. Minimum lot area shall be one acre.
  - ii. All open-air businesses shall be able to demonstrate that operations will effectively keep trash, paper, and other debris from blowing off the premises.
  - iii. All open-air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
  - iv. Unless specifically waived by the approval body designated by this chapter, a building of not less than 500 square feet of gross floor area shall be constructed on the premises for use in connection with the open-air business.
  - v. The planning commission may, to ensure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a surety bond executed by a reputable surety company



authorized as to do business in the state, in the sole discretion of the planning commission, a cash bond in the amount determined by the planning commission to be reasonable and necessary to ensure compliance hereunder. In fixing the amount of such bond, the planning commission shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

- vi. Areas used for activities or the display, sale, and/or rental of goods, in connection with the open-air business shall meet all applicable building setback requirements.
- vii. All loading activity and parking areas shall be provided on the same premises (off street).

## § 8.24. Private noncommercial recreation areas, institutional or community recreation centers; nonprofit swimming pool clubs

- A. Minimum lot size. One acre with a minimum width of 150 feet.
- B. Yards. Front, side and rear yards shall be at least 30 feet except on those sides adjacent to nonresidential districts wherein a minimum of ten (10) feet shall be permitted.
- C. Landscaping. All yards shall be appropriately landscaped with trees, shrubs, and grass in accordance with section 9.18 of this ordinance.
- D. Structures and parking area. No structures or parking areas shall be permitted in the front yard. Location in the side and rear yard is permitted with walls/fences used to obscure the use from an abutting residential use or zoned property.
- E. Obscuring walls/fence height. The height of an obscuring wall/fence shall be four (4) feet. Shrubs or trees may be used in combination with said structural screens or walls.
- F. Swimming Pool. Whenever an unenclosed swimming pool is constructed under this section, said pool shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate. The provision of section 9.20 shall also apply.
- G. Lighting. All lighting shall be shielded and downward directed. There shall be no light trespass onto adjacent residential use or zoned property and onto adjoining streets.

## § 8.25. Religious Institutions.

- A. All parking shall be provided on-site or comply with section 9.12 of Article 9 of this ordinance.
- B. Any side of any parking area which abuts a residential use or zoned property shall be effectively screened.
- C. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.

## § 8.26. Restaurants and taverns to include food vendor trucks, drive-ins and/or drive-throughs

- A. Restaurants and Taverns.
  - 1. Main and accessory buildings shall be set back from any adjacent right-of-way line in accordance with the applicable zoning district dimensional standards found in article 6.

2. Main and accessory buildings shall be setback 60 feet from any adjacent residential property line.
3. Screening per section 9.18.
4. Parking shall comply with article 9.
5. Signage shall comply with article 9.

B. Drive-in or Drive-through facilities.

1. Main and accessory buildings shall be setback 60 feet from any adjacent residential property line.
2. Driveway openings to the site shall be 75' from the intersection of the right-of-way lines to the edge of said driveway.
3. Screening per section 9.18.
4. Main and accessory buildings shall be set back 30 feet from any adjacent right-of-way line.
5. Drive-through facilities, including window and any canopies, shall be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front or side street building wall of the primary structure.
6. Drive-through facilities shall be configured and screened such that glare from the headlights of vehicles waiting in the stacking lane is obstructed from shining into a public right-of-way or neighboring residential use.
7. Parking shall comply with article 9.
8. Signage shall comply with article 9.

C. Food Truck Vendors.

Vendor trucks shall be permitted as a principal or accessory use in commercial, industrial, or PUD districts, and as an accessory use in residential zoning districts. Prior to beginning operation, Vendor Trucks must obtain a Zoning Permit certifying that they meet the followings standards.

1. All sites with a vendor truck must provide five parking spaces for each truck, plus all required parking for the principal use.
2. Waste receptacles shall be provided for the general public in the vicinity of the vendor truck.
3. Vendor trucks shall comply with all relevant County, State, and Federal regulations, and shall demonstrate compliance to the Zoning Administrator prior to receiving a Zoning Permit.
4. Vendor trucks in the R-1 and R-2 Districts may be on site and operational for no more than four consecutive days at any time. After a vendor truck has operated on a site for four consecutive days, no vendor truck may operate on that site for at least 30 days. There shall be no time restrictions on vendor trucks in any other districts.

Multiple vendor trucks may operate simultaneously on the same site in the commercial or industrial districts. However, in the R-1 and R-2 Districts, no more than two vendor trucks may operate simultaneously on any site. The Zoning Board of Appeals may allow additional vendor trucks in those districts, upon finding that no residential uses will be negatively impacted by the additional trucks.

## § 8.27. Senior Housing.

A. Minimum lot size shall be two acres.

- B. Accessory services in common use may include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
- C. Each dwelling unit shall contain at least 350 square feet of area, not including kitchen and sanitary facilities.
- D. The buildings shall be set back at least 40 feet from the front and rear property lines and 20 feet from the side property lines.
- E. Development of site and structures shall be in accordance with U.S. Department of Housing and Urban Development Minimum Property Standards. Multifamily housing, as it applies to housing for the elderly.

## §8.28. Truck Terminal

- A. Definition. Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or the resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.
- B. Standards.
  - 1. The storage of vehicles or trucks must be parked on a dust-free surface located on the property such that the visual impact is reduced or eliminated.
  - 2. In no case shall the long-term parking occur in the front setback.
  - 3. Where the parking area can be seen from the public road right-of-way, a combination of a natural landscape screen with fencing shall be required per section 9.18.
  - 4. The parking area shall be setback no less than one hundred (100) feet from any residence.
  - 5. No major repair activities shall occur outside the enclosed building or garage and all vehicles must always be licensed and fully operable.

## §8.29. Utility and Public Service buildings and uses, without storage yards.

- A. Access shall be in accordance with section 9.01. However, the planning commission may waive this requirement when it can be shown that operating requirements necessitate the location within the district in order to serve the immediate vicinity.
- B. Setbacks for all buildings or structures shall not be less than 40 feet.
- C. The planning commission may require supplemental landscaping to provide screening from residential areas or to ensure that the site will not negatively impact its surroundings.

## §8.30. Veterinary Hospital or Clinic

- A. Minimum main and accessory buildings shall be setback from all lot lines in accordance with the applicable zoning district dimensional standards found in article 6.
- B. All principal use activities shall be conducted within a totally enclosed main building.
- C. Facilities and operational procedures must meet necessary licensing requirements.
- D. All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local health department regulations.

- E. Outdoor kennels or similar “holding” areas shall be at least 50 feet from any adjacent dwelling or any adjacent property used by the public and shall not be located in any required front, side, or rear yard setback area. Animals must be housed within an enclosed building between the hours of 6:00 pm and 8:00 am.

## § 8.31. Wind energy systems (WES).

- A. The height of the WES with the blade in vertical position shall not exceed 65 feet.
- B. A WES shall be set back from all lot lines a distance which is at least equal to the height of the WES (with the blade in the vertical position) as measured from the lot line to the base of the tower. No portion of the WES, including the guy wire anchors, shall be located within or above the required front, side or rear yard setback.
- C. A structure-mounted WES shall have a distance from the nearest property line which is at least equal to the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position. Blade arcs created by a WES mounted on a structure shall have a minimum clearance of eight feet.

## § 8.32. Wireless communications facilities.

### A. Uses.

#### 1. Permitted Uses.

##### a. Co-location of Attached Wireless Communication Facilities.

- i. Co-location of an attached wireless communication facility shall be a permitted use in the following circumstances:

- [1] When attached upon an existing wireless communication support structure or within an existing wireless communication equipment compound within any zoning district.
- [2] When attached upon an existing building or structure other than a wireless communication support structure within any zoning district other than Single-Family Residential or multiple-Family Residential Zoning Districts.
- [3] When attached upon a utility pole, transmission tower, water supply tower, or structure other than a wireless communication support structure located upon municipally owned property regardless of zoning district.

- ii. Any co-location allowed under subsection A(1)(a)[1][a] through [c] above shall be considered a permitted use and not subject to approval of a special land use permit, provided the support structure, equipment compound, building, pole, or tower are in compliance with this chapter or have been previously approved by the Planning Commission, and further provided:

- [1] The proposed co-location will not increase the originally approved overall height of any wireless communication equipment by more than 10 feet or 10% of its original height, whichever is greater, or the originally approved overall height of any support structure by more than 10% or the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater;

- [2] The proposed co-location will not increase the width of any support structure by more than 20 feet or the width of the support structure at the level of the additional antenna array, whichever is greater, or the width of any wireless communication equipment more than six feet;
- [3] The proposed co-location will not increase the area or height of the existing equipment compound by more than 10%, will not increase the number of any equipment shelters, cabinets, or emergency generators by more than four feet, or will not add any equipment shelters, cabinets, or emergency generators where none currently exist;
- [4] The proposed co-location will not involve excavation or deployment beyond the current boundaries of the leased or owned property surrounding any support structure, including any access or utility easements, or beyond the area in proximity of any wireless communication equipment already deployed on the ground;
- [5] The proposed co-location will not defeat the concealment elements of any landscaping or screening required under subsections B(1)(h) or C(2), or any alternative support structure design required under subsection B(1)(i); and
- [6] The proposed co-location complies with the terms and conditions of any previous special land use permit and/or site plan approval of the support structure or equipment compound by the Planning Commission and/or Zoning Administrator, unless any non-compliance is due to an increase in height or width, the addition of equipment, or new excavation allowed under [1] through [5] above.

iii. Such applications shall be reviewed administratively by the Zoning Administrator; however, such applications shall still be subject to the required standards and conditions of subsection B(1) and the application requirements of subsection C, and all other applicable standards of this section and chapter. The Zoning Administrator shall approve or deny such applications not more than 60 days after determining they are administratively complete.

2. Special Land Uses. If it is demonstrated by an applicant that a wireless communication facility may not be reasonably established as a permitted use and is required to be established at a location other than those identified in subsection A (1) (a) (i) and A (1) (a) (ii) above in order to operate, such wireless communication facilities may be permitted elsewhere in the Village as a special land use as identified in the Table of Uses in Article 4, and subject to the requirements and standards of section 7.02, Special Land Uses, and further subject to the standards and conditions of subsection B (2) and the application requirements in subsection C. At the time of the submittal, the applicant shall demonstrate that a location within the areas identified in subsection A (1)(a) (i) and A (1) (a) (ii) cannot reasonably meet the coverage and/or capacity needs of the applicant.

## B. General Regulations

1. Standards and Conditions Applicable to All Facilities. All applications for wireless communication facilities shall be reviewed, constructed, and maintained in accordance with the following standards and conditions, along with any additional conditions imposed by the Planning Commission as it deems necessary and advisable in the course of its site plan review process;
  - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare; shall be located and designed to be harmonious with the

- surrounding areas; and shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- b. The maximum height of a new or modified support structure and antenna for any facility other than a distributed antenna systems (DAS) or small cell shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
    - i. The maximum height of a new or modified support structure and antenna for a DAS or small cell shall not exceed 40 feet above ground level, or more than five feet above the utility pole or support structure on which the DAS or small cell is co-located, in accordance with the Michigan Small Wireless Communications Facilities Deployment Act, Act 365 of 2018, as amended.
  - c. Any accessory building enclosing wireless communication equipment shall be limited to the maximum permitted height for accessory structures.
  - d. The setback of a support structure for any facility other than a DAS or small cell from any Single-Family Residential or Multiple-Family Residential zoning district shall be no less than the height of the structure, including the lightening rod. The setback of a support structure for any facility other than a DAS or small cell from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure, including the lightening rod. The Planning Commission may allow lesser setbacks if it is demonstrated by an applicant under subsection C3 that, if damaged, the support structure will either collapse on itself or fall within a distance less than its height.
    - i. The setback of a support structure for a DAS or small cell shall be no less than either the height of the structure, or the required setback for a principal building as provided in the schedule of regulations for the zoning district in which the structure is located, whichever is less, from any Single-Family Residential or Multiple-Family Residential zoning district, or from any existing or proposed rights-of-way or other publicly traveled roads, in accordance with the Michigan Small Wireless Communications Facilities Deployment Act, Act 365 of 2018, as amended.
  - e. There shall be an unobstructed access drive to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of 14 feet in width.
  - f. The division of property for the purpose of locating a wireless communication facility is prohibited unless all requirements and conditions of this chapter are met.
  - g. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
  - h. The base of a support structure and its equipment compound shall be screened as required in section 9.18 (E), Screening Between Land Uses, unless the Planning Commission in the course of its site plan review process determines alternate requirements are necessary and advisable. Any fencing required for protection of the support structure or equipment compound and security from unauthorized access shall comply with Section 9.05, Fences, as amended, unless modified by the Planning Commission in the course of its site plan review process.

- i. Support structures shall be constructed in accordance with all applicable building codes. The requirements of the Federal Aviation Administration, Federal Communications Commission, and Michigan Aeronautics Commission shall be noted.
  - j. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
2. Standards and Conditions Applicable to Special Land Use Facilities. Applications for wireless communication facilities which may be approved as special land uses shall be reviewed and, if approved, constructed and maintained, in accordance with the standards and conditions in subsection B (1) and in accordance with the following standards:
- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors: proximity to an interstate or a major thoroughfare; areas of population concentration; concentration of commercial, industrial, and/or other business centers; areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions; topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate; and other specifically identified reasons creating facility need.
  - b. The proposal shall be reviewed in conformity with the co-location requirements of subsection D below.
  - c. After an application for a special land use approval is filed with the Village, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection B (2) (d), the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or 14 business days after the Zoning Administrator receives the application, whichever is first.
  - d. If, before the expiration of the fourteen-day period under subsection B (2) (c), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen-day period under subsection B (2) (c) is not tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due.
  - e. The Planning Commission shall recommend approval or denial to the Village Council of an application not more than 90 days after the application is determined by the Zoning Administrator to be administratively complete for all facilities requiring a special land use permit.
  - f. The fee for an application for wireless communication facilities which may be approved as special land uses shall be as set by the Village of Lawrence Council.

C. Application Requirements.

- 1. An application for a wireless communication facility shall include a site plan prepared in accordance with section 11.02, Site Plan Review.
- 2. An application for a support structure for any facility other than a DAS or small cell shall include a signed certification by a licensed professional engineer with regard to the manner in which the proposed support structure will fall or collapse, which certification will be utilized, along with other criteria such as applicable regulations for the zoning district in questions, in determining the appropriate setback to be required for the support structure and related facilities.
- 3. An application for any facility other than a DAS or small cell shall also include a map showing existing and known proposed wireless communication facilities within the Village, and further showing existing and known proposed wireless communication facilities within

areas surrounding the borders of the Village in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. An application for a DAS or small cell shall also include a map showing existing and known proposed wireless communication facilities within 75 feet of the proposed co-location. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCLA §15.243(1)(g). This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Village.

4. An application shall also include the name, street address, telephone number, and e-mail address of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

#### D. Co-location.

1. Statement of Policy. It is the policy of the Village to minimize the overall number of newly established locations for wireless communication support structures and encourage the co-location of attached wireless communication facilities on existing structures.
2. Feasibility of Co-location.
  - a. Co-location for any wireless communication facility other than a DAS or small cell shall be deemed to be “feasible” for purposes of this section where all of the following are met:
    - i. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
    - ii. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
    - iii. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
    - iv. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the standards set for in this section.
  - b. Co-location of a DAS or small cell shall be deemed to be “feasible” for purposes of this section if the site on which co-location is being considered is within 75 feet of the originally proposed site and the alternate location does not impose unreasonable technical limits or significant additional costs in accordance with the Michigan Small Wireless Communications Facilities Deployment Act, Act 365 of 2018, as amended.
3. Requirement for Co-location.
  - a. Approval for the construction and use of a new wireless communication support structure shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
  - b. All new and modified wireless communication facilities, including support structures, shall be designed and constructed so as to accommodate co-location.



## Article 9.00. Supplemental Regulations

### § 9.01. Access management.

- A. Access for an individual lot or for contiguous lots under the same ownership shall consist of a single driveway. For a lot with frontage exceeding 300 feet, or where a lot has frontage on at least two streets, an additional driveway may be allowed, provided that a traffic analysis is submitted by the applicant showing that conditions warrant an additional driveway and that all driveways meet the spacing requirements.
- B. Shared access. Shared access between lots through frontage roads, rear service drives, alleys and shared drives, or driveway placement or closure of an existing driveway so as to facilitate future shared access between lots, shall be encouraged where feasible and appropriate.

### § 9.02. Division of land.

No division of land will be allowed that does not comply with the applicable area, width, depth and frontage requirements set forth in this chapter. All lots shall be provided the requisite frontage and individual access on a public street, except as otherwise allowed by this chapter.

### § 9.03. Dwellings.

- A. A dwelling shall comply with the minimum square footage requirements of this chapter for the zone in which it is located and have a core living area with a minimum dimension of 20 feet by 20 feet within the principal portion of the building having exterior wall construction, excluding porches, breezeways, garages, etc., which are accessory to the principal structure, and also shall have a minimum width across the front, the side and rear elevations of at least 20 continuous feet of exterior wall.
- B. A dwelling shall comply in all respects with the Village Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Village Building Code, then and in that event such federal or state standards or regulations shall apply.
- C. No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with applicable ordinances and laws.

### § 9.04. Essential services.

Essential services, as defined in Article 2, shall be permitted as authorized by law and other ordinances in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this chapter; provided that electric transmission substations (supply voltage over 46KV) and gas transmission regulator stations (supply pressure over 400 PSIG) shall be subject to the provisions of this chapter; and further provided that appropriate permits will be obtained for all construction. Fees will be charged for substations, regulator buildings and auxiliary buildings but not for those elements directly associated with distribution or transmission systems.

### § 9.05. Fences and walls.

## A. Residential

1. Intent. The intent of this section is to provide reasonable regulations for fence/wall installation while allowing property owners the ability to install a fence/wall for aesthetic, screening, separating or security purposes.
2. Standards.

- a. Permitted Location: Side and Rear yard only. Living fence may be permitted in the front yard.
- b. Height:

- i. Side and Rear Yard: Maximum of six (6) feet.
- ii. Living Fence in the Front Yard and clear vision: Maximum of three (3) feet.

- c. Setbacks.

- i. Alley way: Minimum of five (5) feet from property line.

- d. Finishes and Materials:

- i. **Fence Permitted Materials.** Wood, wrought iron, tubular aluminum, vinyl coated chain link, galvanized chain link, quality vinyl, and other approved quality materials. The finished side of the fence shall face out towards adjacent residential lots and public Rights-of-Way. **Electric fence for allowed small animals.**

Wall Permitted Materials: Walls shall be constructed of masonry material, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

- ii. Prohibited Fences. Mesh fabric/plastic sheeting, tarps or other materials that are deemed unsteady. Fences shall not contain barb wire or razor wire.
- iii. All fences shall be supported from its own structural frame system of posts and rails and not attached, connected, secured or supported by other fencing, trees, etc. in the area. Fences shall be installed in a professional manner and be plumb, straight, and true, and stepped or tapered or cut to follow the contour of the land. The finished side of the fence shall face out towards adjacent lots and rights-of-way. Walls shall be installed in a professional manner and be plumb, straight, and true.
- iv. Living Fence. A living fence of plant materials shall comply with the above standards for height, and clear vision. A living fence shall not encroach into the Village Right-of-Way or over a property line into an adjacent parcel.
- v. Maintenance. All fences/walls shall be maintained in good, safe, and stable condition. Rotten, broken or missing components shall be replaced or repaired immediately. A living fence shall be maintained so as to not have an unruly or overgrown appearance and any dead vegetation shall be removed and replaced immediately.

## B. Non-Residential Districts:

1. Intent. The intent of this section is to provide reasonable regulations for fence/wall installation while allowing property owners the ability to install a fence/wall for aesthetic, screening, separating or security purposes.
2. Standards.

- a. Permitted Location: Side and rear yard only. Living fence may be allowed in the front yard.
- b. Height:

- i. Living Fence in the Front Yard and clear vision: Maximum of three (3) feet.
- ii. Side and Rear Yard: Maximum of eight (8) feet.

- c. Finishes and Materials.

- i. Fence Permitted Materials. Wood, wrought iron, tubular aluminum, vinyl coated chain link, galvanized chain link, quality vinyl, and other approved quality materials. The finished side of the fence shall face out towards adjacent residential lots and public Rights-of-Way.

Wall Permitted Materials: Walls shall be constructed of masonry material, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

- ii. Barb wire or other pointed materials may be used only in the industrially zoned districts provided said material is seven (7) feet or more above the ground and any projections at the top shall not overhang onto adjacent property.
- iii. All fences shall be supported from its own structural frame system of posts and rails and not attached, connected, secured or supported by other fencing, trees, etc. in the area. Fences shall be installed in a professional manner and be plumb, straight, and true, and stepped or tapered or cut to follow the contour of the land. The finished side of the fence shall face out towards adjacent lots and rights-of-way. Walls shall be installed in a professional manner and be plumb, straight, and true.
- iv. Maintenance. All fences/walls shall be maintained in good, safe and stable condition. Rotten, broken or missing components shall be replaced or repaired immediately. A living fence shall be maintained so as to not have an unruly or overgrown appearance and any dead vegetation shall be removed and replaced immediately.

#### C. Clear Vision Area.

- 1. Intersection of road right-of-way and driveway: Plantings, fences, and walls shall not impede/block vision between 3' – 7' in height measured from grade.
- 2. Intersection of road rights-of-way: Plantings, fences, and walls shall not impede/block vision between 3' – 9' in height measured from grade.

### § 9.06. Drainage, Grades and runoff.

- A. No premises shall be filled or graded so as to discharge surface water runoff onto abutting premises.
- B. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- C. Leaching ponds, retention or detention basins, or other similar stormwater management methods may be required to adequately retain stormwater on site.
- D. Stormwater management systems should be designed to:
  - 1. Incorporate and/or use natural drainage systems existing on the site;
  - 2. Protect the surrounding natural environment;
  - 3. Retain the natural retention and storage capacity of any wetland or waterway; and
  - 4. Not increase flooding or the possibility of polluting surface water or groundwater.

### § 9.07. Clear Vision Area.

- A. Intersection of road right-of-way and driveway: Plantings, fences, and walls shall not impede/block vision between 3' – 7' in height measured from grade.
- B. Intersection of road rights-of-way: Plantings, fences, and walls shall not impede/block vision between 3' – 9' in height measured from grade.

## § 9.08 Other Agency permits.

All uses must meet all applicable standards of Van Buren County, the State of Michigan, the United States Federal Government, and any other entity with jurisdiction over the use. However, nothing in this Ordinance shall be construed to require any County, State, Federal, or other non-Village regulation to be met unless that regulation is specifically deemed to apply by the jurisdiction in question.

## § 9.09 Keeping of animals.

### A. Chickens and Ducks.

1. Other poultry, and other fowl are prohibited.
2. Maximum number of chickens and ducks allowed:
  - a. 10,000 square foot and under lots: maximum of 6 total in any combination of chickens and ducks.
  - b. 10,001 to 43,560 (1 acre) square foot lots: Laying chickens is based on square footage of the rear yard. Each chicken/duck requires 1.5 square feet. Meat chickens or ducks are based on weight per square foot of the rear yard. Meat chickens or ducks shall comply with the standards found in the Ross Broiler Management Guide as referenced in the State of Michigan Care of Farm Animals GAAMP.
  - c. Greater than 1 acre: Laying chickens is based on square footage of the rear yard. Each chicken/duck requires 1.5 square feet. Meat chickens or ducks are based on weight per square foot of the rear yard. Meat chickens or ducks shall comply with the standards found in the Ross Broiler Management Guide as referenced in the State of Michigan Care of Farm Animals GAAMP.
3. Slaughtering of chickens and ducks shall not be within public view and shall comply with the State of Michigan standards and regulations. For more information visit MSU extension and the Michigan Department of Agriculture and Rural Development (MDARD).
4. Free ranging chickens and ducks is prohibited.
5. Chicken/Duck Containment System: Rear yard only. A containment system is required such as a chicken tractor, coop, fence run, to include electric fence designed for allowed small animals.
6. Coop Setbacks:
  - a. Property lines: 10'. AND
  - b. Neighboring residence: 30'
7. Must live in a single or two family dwelling.

### B. Cats and Dogs.

1. The keeping of cats and dogs shall be as follows:
  - a. Not more than four domestic cats per household that are six months of age or older is permitted as an accessory use in any zoning classification.
  - b. Not more than the maximum number of dogs allowed per State of Michigan Dog Law, PA 339 of 1919, as amended, per household that are six months of age or older is permitted as an accessory use in any residential zoning district.
2. Any residential land use, building or structure where more than four domestic cats per household that are six months of age or older are boarded, housed or bred for commercial purposes shall be considered a kennel. Any residential land use, building or structure where more than the maximum number of dogs allowed per State of Michigan Dog Law, PA 339 of 1919, as amended, per household that are six months of age or older are boarded, housed, or bred for commercial purposes shall be considered a kennel.

### C. Rabbits.

1. Maximum number of rabbits allowed:
  - a. 5,000 square foot and under lots: maximum of 15 total.
  - b. Over 5,000 square foot lots: maximum of 40 total.
2. Slaughtering of rabbits shall not be within public view and shall comply with the State of Michigan standards and regulations. For more information visit MSU extension and the Michigan Department of Agriculture and Rural Development (MDARD).
3. Location of hutches and fenced area: Rear yard only.
4. Hutch Setbacks:
  - c. Property lines: 10'. AND
  - d. Neighboring residence: 30'
5. Size of hutches and fenced area: Must comply with the State of Michigan Care of Farm Animals GAAMP.
6. Must live in a single or two family dwelling.

D. Bees.

1. Domesticated honey-producing bees shall be permitted in all Zoning Districts.
2. Hive Density: Parcels that are smaller than 20,000 square feet may have no more than 2 hives. Parcels that are greater than 20,000 square feet to 5 acres may have no more than 6 hives. Beekeepers may maintain additional nucleus colonies (less than 10 frames of bees) for making splits and swarm management. Over 5 acres may have an unlimited number of hives with no commercial enterprise.
3. All requirements of the applicable Generally Accepted Agricultural and Management Practices ("GAAMPs") must be satisfied.

## § 9.10. Lot - building relationships.

A. Limitations on all land and structures.

1. No building or structure shall hereafter be erected, razed, altered or moved, nor shall any building or premises hereafter be used for any purpose other than is allowed in the district in which said building or premises are located.
2. Every building hereinafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall be not more than one single-family dwelling or two-family dwelling on any one lot.
3. Every principal building shall be built upon a lot with frontage upon a public street or approved private road, except that any one lot of record created before the effective date of this chapter without any frontage on a public street or private road but provided with a right-of-way of no less than 66 feet wide, may be granted a building permit providing all other requirements of this chapter can be met.

B. Limitations on height. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building or structure is located, except the height limitations of this chapter shall not apply to church spires, belfries, cupolas, communication towers/antennas (except as otherwise specifically regulated in this chapter), wind energy system structures (except as otherwise specifically regulated in this chapter), domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, barns, silos, bulkheads and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the Building Inspector such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such features, however, shall not exceed in total coverage 20% of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board of Appeals by the Building Inspector.

C. Limitations on area.

1. No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner,

except in conformity with the yard, lot, area and building location regulations hereinafter designated for the district in which such buildings or open space is located, except as otherwise specifically provided.

2. No required yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as a required yard or open space for any other building.
3. Any lot, as defined herein, which was legally recorded at the time of adoption of this chapter, and which was a buildable lot under the Zoning Ordinance in effect immediately prior to the adoption of this chapter, shall be deemed a buildable lot even though it may have less than the minimum area (and/or frontage/width) requirements.

## § 9.11. Lot requirements.

No building shall be constructed, placed, or moved upon an unplatted lot with any of the following:

- A. Less than the applicable minimum lot frontage/lot width required pursuant to Article 6 of this chapter.
- B. Less than the applicable minimum lot area required pursuant to Article 6 of this chapter.
- C. A depth of greater than four times the width of the lot; provided that this depth-to-width limitation shall not apply to a lot larger than 10 acres, or to the remainder of a parent parcel or parent tract retained by the proprietor (as determined under the State Land Division Act and the Village of Lawrence Land Division Ordinance).

## § 9.12. Off-street parking and loading.

- A. Intent. The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the village or with land uses allowed by this chapter.
- B. Schedule of Off-Street Parking:

**TABLE 9.01 Minimum Number of Required Parking Spaces.**

USE	Minimum Required Parking Spaces
Adult Foster Care Facility	
Small ( 1 - 5 adults)	1 space per every four beds based on maximum capacity
Medium (5 - 12 adults)	1 space per every four beds based on maximum capacity
Large (13 - 20 adults)	1 space per every four beds based on maximum capacity
Adult Regulated Use	1 space per 300 square feet
Barber Shops/ Shops Beauty	1 space per 300 square feet
Cannabis Grow Facility	1 space per 1,000 square feet
Cannabis Microbusiness	1 space per 1,000 square feet for grow area, 1 space per 500 square feet for retail area, 1 space per 750 square feet processing area
Cannabis Provisioning Center	1 space per 500 square feet
Cannabis Retail Establishment	1 space per 500 square feet
Cemetery	None
Child Day Care Center	4 spaces per classroom

Child Day Care Home, Family (1 - 6 children)	2
Child Day Care Home, Group (7 - 12 children)	2
Coal Storage Yard	1 space per employee PLUS 1 space per 500 square feet of office space
Commercial Bakery	1 space per employee PLUS 5 additional spaces
Commercial Lodging	
Bed and Breakfast Facilities	1 space per each sleeping room
Hotel, Boutique	1 space for each unit PLUS 1 space for each employee
Hotels/Motels	1 space for each unit PLUS 1 space for each employee, plus additional spaces for dining rooms, ballrooms, or meeting rooms
Trade Contractor supply/storage yard	1 space per 300 square feet retail area PLUS 1 space per 1,000 square feet for storage yard
Convalescent and nursing homes	1 space per 600 square feet
Residential Dwelling Units	
One-Family Dwelling Unit	2 spaces
Two- and Three-Family Dwelling Units	2 spaces per unit
Mixed Use Building	2 space per unit
Multiple-Family Dwelling Units	2 spaces for 1 <sup>st</sup> BDR <sup>(2)</sup> plus 1 space for each additional BDR
Senior Housing	1 space for each unit PLUS max number of employees on a shift
Event Space	1 space per 250 square feet
Farm Supply and Feed Stores	1 space per 500 square feet
Farmer's Market	See note 1
Financial Institutions	1 space per 300 square feet
Funeral Parlors and Mortuaries	1 space per 200 square feet
Government and Public Building	See note 1
Home Based Businesses	2
Light Industrial Uses	1 space per employee on the 2 largest shifts combined PLUS 10%
Manufacturing	1 space per employee on the 2 largest shifts combined PLUS 10%
Medical or Dental Clinic	1 space per 500 square feet
Mini-Storage Warehouse	0.15 space per storage unit
Museums/Art Galleries	1 space per 300 square feet
Office	1 space per 500 square feet
Open-air Business	1 space per 600 square feet of dedicated area for business
Primary/Secondary School (Private)	3 spaces per classroom
Private noncommercial recreational areas	1 space per 250 square feet
Recreation - Indoor	See note 1
Recreation - Outdoor	See note 1
Religious Institution	1 space per 3 seats of capacity in the worship space
Research and Development	1 space per 350 square feet
Restaurant/Bar	1 space per 100 square feet
Retail Store	1 space per 300 square feet

Theater	1 space per 3 seats in maximum capacity
Truck Terminals	1 space per 2 employees
Utility Structures and Substations	1 space per 1,000 square feet
Vehicle Filling Stations (Gas Stations)	1 space per 300 square feet of indoor retail space, plus 1 space per pump (located next to the pump)
Vehicle Repair	2 spaces per repair bay
Vehicle Wash	5
Veterinary Clinics	1 space per 500 square feet
Warehousing/Wholesale	1 space per 3,000 square feet
Wireless Telecommunications Tower	See note 1

(1) For these uses, the applicant shall submit, based on the specifics of the proposed use, parking standard data for uses that are similar to be reviewed by the Planning Commission. If approved by the Planning Commission, the proposed standard shall be used to calculate the minimum number of spaces.

(2) Efficiency dwelling units shall be deemed equivalent to a 1-bedroom for units without a separate sleeping room.

C. General Requirements. Compliance with the off-street parking regulations shall be required as follows:

1. Applicability. For all building and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Chapter prior to issuance of a Certificate of Occupancy. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.
2. Change in Use or Intensity. Whenever use of a building, structure or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to the change of use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.
3. Existing Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance shall not reduce the number of parking spaces below the parking requirement for the use being served, or if already deficient, shall not be further reduced below the parking requirements for the use being served as set forth in this Ordinance. An area designated as required off-street parking shall not be changed to any other use unless comparable facilities are provided elsewhere in accordance with the provisions of this Ordinance.
4. Units of Measurement.
  - a. Floor Area. For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions in section 2.02. All parking requirements that are based on square footage shall be based on gross floor area.
  - b. Fractional Spaces. When calculations for determining the required number of parking spaces results in a fractional space, any fraction less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one space.
  - c. Employees. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
5. Land uses within the CBC: Central business district are exempt from the table of parking requirements outlined herein.



D. Off-street parking standards. The following standards shall be used in determining the required number and characteristics of off-street parking spaces:

1. Location. Off-street parking facilities shall be provided on the same lot as the use it serves, except as allowed:
  - a. For commercial and all nonresidential uses in commercial zones, required parking may be provided within 350 feet.
  - b. For industrial uses, required parking may be provided within 400 feet.
  - c. Where a distance is specified, it shall be measured from the nearest point of the parking facility to the nearest point of the building that facility is intended to serve.
  - d. The establishment and/or operation of a parking area accessory to a commercial or industrial use is prohibited within a residential district.
  - e. Within Yards: Off-street parking in the PUD, commercial, and industrial districts may be located in any yard.
2. Setbacks. All parking spaces must be set back at least 5 feet from any wall of the principal building on the site. All parking spaces may encroach 10 feet into any required setback.
3. Residential Parking. Off-street parking spaces in the R-1 and R-2 districts shall consist of a parking strip, driveway, garage, or combination thereof.
4. Access to Parking. Each entrance/exit from an off-street parking lot shall be at least 20 feet from any adjacent residentially zoned property. The distance an entrance/exit curb cut shall be from a street intersection shall be determined by the village engineer as part of the site plan review process to ensure safety of vehicular movements. All off-street parking lots shall be designed so forward movement is required to exit the site. Backing into or from the street is prohibited.
5. Collective use of off-street parking. Off-street parking for separate buildings or uses may be provided collectively subject to the following. Mixed use buildings shall use this section to compute their parking requirement.
  - a. If two or more businesses wish to combine parking, the following standards must be met:
    - i. The minimum parking requirement shall be the combined minimum requirement for the uses in questions subtracting 20% of the total.
    - ii. The Maximum distance between the parking space and the entrance to a business counting the parking space towards its minimum parking requirement, shall be 350 feet.
    - iii. All necessary easements must be signed, recorded, and copies submitted to the Village.
6. Maximum parking. No parking area shall exceed the minimum number of required spaces by more than 20 percent, unless approved by the Planning Commission through the site plan review process.
7. Recreational vehicles shall only be stored in accordance with the Village of Lawrence Parking Ordinance.
8. Stormwater runoff. All stormwater runoff created from a parking area shall be completely retained on the property it serves unless easements are provided for a shared stormwater system.

E. Layout and Construction.

1. Dimensions.

- a. Off-street parking shall be designed in conformance with the following standards and diagram:

Parking Angle	Parking Stall		Drive Aisle Width	Total Width of Drive Aisle and Parking	
	Width	Depth to Wall		One Row of Stalls (x)	Two Rows of Stalls (y)
0° (parallel)	24.0 feet	8.0 feet	16.0 feet (one-way)	24.0 feet (one-way)	
Up to 45°	8.5 feet	16.5 feet	12.0 feet (one-way only)	28.5 feet	45.5 feet
46° to 60°	8.5 feet	18 feet	16.0 feet (one-way only)	34.0 feet	52.5 feet
61° to 75°	8.5 feet	18.5 feet	20.0 feet	38.5 feet	57.0 feet
76° to 90°	9.0 feet	18.5 feet	24.0 feet	42.5 feet	61.0 feet

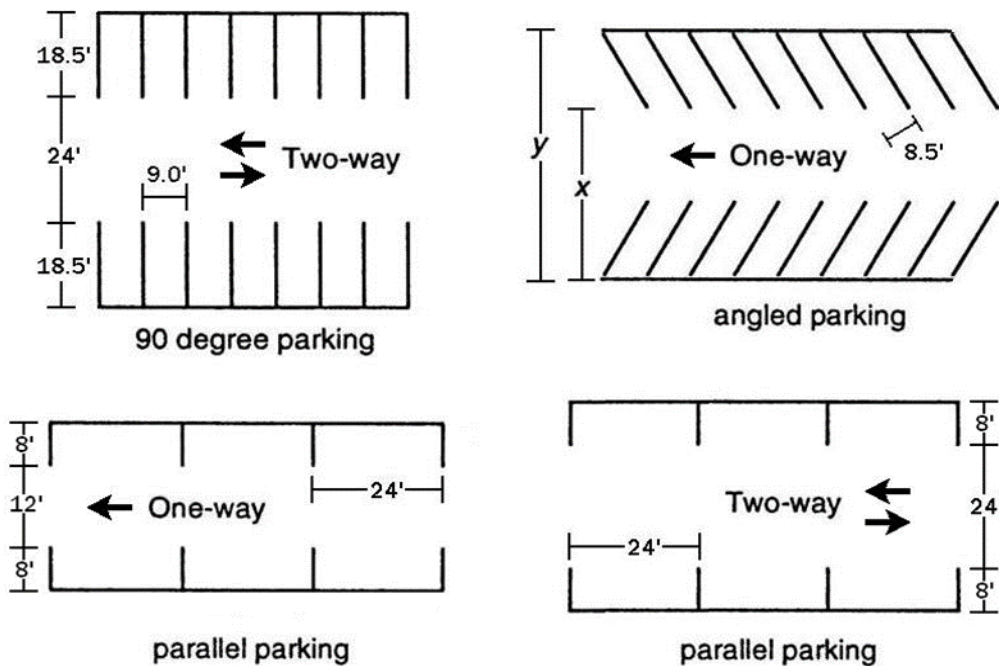


Figure 9.01 Off-street Parking Layouts

2. Layout.

- Striping. All paved parking lots must be striped with conforming parking spaces matching the approved plan for the parking lot and in compliance with ADA requirements for barrier-free parking spaces. The striping must be maintained so as to be visible to drivers.
- Ingress and Egress. All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways.
- Pedestrian Circulation. The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided and integrated into the pedestrian circulation network.

3. Construction.

- a. Curbs and/or vehicle stops. All off-street parking lots shall be designed to prevent vehicle overhang on or into public rights-of-way, public sidewalks, public walkways, and adjacent property.
- b. Impervious surface. All off-street parking facilities shall be constructed of materials which will have an impervious surface, such as asphalt or concrete, that is resistant to erosion. The use of other permeable material, which are like a paved surface such as brick pavers or stone, may be approved by the planning commission through the site plan review process.
- c. Drainage. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property. Grading and drainage plans shall be subject to review and approval by the Village engineer. Where appropriate, on-site storm water management shall be provided to capture and hold water during storms to be released later and to screen pollutants.
- d. Accessible spaces. Barrier free parking spaces and accessible loading aisles shall be provided, designed, and constructed in accordance with the Americans with Disabilities Act (ADA) of 1990, using the most recent design standards.
- e. Lighting. Any lighting in connection with off-street parking shall be arranged to reflect light away from adjacent streets and any residentially zoned or used properties. Lighting provisions of section 9.15 shall regulate.
- f. Maintenance. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

F. Required off-street loading.

- 1. Number of loading spaces. Nonresidential uses which require receipt or delivery of materials or merchandise shall provide and maintain, on the same premises with such buildings, off-street loading spaces in relation to gross floor area as follows:
  - 5,000 to 20,000 square feet ..... 1 space
  - 20,000 to 50,000 square feet ..... 2 spaces
  - 50,000 to 100,000 square feet ..... 3 spaces
 One additional space is required for each additional 100,000 square feet or part thereof.
- 2. Size. Each loading space shall be at least 12 feet in width, 44 feet in length, and have a clearance of 14 feet above grade.
- 3. Location. Loading spaces may be in the side or rear yard. Placement in the front yard is prohibited.
- 4. Departure. The Planning Commission may approve, as part of the site plan review process, a reduced size loading space or modify the number of loading spaces where another measure or location would be more appropriate due to onsite constraints, or the number and type of deliveries experienced by a particular use.

G. Drive thru stacking spaces. A minimum of five (5) nine-foot by 18-foot (9 x 18) stacking spaces for a restaurant and three (3) stacking spaces for all other drive thru uses shall be provided. Stacking spaces shall be measured from each individual point of service (order pedestal, window, etc.). Stacking spaces shall not block or impede pedestrian and/or vehicle circulation. Stacking spaces shall not be considered parking spaces toward meeting minimum requirements.

H. Parking plans. Plans showing the location, size, shape, design, curb cuts, and other features of the proposed parking lot shall be reviewed by the Planning Commission through the site plan review process. If approval is granted, it may be revoked at any time if the requirements of this chapter have not been met.

- I. Approval period. All parking lots shall be completed within a period of 12 months from the date of site plan approval. If the lot is not constructed within the required time, an extension may be requested through the steps outlined in section 11.02, site plan review.
- J. Deferred parking. The planning commission may allow deferred construction of a portion of the required number of parking spaces for any nonresidential use if the following conditions can be satisfied:
  - 1. The property owner shall demonstrate to the satisfaction of the planning commission that the required number of parking spaces is excessive for the nature of their business or operational needs.
  - 2. The site plan shall be designed to show all required parking spaces, including those proposed as deferred so that they may be constructed in the future if required.
  - 3. The area intended for the deferred parking shall be retained as open space on the site.
  - 4. Stormwater management requirements shall be based on the full amount of required parking to ensure adequate capacity if the construction of the deferred parking is deemed necessary.
  - 5. The owner shall provide a written agreement to construct the deferred parking within six months of a written notice from the Village manager based on observed need, or to give at least 30 days prior notice to the Village manager if the deferred parking area is to be constructed.

## § 9.13. Outdoor Seating.

- A. General Provisions. Outdoor seating for restaurants, bars, coffee shops, ice cream shops, and other businesses in B-1 Local Business, B-2 General Business, and PUD Planned Unit Development zoning district shall meet the following requirements.
  - 1. Businesses proposing outdoor seating shall submit a site plan showing the layout of the outdoor seating area for a site plan review by the Planning Commission.
  - 2. The hours of operation for the outdoor seating shall be included on the site plan and are subject to Village approval.
  - 3. Outdoor seating shall be subject to review and approval by the Fire Department and all relevant Village, County, or State approvals.
  - 4. Outdoor seating shall be included in the off-street parking calculated for the principal use of the building.
  - 5. Any additional required parking spaces must be constructed prior to the use of the outdoor seating area.

## § 9.14. Outdoor Trash Containers and Dumpsters.

- A. Outdoor trash containers or dumpsters may be required in the CBD, B-1, B-2, I-1, and I-2 zoning districts when with the recommendations of the planning commission and in the judgment of the village council, the provision of such will address a health, safety or aesthetic concern. When required, the outdoor trash containers or dumpsters shall meet the following standards:
  - 1. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings. The placement of the container shall be subject to site plan review.

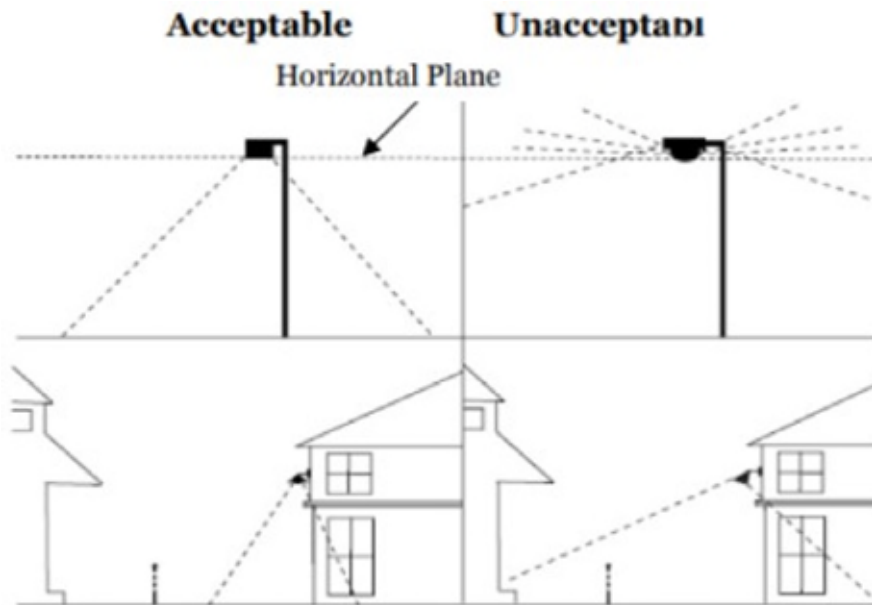
2. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen said containers. The maximum height of walls, fence or gate shall be six feet.
3. The container or containers, the screening walls, fence and gate shall be maintained in a neat and orderly manner, free from loose rubbish, waste-paper and other debris.
4. Temporary roll off dumpsters are exempt from this section.

## § 9.15. Exterior lighting.

A. Intent. The purpose of this section is to require sufficient but not excessive exterior lighting for parking areas, walkways, driveways, building entrances, loading areas and common areas, to ensure the security of property and safety of persons and to encourage the use of exterior lighting that complements and enhances the environment and character of the village. The standards of this Section are intended to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution, sky glow and waste of energy.

B. Requirements.

1. Site lighting plan. A site lighting plan shall be submitted for uses requiring site plan review to include the information in this section.
2. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety.
3. Exterior lighting shall be provided in an amount sufficient to permit safe movement of vehicles and pedestrians at night.
4. All lighting for parking areas, external illumination of buildings or grounds and illumination of signs shall be concealed source fixtures, shielded, directed downward and screened from adjacent properties, with particular consideration to protecting residential districts and uses.



5. The maximum height of pole-mounted light fixtures shall be 25 feet or the height of the building on the site, whichever is shorter.
6. Maximum light intensity shall be as provided below:
  - a. At property lines or road right-of-way: Zero (0) footcandles
  - b. Overall average for the site: Five (5) footcandles maximum

- c. Maximum at any point within the site: Ten (10) footcandles

A photometric plan may be required at site plan review to ensure that the site conforms with the standards.

- 7. Nonessential lighting shall be turned off after business hours, except for the minimum necessary security lighting.
- 8. The type of lighting and style of fixtures utilized shall be consistent throughout a project.
- 9. Building-mounted lighting. Building-mounted lighting shall include only sharp cutoff downward directed fixtures. Said lighting shall not exceed a twenty-foot (20) mounting height, as measured from the average grade at the building foundation. Typical residential light fixtures on residential buildings and associated accessory buildings not to include floodlights or security lights, are exempt from the sharp cutoff fixture requirement when mounted at a height of eight (8) feet or less.
- 10. Building exterior lighting. The illumination of building exteriors shall not exceed 20 footcandles. Light fixtures used for the sole purpose of illuminating a building façade may be up to 400 watts per fixture and shall not exceed a mounting height of 15 feet, as measured from the average grade at the building foundation. Light generated from said fixtures shall be appropriately shaded, shielded, or directed so that no light is emitted beyond the building façade.
- 11. Landscaping lighting. Landscape light fixtures, including ground lighting for signs, flag poles and statues, shall not exceed 175 watts per fixture and shall be appropriately shaded, shielded or directed to eliminate glare onto any portion of any adjacent highway or premises, and may not spillover into the night sky. National and state flag illumination is exempted but encouraged to use lighting designed consistent with the purpose of this section.
- 12. Reduced lighting. For uses requiring site plan review, lighting shall be significantly reduced during nonoperational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs.

## § 9.16. Building and Zoning permits.

In accordance with other village codes, ordinances and regulations duly adopted by the village council, and in accordance with this chapter, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued. With respect to this Zoning Ordinance, eligibility for a building permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all major improvements to existing structures.

## § 9.17. Private roads.

- A. A private road shall be located upon a sixty-six-foot right-of-way/easement. The Village shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.
- B. A private road shall be maintained by parties who have an ownership interest in the private road. Maintenance responsibilities shall be specified in a deed restriction. The private road shall be maintained to the minimum standards of the state fire code.
- C. Private roads shall be constructed to Van Buren County Road Commission standards for public roads, except a private road shall have a driving surface with a minimum width of 20 feet, exclusive of parking area.
- D. A permit from the Zoning Administrator is required before any construction of any private road may begin. A permit application shall consist of the following:
  - a. An engineered site plan with cross sections and profile.
  - b. The seal of the engineer who prepared the plan.
  - c. Van Buren County soil erosion and sedimentation control permit.

- d. Village of Lawrence Street Administrator, Van Buren County Road Commission, or Michigan Department of Transportation permit to connect to a public road.
  - e. If applicable, any required permits from the Michigan Department of Environmental Quality.
  - f. A complete zoning permit application and any applicable fees.
- E. Construction of a private road shall be certified in writing by a licensed civil engineer or surveyor and such certificate shall accompany the maintenance agreement and be submitted to the Village Clerk and approved by the Village Zoning Administrator and Village Street Administrator prior to the creation of any dependent lots.

## § 9.18. Screening and Landscaping.

- A. Intent. While considered the minimum necessary to achieve the goal of promoting safe and aesthetic environments, in certain instances, they are intentionally flexible to encourage creative design. Applicants are encouraged to provide landscaping beyond these minimum requirements to improve the function, appearance and the value of their property.

A landscaping plan is required for all developments subject to the site plan review provisions of this ordinance. The plan may be submitted separately or as part of the site plan, just as long as information on planting details and specifications, including planting technique, material installation, mulch and material depth is clear.

- B. Summary of Regulations:

### Summary of Minimum Landscaping Requirements

<b>General Site Landscaping</b>	<b>Seeded with grass or Sod</b>	--	--	--	--	--
<b>Green belts</b>	<b>Seeded with grass or Sod</b>	--	--	--	--	--
<b>Landscape Screening</b>	--	<b>3 feet, minimum</b>	--	<b>See subsection C</b>	--	--

- (a) General spacing requirements for ornamental and native grasses: space ornamental grasses at least half of their mature size apart from each other.

- C. All landscaped areas shall meet the following standards.

### Summary of Plant Material Specifications

	<b>Minimum Caliper</b>	<b>Minimum Height</b>	<b>Minimum Spread</b>
<b>Deciduous Trees</b>	<b>2.5" measured at 12" above grade</b>	--	--
<b>Ornamental Trees</b>	<b>1.5" measured at 12" above grade</b>	--	--
<b>Evergreen Trees</b>	--	<b>6.0 feet</b>	<b>3.0 feet</b>
<b>Shrubs</b>	--	<b>2.0 feet</b>	--

- Plant material quality. Plant materials permitted in required landscaped areas shall be hardy to the Michigan climate, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.



2. Trees, shrubs, and other plant materials shall be of the following minimum sizes.
  - a. Deciduous trees: Two and one half (2 ½) inch caliper measured at twelve (12) inches above grade.
  - b. Evergreen trees: Six (6) feet in height with a minimum spread of three (3) feet.
  - c. Ornamental trees: One and one half (1 1/2) inch caliper measured at twelve (12) inches above grade.
  - d. Shrubs: Minimum of twenty-four (24) inches in height above planting grade.
  - e. Hedges: Planted in a manner so as to form a continuous unbroken visual screen within two (2) growing seasons.
  - f. Ground cover: Planted in such a manner as to present a finished appearance and complete coverage within two (2) growing seasons, i.e., at least three (3) plants per square foot.
  - g. Mulch material: Minimum of four (4) inches deep for planted trees, shrubs, and vines and shall be installed in a manner so as to present a finished appearance.
  - h. Grass: Planted in species normally grown as permanent lawns in southwest Michigan. Grass, sod, and seed shall be free of weeds and disease.
  - i. Whenever possible, use of species native to Michigan is required.
  - j. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to a public right-of-way shall have a slope no greater than 3:1, unless designed as part of a retaining wall.
  - k. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, bark and wood chips and other similar materials, shall be limited to small areas and shall not exceed twenty-five percent (25%) of the required landscape area. All such materials shall be at least six (6) inches deep.

#### D. Greenbelt Requirements.

1. Measurement of Greenbelt Length. For the purposes of calculating required plant materials, greenbelt length shall be measured along the exterior edge of the greenbelt.
2. General Planting Requirements.
  - a. The greenbelt shall be landscaped in grass as a minimum.
  - b. Access drives from public rights-of-way through required greenbelts shall be permitted, such drives shall not be subtracted from the lineal dimension used to determine the minimum of trees required.

#### E. Screening between land uses.

1. Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of earthen berms and/or living materials to maintain a minimum opacity of at least 80 percent. Opacity shall be measured by observation of any two-square-yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.
2. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence may be required by the Village. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade.



A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this zoning ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the village may approve an alternate location of a wall. The Village and the building official shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, and precast brick face panels having simulated face brick, stone, or wood.

F. Installation, maintenance, and completion.

1. All landscaping required by this article shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee, as set forth in section 11.02, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
2. All landscaping, and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
3. The owner of the property required to be landscaped by this chapter shall maintain such landscaping in a strong and healthy condition, free from refuse, debris, and insects. All materials used to satisfy the requirements of this article which become unhealthy, or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

G. Existing Plant Material. Site plans shall show all existing trees that are located in the portions of the site that will be built upon or otherwise altered and are six (6) inches or greater in diameter, measured 4.5 feet above grade. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

## § 9.19. Signs.

A. Statement of purpose. The purpose of this article is to regulate signs in a manner which will minimize their harmful effects upon the health, safety and welfare of the general public and economic values in the community as well as the attractive appearance and natural beauty of the Village of Lawrence. It is not the purpose of this article to regulate the message displayed on any sign, but to achieve non-speech objectives. The village intends to accomplish the following important governmental interests as the rationale and basis of its various regulations relative to signs.

1. To promote the safety of persons and property by providing signs that do not create a hazard use to collapse, fire, collision, decay or abandonment, do not obstruct firefighting or police surveillance, and do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, other vehicles, or traffic signs.
2. To protect property values within the village by allowing signs that perform their intended purpose while maintaining village character and supporting neighborhood stability.
3. To promote and improve the attractiveness and scenic beauty of the community which is considered to be important to the tourist industry and provides the economic base for the Village of Lawrence while creating stability and predictability of sign allowances, which promotes business success.

4. To encourage a concern for the visual environment which makes the village a more desirable place to live, work and visit. Blight and visual clutter create nuisance-like conditions, which are contrary to the public welfare.
5. To control the quality of materials, construction, electrification, and maintenance of all signs.

B. General provisions.

1. Permitted signs. A sign not expressly permitted by this article is prohibited. Signs shall pertain to the use or lot on which it is located, unless expressly authorized by this article.
2. Sign location. All signs must be placed on private property and no sign shall be located within or above any public right-of-way except for projecting signs, banners, sandwich board signs, window signs, and awning/canopy signs as permitted within the CBD district.
3. Area calculation. The area of a sign shall be the computed area of the background upon which lettering, insignia, or other devices are placed. Where said display area is the face of a building, the area of such sign shall be the product of the total width and the total height occupied by such lettering, devices, or insignia. For signs having two sides, the maximum display area shall be permitted on both sides and the total area of one side only shall be deemed to be the total sign area. The supporting structure shall not be included in the area computation unless utilized as part of the total display area.
4. Height calculation.
  - a. Freestanding sign. The height of a freestanding sign shall be measured as the vertical distance from the base of the sign at grade to the top of the highest attached component of the sign. Grade shall be interpreted as the final ground elevation after construction or the elevation of the center line of the road, whichever is higher. Earth mounding for landscaping and/or screening is not part of the final grade for sign height calculations.
  - b. Wall sign. The height of a wall sign shall be measured as the maximum vertical distance of the lettering, insignia, or other devices utilized for the sign.
5. Sign illumination. Except for electronic displays as allowed by this article, signs shall be illuminated only by continuous indirect or direct lighting. All sign illumination shall be employed in such a manner so as to prevent intense or brilliant glares or rays of light from being directed at any street or any adjoining property.
6. Prohibited signs. The following signs are prohibited, unless expressly authorized by this article:
  - a. Any sign that gives the appearance of motion, including moving, oscillating, animated, or flashing elements, and change to illumination levels.
  - b. Exterior pennants, spinners, streamers, and festoons.
  - c. Human signs, where a person walks, carries, holds, or in any other way, displays a sign.
  - d. Snipe signs.
  - e. Roof signs.
  - f. Signs located on a vehicle, not used during the normal course of business, which are parked or located for the primary purpose of displaying an advertisement.
  - g. Any sign, signal, marking, or device which imitates or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device.
  - h. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles or similar public structures.
  - i. Rope light, string light, or similar lighting attached to, surrounding, or otherwise drawing attention to a sign.
  - j. Abandoned signs.
  - k. Billboards.
7. Nonconforming signs.

- a. Unless otherwise outlined in this article, nonconforming signs lawfully constructed prior to the adoption of this article may be used, maintained, or repaired in the same form and type as existing at the time they become nonconforming.
  - b. No nonconforming sign shall be structurally altered to change the shape, type, or size unless the change brings the sign into compliance with this article; however, the sign face may be replaced as long as it does not alter the sign in any other way.
  - c. If a nonconforming sign is damaged to the extent that the cost of reconstruction is equal to or less than one-half the value of the sign prior to the damage occurrence, the nonconforming sign may be restored within 180 days of the damage.
  - d. No nonconforming sign shall be changed to another nonconforming sign.
  - e. Nonconforming signs shall be removed once abandoned.
  - f. No nonconforming sign shall be moved to a new location unless such sign shall conform or shall be made to conform to the provisions of this article.
  - g. Any nonconforming sign which is structurally repaired shall require a new permit.
8. Indoor signs.
- a. A sign attached to the inside of a window or door of a nonresidential building shall not require a permit provided that the total sign area shall not exceed 25 percent of the total window or door area.
  - b. Window signs shall not exceed 25 percent of the total area of the particular window or door in which the sign is located.
9. Electronic message signs.
- a. An electronic message sign may serve as one component of a permanent freestanding sign and is permitted up to a maximum of 25 percent of the total permanent sign area per sign face. This limit shall not apply to electronic billboards.
  - b. Electronic message signs shall not emit more than 5,000 nits in full daylight and 125 nits during night hours, which commence no later than one hour after sunset and extend through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels. All electronic message signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance, the interface that programs an electronic message sign shall be indicated in the requested sign permit and made available to village staff for inspection upon request. If the interface is not or cannot be made available upon request, the sign shall cease operation until the village has been provided proof of compliance.
  - c. Changeable copy.
    - i. Changeable copy shall not change more than once per every 10 seconds.
    - ii. Changeable copy shall not appear to flash, scroll, travel, undulate, pulse, blink, expand, contract, bounce, rotate, spin, or twist.
    - iii. All electronic message signs shall default to an unlit black screen when more than 50 percent of the light source fails or if the light source otherwise is not displaying properly.
10. Exempt signs. Signs exempt from permits:
- a. Building and/or unit addresses.
  - b. Legal notices and government signs.
  - c. Inscriptions on buildings provided they are no larger than three square feet and the sign copy is limited to building name, construction, or establishment date and/or similar historical information.
  - d. Incidental signs located in nonresidential zoning districts, which do not exceed two square feet in area per sign and are located in the interior portions of any parcel, lot, or building site.

- e. Temporary signs in residential districts per the requirement of subsection E below.
  - f. Signs deemed necessary or ordered by the village council.
11. Sign permits. All permanent signs erected, altered, or constructed in the village shall conform to the provisions of this article and shall require a sign permit from the building inspector.
- a. Before issuing said permit, the building inspector shall determine that:
    - i. The sign meets all of the requirements of this article.
    - ii. The location of said signs will in no way constitute a hazard to the safety of the public or to adjacent properties, the provisions of this article notwithstanding.
    - iii. Street signs conform to all the provisions of this article and if on a state highway, to any additional regulations which may be set forth by the state highway department.
    - iv. Projecting signs meet all the requirements of this article.
    - v. The illumination of building signs, merchandise, or products displayed will in no way be confused with standard traffic safety devices.
    - vi. Said sign or signs will not by design or arrangement simulate or imitate the size, color, lettering or design of any official traffic sign or any word, phrase, or symbol used as a traffic safety control in such a manner as to confuse traffic.
    - vii. The light sources will be shielded from the direct view of vehicular traffic or adjacent property.
    - viii. Signs using glass shall be adequately constructed out of safety glass and located so as to produce no safety hazard should breakage occur.
    - ix. Signs will not be erected in a manner or location which will obstruct passage from windows or doorways.
    - x. Sign supports and construction shall be designed and built in accordance with the Michigan Building Code.
  - b. Application for sign permit. Application for sign permits shall be made upon forms provided for by the village and shall contain the following information:
    - i. Name, address, and telephone number of the applicant.
    - ii. Location of building, structure, or lot to which the sign is to be attached or erected.
    - iii. Position of the sign in relation to nearby buildings, structures and property lines, or placement on the building façade.
    - iv. Two drawings of the sign including the dimensions, specifications, and method of construction and attachment to the building or in the ground.
    - v. Name and address of the person, firm, corporation, or association erecting the structure.
    - vi. Such other information as the village may require showing full compliance with this and all other applicable laws of the village and the State of Michigan.
    - vii. Permit applications for illuminated electronic signs shall include a copy of the manufacturer's specifications for luminance.
  - c. No permit shall be required for ordinary servicing, repainting of existing sign message or cleaning of a sign.
  - d. A permit issued pursuant to this article becomes null and void if work is not commenced within 180 days of issuance. If work authorized by the permit is suspended or abandoned for more than 180 days, the permit must be renewed.
12. Substitution. Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this article. This substitution of noncommercial speech may be made without any additional approval or permitting as long as all requirements of this article are met. The purpose of this substitution clause is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any noncommercial message over any other

noncommercial message. This provision prevails over any more specific provision that may be contrary within this article.

C. Responsibility and removal.

All signs located in the village shall be erected, altered, and maintained at the risk of the owner who shall assume full responsibility for consequences or damage caused by the sign.

Where such signs are deemed to have become unsafe or not properly maintained, the village shall give the owner 30 days to correct this situation or have the sign removed. Upon failure to remove or correct such conditions within 30 days after notice, the building inspector shall have such sign summarily removed as a public nuisance, the cost incurred in removal to be borne by the owner of said sign.

D. Permanent Signs.

1. Permitted permanent signs. Free-standing, wall, awning/canopy, window, and projecting signs.
2. Permanent sign requirements.

Sign Type	Zoning District	Maximum Height	Maximum Number	Max. Area (sq. ft.)	Front Steback
Freestanding	B-1, B-2, I-1, I-2	12 feet	1	50 sq. ft. per side	12 feet
Freestanding	PUD: Residential use	5 feet	1	50 sq. ft. per side	12 feet
Freestanding	PUD: Comm'l or Industrial uses	12 feet	1	50 sq. ft. per side	12 feet
Wall	B-1, B-2, I-1, I-2, PUD, CBD	10 feet to bottom of sign	1 per road frontage	36 sq. ft.	N/A
Awning/Canopy	B-1, B-2, CBD	No Max.	1	25% of canopy	None
Window	B-1, B-2, CBD	No Max	1	25% of window	None
Projecting	B-1, B-2, CBD-PUD	10 feet to bottom of sign	1 per entrance	12 sq. ft.	None

E. Temporary signs.

1. Permitted temporary signs. Exterior inflatables, feather signs, banners, sandwich boards, and temporary on-premises/off-premises commercial advertising signs.
2. Temporary sign requirements.

Type of Sign	Zoning District	Type of sign permitted	Max. Size	Max. Height	Max. Number	Setback Required	Permit Required	Duration Permitted
On-premise commercial advertising sign	B-1, B-2, PUD, I-1	Portable Ground	16 sq. ft.	6 feet	1	See note a	No Permit Required	90 days
Off-premise commercial advertising sign	All	Portable Ground	16 sq. ft.	3 feet	1	See note a	No Permit Required	90 days
Feather Sign, Balloon Sign, or Inflatable Sign	B-1, B-2, PUD, I-1	Portable Ground	32 sq. ft.	12 feet	2	See notes a and c	No Permit Required	Only when business is open
Banner Signs	CBD	Wall Mounted	32 sq. ft.	Shall not extend above the roof	1 (See note b)	—	No Permit Required	No more than two (2) consecutive weeks and no more than four (4) times a year.
Banner Signs	B-1, B-2, PUD, I-1	Ground Mounted or Wall Mounted	32 sq. ft.	Ground Mounted : 16 ft. Wall Mounted : shall not extend above the roof	1 (See note b)	See note a	No Permit Required	No more than two (2) consecutive weeks and no more than four (4) times a year.
Sandwich Board Sign	CBD, B-1, B-2, PUD, I-1	Portable Ground	6 sq. ft. per side	4 feet	1	See note d	No Permit Required	Only when business is open

#### Footnotes – Temporary Signs

- a. The temporary sign shall be located outside of the right-of-way.
  - b. On a corner parcel in a commercial or mixed-use district two (2) signs, one facing each street, shall be permitted.
  - c. The temporary sign may be located in the required setback area, provided that the applicant has obtained permission from the property owner and provided further that the sign does not obstruct the vision of drivers or detract from the visibility of any traffic sign.
  - d. The sign must be located to maintain at least three (3) feet of clear sidewalk for passing pedestrians.
3. For sale or lease. When all or a portion of a building or land area is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit, or land is actively listed or advertised for sale or lease. Once leased or sold, the sign shall be removed. In all cases, the sign area limits as outlined in subsection (b) above shall apply.
  4. Maintenance. Temporary signs shall be subject to the maintenance standards of this article.
  5. Illumination. Illumination of temporary signs is prohibited.

### § 9.20. Swimming pools.

It shall be unlawful for any person(s) to install, place or construct a swimming pool upon any lot or parcel of land in the Village of Lawrence except in conformity with the applicable provisions of the Michigan Construction Code Act, Act 230, P.A. 1972, as amended, and rules and regulations promulgated thereto, as well as the Village Building Code.

**A. All swimming pools shall be secured.**

- B. Setback requirement.* Swimming pools shall meet the property line setback requirements for accessory buildings to any side or rear property line.
- C. Location.* Swimming pools shall be located in the side or rear yard.

### § 9.21. Temporary buildings for nonresidential use.

Temporary buildings for nonresidential use incidental to construction work shall be permitted. Said use shall not be in conflict with public health, safety, and welfare regulations. The temporary building(s) and all debris shall be removed within 15 days after completion or abandonment of the work.

### § 9.22. Wetland and Inland Waterway Setbacks

- A. Intent. This section shall apply to all wetlands within the Village that are identified and regulated by the Michigan Department of Energy, Great Lakes, and the Environment (EGLE), as well as all inland waterways in the Village. All setbacks listed below shall be from the edge of the regulated wetland or the shoreline of the inland waterway, with the exception of floodplains.
- B. Setback Requirements:
1. Hazardous Substances and Petroleum Storage: 150 feet.
  2. Raised Septic Systems: Per applicable Sanitary Code and laws.
  3. Solid Waste: 300 feet.
  4. All other structures: 25 feet.

## § 9.23. Water supply and wastewater disposal.

Every building, permanent or temporary, hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be provided with safe and sanitary water supply and waste disposal systems. The written approval of such facilities by the applicable state or county or local municipal agency shall be filed with the Village.

## § 9.24. Yard encroachments.

The yard requirements (setbacks) of all districts are subject to the following permitted encroachments:

- A. Structures having a height of 18 inches or less above ground level may project into a required yard.
- B. Stairways leading to an abutting waterfront area (including any stairway landings not exceeding 50 square feet in area) may project into the required front yard.
- C. Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
- D. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into any yard a maximum of 2 feet.
- E. Unenclosed and unroofed fire escapes, outside stairways and balconies may project not more than five feet into the required front and rear yards and three feet into required side yards.



# Article 10.00. Nonconformities

## § 10.01. Intent.

- A. Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this chapter or a subsequent amendment, but which were lawfully established prior to the time of adoption of the chapter or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this chapter to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.
- B. The following table summarizes the nonconforming regulations contained in this article:

Summary of Nonconformity Regulations	
Issue	Requirements
Change to a different nonconforming use	Not allowed
Change in ownership	No effect on nonconformity
Expansion of nonconforming use	Not allowed
Expansion of nonconforming building/structure	Generally allowed; no expansion of nonconformity allowed
Maintenance; structural repairs	Generally allowed
Renovation; modernization	Generally allowed
Rebuilding after catastrophe	Generally allowed; no expansion of nonconformity allowed
Nonconforming contiguous lots under same ownership	Must be combined if vacant

## § 10.02. General requirements.

The following regulations shall apply to all nonconforming uses, structures, and lots:

- A. *Continuance of nonconforming uses and structures.* Only lawful nonconforming uses or structures in existence at the time of passage of this chapter or amendments thereof, may be continued, but shall not be extended or added to unless each such extension or addition is in conformity with the provisions of this chapter. Land now occupied by an illegal nonconforming use or structure shall not be eligible for any variance or zoning permit until the illegal nonconformity is removed.
- B. *Change of use or structure.* A nonconforming use may be changed to another nonconforming use if the zoning board of appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be

construed to permit the conversion of a nonconforming use to a prior nonconforming use, not to waive the other provisions of this chapter.

- C. *Nonconforming due to reclassification.* The foregoing provisions of this chapter shall also apply to buildings, land or uses which thereafter become nonconforming due to any reclassification or districts or any subsequent change in the regulations of this chapter.
- D. *Discontinuance of nonconforming uses.* If the nonconforming use of any land shall terminate for a continuous period of over 12 months or more, such use shall not be re-established and any future use of such land or structure shall be in conformity with this chapter.

## § 10.03. Nonconforming uses or buildings/structures.

No nonconforming use or building/structure shall be enlarged, extended, or structurally altered except as permitted in this section.

### A. Alteration, expansion, extension, and enlargement.

- 1. *Alterations.* Alterations of an existing nonconforming structure may be permitted if the alteration does not extend beyond the existing building envelope of the structure.
- 2. *Additions.* Any additions or expansions to an existing nonconforming structure may be permitted if the addition/expansion complies with all dimensional standards of the zoning district in which it is located.
- 3. *Restoration and repair.*
  - a. Such repairs and maintenance work as are required to keep a nonconforming building or b. In the event a nonconforming building/structure is damaged by fire, wind, or an act of God or the public enemy, the same may be rebuilt or repaired provided it does not exceed the size, floor area, height, and/or placement of the original building/structure and may not result in an increase of any nonconformity.

### B. *Removal of a nonconforming structure.* Should any portion of a nonconforming building be voluntarily demolished; it may be reconstructed in its nonconforming location.

## § 10.04. Nonconforming lots of record.

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this chapter or amendment thereto:

- A. Use of nonconforming lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this chapter, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.
- B. Area and bulk requirements. No division of any parcel shall be made which creates a lot with area or width/frontage less than the area or bulk requirements of this chapter or the zoning district in which it is situated.
- C. Nonconforming contiguous lots under the same ownership. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership, such lots shall be combined and considered as one lot for the purposes of this chapter. No portion of the combined lots shall be used, occupied, or sold in a manner which diminishes compliance with lot area or frontage requirements of this chapter, nor shall any division of the combined lot be made which creates a lot with area or width/frontage less than the requirements stated in this chapter. These provisions shall

not apply to contiguous lots in single ownership where each of the lots is occupied by an existing principal use/building.

- D. Combination of nonconforming lots. The Village Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this chapter, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this chapter.

# Article 11.00. General Procedures and Related Standards

## § 11.01. Purpose.

The purpose of this article is to provide procedures and related standards for the processing of all requests for Village action or review under the provisions of this chapter.

## § 11.02. Site plan review process.

- A. Intent. The site plan review procedures, standards and required information in this section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this chapter and other applicable ordinances and laws to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Village and applicant so as to facilitate development in accordance with the Village's land use objectives.
- B. Site plan required.
  - 1. Site plan required. Except as provided in the following Subsection **B(2)**, or with respect to matters subject to administrative site plan review as designated therein, the following uses shall not be conducted upon any land or in any building/structure until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this chapter:
    - a. All permitted and special land uses and their accessory uses in all zoning districts, except single-family or two-family dwellings.
    - b. Planned unit developments.
    - c. Subdivisions, condominium subdivisions or open space preservation subdivisions.
    - d. Erection, moving, relocation, conversion or structural alteration to a building or structure, other than a single-family or two-family dwelling.
    - e. Any change in use or site modification that could affect compliance with the standards set forth in this chapter, other than a single-family or two-family dwelling.
    - f. Any excavation, filling, clearing/removal of trees or other vegetation, soil removal, mining or landfill, construction of improvements, or creation of ponds, except for normal maintenance of existing features on the parcel and/or as otherwise specified in this chapter.
  - 2. Site plan not required. Notwithstanding the preceding Subsection **B(1)**, site plan approval is not required for the following activities:
    - a. Single-family and two-family dwellings and their accessory uses in all zoning districts.
    - b. General or specialized farming and forestry and their accessory uses, including roadside stands.
    - c. Construction involving only interior improvements where there is no change in use.
    - d. Any excavation, filling, removal of trees or other vegetation, soil removal, mining or landfill, construction of improvements, or creation of ponds that are less than one-half acre in area, provided that such activity is incidental to a single-family or two-family residential use.
- C. Site plan review applications and procedures.
  - 1. Optional preapplication conference. In order to facilitate processing of a site plan in a timely manner, the applicant may request a preapplication site plan conference with the Zoning

Administrator. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a preapplication conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a preapplication conference. At any time during the course of preparation of a site plan prior to submission of a formal application, the Village will upon request provide information concerning the Zoning Ordinance procedures and standards.

2. Optional conceptual review by Planning Commission.

- a. An applicant may file a request for conceptual review of a preliminary site plan by the Planning Commission or to evaluate the following:
  - i. Relationship of the site to nearby properties;
  - ii. Density;
  - iii. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and
  - iv. Conformance with Village development policies and standards.
- b. No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the Planning Commission shall be bound by any comments or suggestions made during the course of the conceptual review.

3. Final site plan review.

- a. In order to initiate formal review by the Planning Commission, the applicant is required to submit the following materials:
  - i. One completed and signed copy of the application for site plan review.
  - ii. Ten individually folded copies and one digital copy in pdf format of the site plan.
  - iii. Proof that the plan has been submitted for review to all appropriate affected governmental agencies, including but not limited to the Van Buren County Road Commission, Van Buren County Drain Commission, Van Buren County Health Department, Michigan Department of Transportation (where applicable), Michigan Department of Environmental Quality (where applicable) and any other agencies deemed appropriate by the Planning Commission.
  - iv. The required application fee.

These materials shall be submitted to the Village no later than 30 calendar days prior to the Planning Commission meeting at which the review is requested.

4. Distribution of plans. Upon submission of all required application materials, the site plan proposal shall be placed on the next open Planning Commission agenda. The site plans and application shall be distributed to appropriate Village officials for review.
5. Public hearing. Site plans involving uses that are subject to special land use approval require a public hearing. After payment of required review fees, the Village will set the date of the public hearing, subject to the requirements of section 11.09.
6. Review by Village Planner and Village Engineer. If required, the Village Planner and Village Engineer shall review the plans to determine compliance with the Zoning Ordinance, and shall submit written reports, which shall identify issues which must be resolved as well as all required revisions necessary to obtain site plan approval.

D. Review and final action.

1. Planning Commission review. The Planning Commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations. The Planning Commission shall then make a final decision, based on the requirements and

standards of this chapter. The Planning Commission may approve, approve with conditions, deny, or postpone action, as noted below.

- a. Approval. Upon determination that a site plan is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the Planning Commission shall approve the site plan.
- b. Approval subject to conditions. Upon determination that a site plan is in compliance except for minor modifications, the Planning Commission may impose reasonable conditions upon approval of the site plan. The conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances, obtain approvals from other agencies, or obtain special land use approval. The applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant must resubmit the site plan to the Planning Commission for final approval after conditions have been met, unless the Planning Commission waives its right to review the revised plan, and instead authorizes administrative review after all required conditions have been addressed.
- c. Denial. Upon determination that a site plan does not comply with the standards and regulations set forth in this article or elsewhere in this chapter, or if the site plan requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall deny the site plan.
- d. Postponement. Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may postpone consideration of a site plan until a later meeting.

2. Performance guarantee.

- a. To ensure compliance with this chapter and conditions imposed at the time of granting of the site plan approval, the Planning Commission may require that a performance guarantee (cash deposit; certified check; irrevocable bank letter of credit; or surety bond) acceptable to the Planning Commission, covering estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Village Clerk.
  - b. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, the Planning Commission shall by resolution request the Village Council take appropriate legal steps to ensure completion using as much of the security deposit as necessary for such purpose.
  - c. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of the Village and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project which is the subject of zoning approval.
3. Time period for obtaining approval. An applicant shall have a maximum of two years from the date of submittal of a site plan for formal review to achieve final approval. If approval is not achieved within this period, the application becomes null and void and a new application is required to pursue site plan review further.
4. Recording of site plan review action. Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission. The grounds for action taken upon each site plan shall also be recorded in the minutes. After final action has been taken on a site plan and all steps have been completed, three copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was

taken. One marked copy will be returned to the applicant and the other two copies will be kept on file in the Village Hall.

5. Procedure after site plan approval.

- a. Application for building permit. Following final approval of the site plan, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable Village, county, state, or federal permits prior to issuance of a building permit.
  - i. No permits for construction in a proposed condominium project shall be issued until evidence of a recorded master deed has been provided to the Village.
- b. Expiration of site plan approval.
  - i. If construction has not commenced within 12 months after approval of the site plan, the site plan approval expires and a new application for site plan review shall be required.
  - ii. The applicant may apply in writing to the Planning Commission for an extension of site plan approval. The Planning Commission may grant one or more extensions of up to 12 months upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to current Zoning Ordinance standards.
- c. Application for certificate of occupancy. Following completion of site work and building construction, the applicant may apply for a certificate of occupancy from the Building Official. It shall be the applicant's responsibility to obtain this required certificate prior to any occupancy of the property.
- d. Property maintenance after approval.
  - i. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved.
  - ii. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this chapter and shall be subject to the same penalties appropriate for a use violation.
  - iii. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities regarding maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this chapter and shall be subject to the same penalties appropriate for a use violation.
- e. Recorded and as-built condominium documents.
  - i. Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the Village the following:

[1] One copy of the recorded master deed;

- [2] One copy of any condominium bylaws and restrictive covenants; and
- [3] One copy of the recorded condominium subdivision plan.

- ii. Upon completion of the project, the condominium project developer or proprietor shall furnish the Village with two copies of an "as-built survey." The as-built survey shall be reviewed by the Village Engineer for compliance with Village ordinances. Fees for this review shall be established by the Village Council.
- 6. Site plan violation. In the event that construction is not in compliance with the approved plans, the Zoning Administrator shall take corrective action, unless a revised site plan is submitted for Village review, following the normal site plan review procedures in section 11.02. If the builder or developer fails to take corrective action or pursue approval of an amended site plan, the Zoning Administrator may issue a citation, after which the Village Council may commence and pursue appropriate action in a court having jurisdiction.
- 7. Modification to approved plan. Minor modifications to an approved site plan may be reviewed by the Village Zoning Administrator.
  - a. Minor modification defined. Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the danger from hazards. Examples of minor modifications include:
    - i. An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than 25% or 2,000 square feet, whichever is less.
    - ii. Reoccupancy of a vacant building (that does not constitute a change in use) that has been unoccupied for less than 12 months.
    - iii. Changes to building height that do not add an additional floor.
    - iv. Alterations or modifications involving less than 20 parking spaces. The construction of a new building or structure or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.
  - b. Determination of minor modification. The Zoning Administrator shall determine if the proposed modifications are minor in accordance with the guidelines in this section.
  - c. Modifications not deemed "minor."
    - i. If the modifications are not deemed minor by the Zoning Administrator, or if the Zoning Administrator finds that there are characteristics of the site plan that warrant Planning Commission review, the full review and approval by the Planning Commission shall be required.
    - ii. Planning Commission review and approval shall be required for all site plans that involve a request for a variance, a special land use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.
  - d. Recording of action. Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan and shall be kept on file at the Village Hall. The Planning Commission shall be advised of all minor site plan modifications approved by the Zoning Administrator and such modifications shall be noted on the site plan and in the minutes of the Planning Commission.
- E. Required information on site plans. The following information shall be included on all site plans, where applicable:
  - 1. Application form. The application form shall contain the following information:
    - a. Applicant's name and address.
    - b. Name, address, and signature of property owner, if different from applicant.



- c. Common description of property and complete legal description including the tax identification number.
  - d. Dimensions of land and total acreage.
  - e. Existing zoning of applicant's parcel.
  - f. Existing use of the applicant's parcel.
  - g. Proposed use of land and name of proposed development, if applicable.
  - h. Proof of property ownership.
  - i. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
  - j. Review comments and/or approvals from county, state, and federal agencies. Copies of letters or approval forms should be submitted with the site plan application.
2. Descriptive and identification data.
- a. A site plan shall consist of an overall plan for the entire development, drawn to a scale of not less than one inch equals 20 feet for property less than one acre, one inch equals 30 feet for property larger than one acre but less than three acres, and one inch equals 50 feet for property larger than three acres, unless another scale is approved by the Zoning Administrator.
  - b. The following descriptive and identification information shall be included on a site plan:
    - i. Applicant's name and address, and telephone number.
    - ii. Title block indicating the name of the development.
    - iii. Scale.
    - iv. North point.
    - v. Dates of submission and revisions (month, day, year).
    - vi. Location map drawn with North point.
    - vii. Legal and common description of property, including acreage.
    - viii. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.
    - ix. A schedule for completing the project, including the phasing or timing of all proposed developments.
    - x. Identification and seal of the architect, engineer, land surveyor, or landscape architect who prepared or supervised and approved the plan.
    - xi. Written description of proposed land use.
    - xii. Zoning classification of applicant's parcel and all abutting parcels.
    - xiii. Proximity to driveways serving adjacent parcels.
    - xiv. Proximity to major thoroughfares.
    - xv. Notation of any variances that have or must be secured.
    - xvi. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.
3. Site data.
- a. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
  - b. Front, side, and rear setback dimensions.
  - c. Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
  - d. Existing and proposed site features, including buildings, roadway widths and names, and parking areas.
  - e. Existing structures within 50 feet of the subject property.

- f. Dimensions and center lines of existing and proposed roads and road rights-of-way, and acreage of proposed roads and road rights-of-way.
  - g. Acceleration, deceleration, and passing lanes, where required.
  - h. Proposed vehicular circulation system, including location of driveway entrances, roads, and on-site driveways.
  - i. Typical cross section of proposed roads and driveways.
  - j. Location of existing drainage courses, floodplains, lakes, rivers, and streams, with elevations, and acreage of bodies of water.
  - k. Boundaries of all wetland areas, with sufficient dimensions between various points on the wetland boundary and buildings, property lines, or other features to allow accurate portrayal of the wetlands. The acreage shall be provided separately for all wetlands, and wetlands regulated by the state shall be identified. Wetlands staking and identification shall be done by a qualified wetlands expert. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
  - l. Location of existing and proposed interior sidewalks and sidewalks in the road right-of-way.
  - m. Exterior lighting locations and method of shielding lights from shining off the site.
  - n. Trash and recycling receptacle locations and method of screening.
  - o. Transformer pad location and method of screening, if applicable.
  - p. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
  - q. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
  - r. The location of lawns and landscaped areas, including required landscaped greenbelts.
  - s. Landscape plan, including location, size, type and quantity of proposed shrubs, trees, and other live plant material.
  - t. Location and types of land cover, before and after proposed development.
  - u. Cross section of proposed berms.
  - v. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
  - w. Designation of fire lanes.
  - x. Loading/unloading areas.
  - y. The location of any outdoor storage of materials and the manner by which it will be screened.
  - z. Locations of steep slopes.
4. Building and structure details.
- a. Location, height, and outside dimensions of all proposed buildings or structures.
  - b. Indication of the number of stores and number of commercial or office units contained in the building, if applicable.
  - c. Building floor plans.
  - d. Total floor area.
  - e. Location, size, height, and lighting of all proposed signs.
  - f. Proposed fences and walls, including typical cross section and height above the ground on both sides.
  - g. Building facade elevations. Elevations of proposed buildings shall indicate type and color of exterior building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air-conditioning units, heating units, and transformers.
5. Information concerning utilities, drainage, and related issues.

- a. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, and/or septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and the location of gas, electric, and telephone lines.
  - b. Layout and description of telecommunications infrastructure.
  - c. Indication of site grading and drainage patterns.
  - d. Types of soils and location of floodplains and wetlands, if applicable.
  - e. Soil erosion and sedimentation control measures.
  - f. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
  - g. Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.
6. Information concerning residential development.
  - a. The number, type, and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.).
  - b. Density calculations by type of residential unit (dwelling units per acre).
  - c. Lot coverage calculations.
  - d. Floor plans of typical buildings with square feet of floor area.
  - e. Garage and carport locations and details, if proposed.
  - f. Pedestrian circulation system.
  - g. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads.
  - h. Community building locations, dimensions, floor plans, and facade elevations, if applicable.
  - i. Swimming pool fencing detail, including height and type of fence, if applicable.
  - j. Location and size of recreation open areas.
  - k. Indication of type of recreation facilities proposed for recreation area.
  - l. If common area or community buildings are proposed, then the site plan should indicate the responsibilities of the subdivision or condominium association, property owners, or other public entity, with regard to maintenance of the common areas or community property on a continuing basis.
7. Information applicable to mobile home parks.
  - a. Location and number of pads for mobile homes.
  - b. Distance between mobile homes.
  - c. Proposed placement of mobile home on each lot.
  - d. Average and range of size of mobile home lots.
  - e. Density calculations (dwelling units per acre).
  - f. Lot coverage calculations.
  - g. Garage and carport locations and details, if proposed.
  - h. Pedestrian circulation system.
  - i. Location and names of roads and internal drives.
  - j. Community building location, dimensions, floor plans, and facade elevations, if applicable.
  - k. Swimming pool fencing detail, including height and type of fence, if applicable.
  - l. Location and size of recreation open areas.
  - m. Indication of type of recreation facilities proposed for recreation area.
8. Additional information.

- a. <https://ecode360.com/print/35001145>Information related to condominium development. The following information shall be provided with all site plans involving condominium development:
    - i. Condominium documents, including the proposed master deed, condominium bylaws, and condominium subdivision plan.
    - ii. Condominium subdivision plan requirements, as specified in the Condominium Rules promulgated by the Department of Licensing and Regulatory Affairs, Bureau of Commercial Services and Corporations, or successor agency.
  - b. Items not applicable. The Planning Commission or Zoning Administrator may waive any of the above-enumerated requirements whenever it is determined that such requirement is not necessary for a specific site plan due to the fact that:
    - i. The condition does not apply and is therefore unnecessary to evaluate the proposal; or
    - ii. There are hardships of a nonmonetary nature in providing the required information.
  - c. Other data that may be required. Other data may be required if deemed necessary by the Planning Commission to determine compliance with the provisions in this chapter. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.
- F. Standards for site plan approval. The following criteria shall be used as a basis upon which site plans will be reviewed and approved:
- 1. Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
  - 2. Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this chapter.
  - 3. Appearance. Landscaping, earth berms, fencing, signs, wall, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
  - 4. Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density, and all other requirements set forth in the Schedule of Regulations (Article 6.00) unless otherwise provided in this chapter.
  - 5. Preservation of natural areas. The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.
  - 6. Emergency vehicle access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
  - 7. Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
  - 8. Pedestrian circulation. Each site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.
  - 9. Vehicular and pedestrian circulation layout. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets shall be

appropriate for the volume of traffic they will carry, based on Van Buren County Road Commission standards. In order to ensure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

10. Drainage. Appropriate measures shall be taken to ensure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Grading and drainage plans shall be subject to review by the village Engineer.
11. Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current county and Village standards.
12. Exterior lighting. Exterior lighting shall be designed so that it is focused downward and deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
13. Public services.
  - a. Adequate services and utilities, including water, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
  - b. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the Village or county, as appropriate.
14. Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be reviewed in consideration of screening and landscaping objectives.
15. Danger from hazards.
  - a. The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Village/Village to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Village shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Village.
  - b. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharge of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
16. Health and safety concerns. Any use in any zoning district shall comply with applicable federal state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.
17. Sequence of development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
18. Coordination with adjacent sites. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

## § 11.03. Appeals, interpretations, and variances.

- A. Intent. The purpose of this section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this chapter or state law gives jurisdiction to the ZBA.
- B. Authority of the Zoning Board of Appeals.
  - 1. General authority. The Zoning Board of Appeals (ZBA) shall have the authority to act on those matters where this chapter provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have authority to authorize a variance as defined in this chapter and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this chapter.
  - 2. Administrative review/appeal.
    - a. The ZBA shall have authority to hear and decide appeals of administrative decisions where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made in carrying out or enforcing any provisions of this chapter. Such appeal shall be requested by the applicant within 30 days of the date of the order, refusal, requirement, or determination being appealed.
    - b. In hearing and deciding appeals under this subsection, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official breached a duty or discretion in carrying out this chapter.
    - c. The ZBA shall not have the authority to consider an appeal of a decision concerning a special land use or a planned unit development.
  - 3. Interpretation.
    - a. The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the Zoning Map. The ZBA shall make such decisions so that the spirit and intent of this chapter shall be observed.
    - b. Text interpretations shall be limited to the issues presented, shall be based upon a reading of the chapter as a whole, and shall not have the effect of amending the chapter. Map interpretations shall be made based upon rules in the chapter, and any relevant historical information.
    - c. In carrying out its authority to interpret the chapter, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the chapter. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the chapter.
  - 4. Variances. The ZBA shall have authority to grant dimensional or "non-use" variances from the strict letter and terms of this chapter by varying or modifying any of its rules or provisions so that the spirit of this chapter is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the chapter. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use

variances by this chapter. Such authority shall be exercised in accordance with the following standards.

- a. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. In determining whether practical difficulties exist, the ZBA shall consider the following factors:
  - i. Strict compliance with the letter of the Zoning Ordinance will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
  - ii. A grant of the variance will do substantial justice to the applicant, as well as to other property owners.
  - iii. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
  - iv. That the hardship asserted by the applicant by way of justification for a variance is due to the unique circumstances of the property.
  - v. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
  - vi. Bis observed, public safety secured, and substantial justice done.
- b. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings.

#### 5. Conditions.

- a. The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation, or variance request. The conditions may include requirements 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.
- b. Conditions imposed shall meet the following requirements:
  - i. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - ii. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - iii. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the chapter, be related to the standards established in the chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- c. Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

#### C. Applications and notices.

##### 1. Application.

- a. All applications to the ZBA shall be filed with the Village, on forms provided by the Village, and shall be accompanied by the applicable fee established by resolution of the Village Council.
    - b. Applications shall include six individually folded and one digital copy of all plans, studies and other information and data to be relied upon by the applicant. These materials shall be submitted to the Village no later than 30 days prior to the Zoning Board of Appeals meeting at which the review is requested.
  2. Applications involving an appeal of administrative order. In a case involving an appeal from an action of an administrative official or entity, the administrative official shall transmit to the ZBA copies of all papers constituting the record upon which the action appealed was taken.
  3. Plot plan.
    - a. A plot plan shall be required with all variance requests. The plan, which shall accompany all variance requests, shall be based on a mortgage survey or land survey prepared by a licensed land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks, and all existing and proposed structures. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to section 11.02 shall satisfy the requirements of this section.
    - b. The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed, including relevant plans, studies, and other information.
  4. Consent of property owner required. Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.
  5. Notice. Notice of a public hearing concerning a request for a variance shall be given following the procedures of section 11.09. Notice of a public hearing concerning a request for an interpretation of the Zoning Ordinance, or an appeal of an administrative decision shall be given as follows:
    - a. A notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the Village and sent to the person requesting the interpretation not less than 15 days before the public hearing.
    - b. If the request for interpretation or appeal involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the public hearing shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
  6. Stay of proceedings. An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.
  7. Decision by the Zoning Board of Appeals. The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the administration of this chapter, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this chapter, or to grant a "non-use" variance from the terms of this chapter.
- D. Disposition and duration of approval.



1. ZBA powers. The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this chapter and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.
2. Decision final. A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.
3. Period of validity. Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.
4. Record of proceedings. The Village administrative staff, under the supervision of the Secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority and shall be the responsibility of the Secretary of the ZBA and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA Secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval. The official records of the ZBA proceedings shall be filed in the Village Hall and shall be public records.
5. Appeal of a ZBA decision. Appeals of a ZBA decision shall be taken in the manner provided by law.
6. New application for variance. If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of one year, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one-year period if conditions upon which their original decision was made change, or if information relating to their original decision is found to be incorrect or inaccurate.

## § 11.04. Amendments.

- A. Initiation of amendment. Upon recommendation by the Planning Commission, the Village Council may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.
- B. Application for amendment.
  1. A request for an amendment to the text of this chapter or an amendment to change the zoning classification of a particular property shall be commenced by filing an application on the forms provided by the Village and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a plot plan or survey. These materials shall be submitted to the Village no later than 30 calendar days prior to the Planning Commission meeting at which the review is requested.

2. A required plot plan or survey shall contain the following information:

- a. Applicant's name, address, and telephone number.
- b. Scale, North point, and dates of submittal and revisions.
- c. Zoning classification of petitioner's parcel and all abutting parcels.
- d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.
- e. Dimensions, center lines, and right-of-way widths of all abutting streets and alleys, both public and private.
- f. General location of existing drainage courses, floodplains, lakes and streams, and woodlots.
- g. All existing and proposed easements.
- h. Location of existing sanitary sewer or septic systems, water mains, and well sites.

C. Review procedures. After the completed application form and all required supporting materials have been received and fees paid, the request shall be reviewed in accordance with the following procedures:

1. Planning Commission review. The request shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the request for amendment in accordance with the procedures and public hearing and notice requirements set forth in Michigan Public Act 110 of 2006, as amended, and schedule a public hearing for the request on the next available Planning Commission agenda. Notice of the public hearing shall be given following the procedures listed in section 11.09.
2. Action by the Planning Commission. Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact which it shall transmit to the Village Council, together with the comments made at the public hearing and its recommendations.
3. Action by the Village Council. The Village Council may hold additional hearings if the Council considers it necessary, following the hearing and notice requirements of Michigan Public Act 110 of 2006, as amended. The Village Council may by majority vote of its membership adopt the proposed amendment, reject the proposed amendment, or refer the proposed amendment back to the Planning Commission for further review and recommendation within a specified time period. Thereafter, the Village Council may either adopt the amendment with or without the recommended revisions or reject it.
4. Review considerations. The Planning Commission and Village Council shall, at minimum, consider the following before taking action on any proposed amendment:
  - a. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
  - b. Will the proposed amendment further the comprehensive planning goals of the Village as reflected in the Master Plan?
  - c. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
  - d. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
  - e. Will the amendment result in unlawful exclusionary zoning?
  - f. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
  - g. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?

- h. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
    - i. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
    - j. Will the proposed amendment be consistent with the purposes of this chapter and, in particular, will the proposed amendment promote the public health, safety and welfare?
  - 5. Notice of record of amendment adoption. Following adoption of an amendment by the Village Council, one notice of adoption shall be filed with the Village Clerk and one notice shall be published in newspaper of general circulation in the Village within 15 days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Village Clerk. A master Zoning Map shall be maintained by the Village, which shall identify all map amendments.
- D. Referendum. Within 30 days following the passage of the Zoning Ordinance, a petition signed by a number of qualified and registered voters as specified in Section 402 of Public Act 110 of 2006, as amended, may be filed with the Village Clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with Section 402(2) of Michigan Public Act 110 of 2006, as amended.

## § 11.05. Conditional rezoning.

- A. Intent. The Planning Commission and Village Council recognize that, in certain instances, it would be an advantage to the Village and to property owners seeking rezoning if the application for rezoning was accompanied by a site plan and was subject to certain conditions. Accordingly, it is the intent of this section of the Zoning Ordinance to provide a conditional rezoning option to property owners in connection with the submission of an application for rezoning.
- B. Definitions. The following definitions shall apply in the interpretation of this section:

### **APPLICANT**

The property owner, or a person acting with the written and signed authorization of the property owner to make application under this section.

### **CONDITIONAL REZONING AGREEMENT (CR AGREEMENT)**

A written agreement approved and executed by the Village and property owner, incorporating a CR plan, and setting forth rezoning conditions and any other terms mutually agreed upon by the parties relative to land for which the Village has approved a conditional rezoning.

### **CONDITIONAL REZONING PLAN (CR PLAN)**

A plan of the property which is the subject of a conditional rezoning, prepared by a licensed engineer or architect, that shows the location, size, height, design, and other measures or features of buildings, structures, and improvements on and adjacent to the property. The details to be offered for inclusion on a CR plan shall be determined by the applicant, subject to approval of the Village Council after recommendation by the Planning Commission.

### **REZONING CONDITIONS**

Conditions proposed by the applicant and approved by the Village as part of an approval under this section, which shall constitute regulations in connection with the development and use of property for which conditional approval has been granted. Such rezoning conditions shall not:

- (1) Authorize uses or developments of greater intensity or density than are permitted in the district proposed by the rezoning.
- (2) Authorize uses that are not permitted in the district proposed by the rezoning.
- (3) Permit uses or development expressly or implicitly prohibited in the CR agreement.

## **REZONING**

The amendment of this chapter to change the Zoning Map classification on property from its existing district to a new district classification.

### **C. Authorization and eligibility.**

1. Application for optional conditional rezoning. A property owner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. The conditional rezoning option shall be selected by filing an application for conditional rezoning review. Conditional rezoning represents a legislative amendment to the Zoning Ordinance, pursuant to Section 405 of Michigan Public Act 110 of 2006, as amended.
2. Site-specific regulations. In order to be eligible for review of an application for conditional rezoning, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR plan and in a CR agreement) which are equally or more strict or limiting than the regulations that would apply to the land under the proposed zoning district.

### **D. Review and approval procedures.**

1. Preapplication meeting. Prior to submitting an application for conditional rezoning, the applicant may schedule a preapplication meeting with the Village Planner to review the conditional rezoning guidelines and expectations. The applicant shall pay the expenses incurred by the Village for this meeting.
2. Application. A property owner or his/her designated agent may submit an application for conditional rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The application, which may be amended during the review process, shall include a CR plan proposed by the applicant and a list of rezoning conditions proposed by the applicant, recognizing that the rezoning conditions shall not authorize uses or development not permitted in the proposed zoning district.
3. Planning Commission review. After the completed application and all required supporting materials have been received and fees paid, the petition shall be reviewed by the Planning Commission in accordance with the procedures outlined in section 11.04.
4. Village Council consideration. Upon receipt of the recommendation of the Planning Commission, the Village Council shall deliberate on the proposed conditional rezoning. If the Village Council determines that it may approve the conditional rezoning, then the Village Council shall work with the landowner to clarify tentative conditions so that the applicant (or designee) can develop a draft CR agreement.
5. Village Council action. Upon completion of the CR agreement, the Village Council, by majority vote of its membership, shall make a final determination to approve or deny the conditional rezoning.
6. Zoning district designation. If approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR, Conditional Rezoning." The use of property so designated shall be restricted to the uses specified in the CR agreement, and no other development or use shall be permitted.

7. Effects of approval. The use of property in question shall conform with all regulations governing development and use in the zoning district to which the property has been rezoned, subject to the following:
    - a. Development subject to conditional rezoning requirements. Development and use of the property shall be subject to the more restrictive requirements specified on the CR plan, in the rezoning conditions and in the CR agreement, required as part of the conditional rezoning approval. Such requirements shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
    - b. Site plan review and other approvals required. Approval of the CR plan and agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the CR plan. Site plan, special land use, plat, and condominium approval, as appropriate, shall be required, pursuant to procedures in Article 11.00, prior to any improvements to the property. Any use or development proposed as part of any offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this chapter.
    - c. Recordation and publication of CR agreement. A conditional rezoning shall become effective following publication in the manner provided by law, and, after recordation of the CR agreement, whichever is later.
  8. Amendment of CR agreement. Amendment of a CR agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.
  9. Expiration of CR agreement. The conditional rezoning approval shall expire following a period of two years from the effective date of the rezoning unless: 1) approved development of the property commences within such two-year period and proceeds without delay and in good faith as required by ordinance toward substantial completion; or 2) the rezoning is extended for good cause by the Village Council as provided herein.
    - a. Extension of approval. In the event that a development has not commenced within two years from the effective date of the rezoning, the Village Council shall initiate reversion of the zoning to its former classification. However, the landowner may apply to the Village Council for a one-year extension one time. The request for extension must be submitted to the Village Clerk before the two-year time limit expires. The landowner must show good cause why the extension should be granted.
    - b. Reversion of zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified above, then the land shall revert to its former zoning classification as set forth in MCL § 125.286i. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
  10. Violations of the CR agreement. If development or actions are undertaken on or with respect to the property in violation of the CR agreement, such development or actions shall constitute a nuisance per se. In such case, the Village may issue a stop-work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR agreement, the Village may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.
- E. Elements of a conditional rezoning application. As an integral part of the conditional rezoning, the following elements shall be provided by the applicant for review by the Village.

1. CR plan. A CR plan, with such detail as proposed by the applicant and approved by the Village Council in accordance with this section. The CR plan shall not replace the requirements for site plan, subdivision, or condominium approval, as the case may be.
2. Rezoning conditions. Rezoning conditions, which shall not authorize uses or development not permitted in the proposed zoning district, and which shall not permit uses or development expressly or implicitly prohibited in the CR agreement. Rezoning conditions may include some or all of the following:
  - a. The location, size, height, and setbacks of buildings, structures, and improvements.
  - b. The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
  - c. Measures to preserve natural resources or features.
  - d. Facilities to address storm water drainage and water quality.
  - e. Facilities to address traffic issues, for example, through road paving or other road improvements.
  - f. Open space preservation provisions.
  - g. Minimum landscaping, buffering, and screening provisions.
  - h. Added landscaping, above and beyond what is required by the Zoning Ordinance.
  - i. Building design, materials, lighting, and sign criteria.
  - j. Permissible and prohibited uses of the property.
  - k. Provisions to preserve historic farms, barns, and other buildings to preserve the history of the Village.
  - l. Reclamation and reuse of land, where previous use of land causes severe development difficulties, or has caused blight.
  - m. Drainage improvements, beyond what is required by ordinance, using best management practices.
  - n. Such other conditions as deemed important to the development by the applicant.
3. CR agreement. A CR agreement, which is voluntarily offered by the applicant (or designee), shall incorporate the CR plan and set forth the rezoning conditions, together with any other term mutually agreed upon by the parties, including the following terms:
  - a. Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Village to grant the rezoning, and that the Village relied upon such proposal and would not have granted the rezoning but for the terms in the CR agreement.
  - b. Agreement and acknowledgement that the conditions and CR agreement are authorized by all applicable state and federal laws and constitution, and that the CR agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Village.
  - c. Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR plan and CR agreement.
  - d. Agreement and understanding that the approval and CR agreement shall be binding upon and insure to the benefit of the property owner and the Village, and their respective heirs, successors, assigns, and transferees.
  - e. Agreement and understanding that, if a conditional zoning expires in the manner provided in this section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
  - f. Agreement and understanding that each of the requirements and conditions in the CR agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.

- g. Any other agreement voluntarily proposed by the applicant (or designee) that is consistent with all applicable state and federal laws and is agreed to by the Village.
- F. Approval criteria. The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR plan, rezoning conditions, and CR agreement:
  - 1. Enhancement of the project area. The Village Council, upon recommendation from the Planning Commission, shall determine that approval of the conditional rezoning shall accomplish the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.
  - 2. In the public interest. The Village Council, upon recommendation from the Planning Commission, shall determine that, in considering the site-specific land use proposed by the applicant, sufficient conditions have been included in the CR plan and CR agreement so that it would be in the public interest to grant the conditional rezoning. In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles.
  - 3. Consistency with the master plan. The proposed rezoning shall be consistent with the Master Plan and Future Land Use Map for the Village.
  - 4. Review considerations. The Planning Commission and Village Council shall consider the review considerations set forth in section 11.04C(5).

## § 11.06. Fees.

- A. All applications shall be accompanied by a filing fee which shall be established by resolution of the Village Council, in accordance with Section 406 of Public Act 110 of 2006, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the Village for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reported services, or similar services.
- B. The filing fee and deposit shall be paid before the review process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the chapter shall suspend further review of the application. Any deposit toward the cost of any consultants shall be credited against the expense to the Village of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.
- C. A schedule of the current filing fees and deposit requirements shall be made available in the office of the Zoning Administrator.
- D. The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 11.02 (D) (2).
- E. There shall be no fee in the case of application filed in the public interest by a municipal department or Village official.

## § 11.07. Violations and penalties.

- A. Nuisance per se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used, and any use of a lot or land which begun, maintained, or changed in violation of any provision of this chapter are hereby declared to be a

nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

- B. Violation defined. Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this chapter, any administrative decision made under the chapter, or any permit or approval issued under the chapter, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this chapter.
- C. Penalties.
  - 1. Any violation of this chapter shall constitute municipal civil infraction (as defined by Michigan Statute). The penalty for a municipal civil infraction shall be as indicated in the fee schedule adopted by a Resolution of the Village Council. These fees are subject to change from time to time by Village Council Resolution.
  - 2. In addition, the violator shall pay costs which may include all expenses, direct and indirect, which Lawrence Village has incurred in connection with the municipal civil infraction.
  - 3. Upon notice of a violation, the appropriate Village employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. This municipal civil infraction ticket shall serve as notice of the alleged violation. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue. Further violations subject the owner or occupant, or person or persons, agent, firm or corporation to subsequent municipal civil infraction violations. Furthermore, the owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the chapter may each be found responsible for a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator. The imposition of any sentence shall not exempt the offense from compliance with the requirement of this chapter.
- D. Authority to commence court action. The Village Council or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this chapter, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Village Council in such a suit to abate the violation.
- E. Other remedies. The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Village to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this chapter, or to correct, remedy, or abate such noncompliance.
- F. Rights and remedies preserved. Any failure or omission to enforce the provisions of this chapter, and failure or omission to prosecute any violations of this chapter, shall not constitute a waiver of any rights and remedies provided by this chapter or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this chapter.

## § 11.08. Records.

The Village shall keep accurate records of all decisions on all applications submitted pursuant to this chapter.



## § 11.09. Public notice.

Any application process requiring a public hearing shall comply with the noticing requirements of PA 110 of 2006, as amended, and the procedures of this article.

# Article 12.00. Administrative Organization

## § 12.01. Overview.

- A. The Village Council or its duly authorized representatives as specified in this article is hereby charged with the duty of enforcing the provisions of this chapter. Accordingly, the administration of this chapter is hereby vested in the following Village entities:
  - 1. Village Council.
  - 2. Village Planning Commission.
  - 3. Village Zoning Board of Appeals.
  - 4. Village Zoning Administrator.
- B. The purpose of this article of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

## § 12.02. Village Council.

The Village Council shall have the following responsibilities and authority pursuant to this chapter.

- A. Adoption of Zoning Ordinance and amendments. Pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended (MCL § 125.3101 et seq.), the Village Council shall have the authority to adopt this chapter, as well as amendments, including map amendments and conditional rezoning agreements, previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.
- B. Adoption of a master plan. In accordance with Michigan Public Act 33 of 2008, as amended (MCL § 125.3801 et seq.), the Village Council may adopt a master plan. Specifically, Section 43(3) provides that where it has been asserted by resolution, after approval of the proposed master plan by the Planning Commission, the Village Council shall approve or reject the proposed master plan.
- C. Setting of fees. In accordance with section 11.06 of this chapter and Section 406 of Michigan Public Act 110 of 2006, as amended, the Village Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this chapter. In the absence of specific action taken by the Village Council to set a fee for a specific permit or application, the appropriate Village administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. Appointment of Planning Commission members. In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Village President with the approval of the Village Council.
- E. Appointment of Zoning Board of Appeals members. In accordance with Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed by the Village President with the approval of the Village Council.

## § 12.03. Village Planning Commission.

The Village Planning Commission shall have the following responsibilities and authority pursuant to this chapter.

- A. Creation. The Village Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and Village ordinance.

B. Membership and operation.

1. Members of the Planning Commission shall be appointed by the Village President with the approval of the Village Board. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Michigan Public Act 33 of 2008, as amended, and Village ordinance.
2. The Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two members upon written request to the Secretary, or by the Chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

C. Jurisdiction. The Planning Commission shall discharge the following duties pursuant to this chapter:

1. Formulation of Zoning Ordinance and amendments. The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Village Council.
2. Site plan review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with section 11.02. The Planning Commission shall be responsible for granting approval, approval with conditions, or denial of a site plan.
3. Special land use permit. The Planning Commission shall be responsible for holding hearings regarding all applications for special land use approval in accordance with section 7.02 (A) (2) (b) and (c). The Planning Commission shall be responsible for granting approval, approval with conditions, or denial of a special land use permit.
4. Planned unit development review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned unit development in accordance with section 5.10. The Planning Commission shall be responsible for granting approval, approval with conditions, or denial of a planned unit development proposal.
5. Formulation of a master plan. The Planning Commission shall be responsible for formulation and recommendation of a master plan to guide the development of the Village, in accordance with Michigan Public Act 33 of 2008, as amended.
6. Review of matters referred by the Village Council. The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Village Council. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. Report on operation of the Zoning Ordinance. In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Village Council a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the chapter.

## § 12.04. Village Zoning Board of Appeals.

The Village Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended.

- A. Membership and operation. Members of the ZBA shall be appointed by a majority vote of the members of the Village Council. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the ZBA shall be in accordance with Michigan Public Act 110 of 2006, as amended.

1. The ZBA shall consist of five members. One member shall be a member of the Village Planning Commission.
  2. The remaining members (including any alternate members) shall be electors of the Village residing inside the incorporated village, and shall be representative of the population distribution and of the various interests present in the Village.
  3. A member of the Village Council may be a regular member of the ZBA, but shall not serve as Chair.
  4. No employee or contractor of the Village may be a member or employee of the ZBA.
  5. The ZBA shall not conduct business unless a majority of the members of the Board are present.
  6. The Village Council may appoint up to two alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.
  7. Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairperson, or at such other times as the ZBA may specify in its rules and procedures.
  8. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Village Clerk.
- B. Jurisdiction. The ZBA shall have all the powers and jurisdiction granted by applicable laws and prescribed in this chapter, including the following:
1. Appeals.
    - a. The ZBA has the jurisdiction and power to hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
    - b. The ZBA shall not have the authority to consider an appeal of a decision concerning a special land use or a planned unit development.
  2. Interpretation. The ZBA has the jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this chapter, including the interpretation of the Zoning Map.
  3. Non-use variance. The ZBA has the jurisdiction and power to authorize a non-use variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this chapter or to any other non-use-related requirement in this chapter.

# Article 13.00. Severability; Repeal; Effective Date; Adoption

## § 13.01. Severability.

- A. This chapter and the various parts, sentences, paragraphs, sections, and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section, or clause be declared unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.
- B. Furthermore, should the application of any provision of this chapter to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the Village, unless otherwise stated in the judgment.

## § 13.02. Repealer and savings.

- A. The previously adopted Lawrence Village Zoning Ordinance text and map, and all amendments thereto, shall be repealed on the effective date of this chapter. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.
- B. The repeal of the previously adopted Lawrence Village Zoning Ordinance shall not release any penalty or liability incurred under said ordinance, and such ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.

## § 13.03. Effective date.

Made and passed by the Lawrence Village Council, Van Buren County, Michigan, on *Month Day, Year*, and effective on *Eff Month Eff Day, Eff Year*, this chapter shall be in full force and effect from and after Month Day, Year.

## § 13.04. Adoption.

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the Village Council:

- A. Public hearing by Planning Commission:
- B. Recommendation of Planning Commission to approve the Zoning Ordinance text and map to the Village Council:
- C. Review by Van Buren County Planning Commission:
- D. Village Council adoption of the Zoning Ordinance text and map:
- E. Date the chapter text and map shall take effect: