

ZONING ORDINANCE
OF THE
VILLAGE OF MORRICE

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PREAMBLE
ARTICLE I: SHORT TITLE
ARTICLE II: PURPOSES

ZONING ORDINANCE OF THE VILLAGE OF MORRICE

PREAMBLE:

An ordinance to provide for the establishment of zoning districts to encourage and regulate the use of land and the proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate the height and bulk of buildings, the density of population, and the minimum dimensions of yards, courts, and other open spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said ordinance.

The Village of Morrice, under the authority of Act 285 of the Michigan Public Acts of 1931, as amended, and Act 207 of the Michigan Acts of 1921, as amended, hereby enacts as follows:

ARTICLE I: SHORT TITLE

This ordinance shall be known as the Zoning Ordinance of the Village of Morrice.

ARTICLE II: PURPOSES

It is the purpose of this Zoning Ordinance to promote the public health, safety, morals, comfort, convenience, and general welfare of the Village of Morrice by encouraging the use of lands and natural resources in the Village in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation; sewage and drainage; water supply and distribution, and educational and recreational facilities; assuring adequate provisions for food, natural resources, housing, and commerce, insuring appropriate locations and relationships for uses of land; and facilitating the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the objective and policies contained in the Land Use Plan for the Village of Morrice and to provide for the administration and enforcement of such standards.

ARTICLE III:
ADMINISTRATION AND
ENFORCEMENT

ARTICLE III: ADMINISTRATION AND ENFORCEMENT

SECTION 3.1 ADMINISTRATION

3.1.1 ADMINISTRATION: The provisions of this ordinance shall be administered by the Village of Morrice Planning Commission and the Village Council in accordance with the Municipal Planning Commission Act, Act 285 of the Michigan Public Acts of 1931, as amended, and the City and Village Zoning Act, Act 207, of the Michigan Public Acts of 1921, as amended.

3.1.2 ZONING ADMINISTRATOR: The Village Council, with the recommendation of the Planning Commission, shall designate or employ a Zoning Administrator to act as its Officer to effect proper administration of this Ordinance. The term of employment, rate of compensation, and any other conditions of employment shall be established by the Village Council. For the purpose of this Ordinance, the Zoning Administrator will have the powers of a police officer.

3.1.3 DUTIES OF THE ZONING ADMINISTRATOR: It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance, and in so doing shall perform the following duties:

- 1) Issue Permits: All applications for zoning permits shall be submitted to the zoning administrator who may issue zoning permits and certificates of occupancy when all applicable provisions of this ordinance have been complied with.
- 2) File of Application: The Zoning Administrator shall maintain files of all applications for building permits and for certificates of occupancy and shall keep records of all building permits and certificates of occupancy issued; these shall be filed in the office of the Village Clerk, which files and records shall be open to the public inspection. Copies shall be furnished at cost upon the request of any person having a proprietary or tendency interest in the property involved.
- 3) Inspections: The zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this ordinance.
- 4) Record Nonconforming Uses: The Zoning Administrator shall record all nonconforming uses of land existing at the effective date of this Ordinance for the purposes of carrying out the provisions of Article VI, Section 6.7, and the Zoning Administrator shall further notify all affected property owners of their nonconforming status within six months from the effective date of this Ordinance by means of written communication mailed to the address of the owner of the nonconforming land use as given in the last assessment roll.
- 5) Record of Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of an of the provisions of this Ordinance, and of the action taken consequent to each such complaint, which records shall be public records.
- 6) Report to Village Council: The Zoning Administrator shall report to the Village Council periodically, at intervals of not greater than six (6) months, summarizing for the period since the last previous report, all building permits and certificates of occupancy issued and all complaints of violation and the action

taken subsequent thereon. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this ordinance while carrying out the duties prescribed herein.

3.1.4 ZONING PERMIT PROCEDURES AND REGULATIONS: It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one (1) zoning permit which shall be the Land Use Permit (“Permit”). Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Land Use Permit is requested comply with this Zoning Ordinance. Upon the Issuance of a Land Use Permit, the applicant may erect or alter a building or structure for which the Land Use Permit has been issued, only after receiving a Building Permit from the Village Building Inspector, where such a permit is required by law.

3.1.4.1 Land Use Permit Application Required: No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, fences, pools, decks, patios, or terraces) initiated until a Land Use Permit has been issued by the Zoning Administrator. An application for a Land Use Permit shall be available from the Zoning Administrator. The application shall be completed by the applicant and shall be accompanied by the following:

3.1.4.1.1 Either a Plot Plan or Site Plan, according to the provision of Section 8.1.2.2 of this Ordinance.

3.1.4.1.2 Public Sanitary Sewer Approval: In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, a written notice of acceptance to the public sanitary sewer system and a hook-up fee receipt shall be required.

3.1.4.1.3 Private Water Supply Approval: When a water supply system is required by law or proposed by the applicant, a report from the County Health Department certifying approval of a proposed private water supply system shall be required.

3.1.4.2 Application Fees: Fees for review of development proposals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Village Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Clerk. The amount of such fees shall be established by the Village Council by resolution and shall cover the costs, including but not limited to all costs associated with conducting a public hearing or inspection, including newspaper notice, postage, photocopying, and staff time; Village Council and/or Zoning Board of Appeals time; Mileage; and any costs associated with reviews by qualified professionals including professional planners, attorneys and/or engineers.

3.1.4.2.1 When Professional Review Fee is Required: For any application for approval of a Site Plan, Special Use Permit, Variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Village Council may require the payment of a professional review fee. A fee may be requested for any project which may, in the opinion of the Zoning Administrator or Village Council, create conditions on the subject site hazardous to the general public health, safety, or welfare, including vehicular circulation patterns, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because

of which professional input is desired before a decision is made by the approving body.

3.1.4.2.2 Professional Review and Report: A professional review shall result in a report to the Village indicating the extent of conformance or non-conformance with this Ordinance and any problems which may create a threat to public health, safety, or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review contracted for by the Village and a copy of the statement of expenses for the professional services rendered.

3.1.4.2.3 Fee Balance: The applicant shall not be entitled to a refund of any unused fee at the time a permit is either issued or denied in response to to applicants request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Land Use Permit, or other permit issued by the Village in response to the applicants request.

3.1.4.3 Processing of Application: Upon determination of the Zoning Administrator that the Land Use Permit application appears to be complete and in accordance with the Village Zoning Ordinance, the Zoning Administrator shall approve the application, unless the Zoning Administrator defers approval to the Village Council, because some other type of additional approval is needed, including but not limited to: site plan approval, variance request approval, special use permit approval, or other like review and approvals.

3.1.4.4 Permit Issuance, Withholding, Expiration.

3.1.4.4.1 Issuance: After adequate review and whenever the approving body finds that the buildings, structures, uses, and site improvements as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, or Special Use Approval, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of a Land Use Permit in order to insure conformance with the requirements of this Ordinance (see Section 4.6). In any case where a permit is refused, the reason(s) shall be stated in writing to the applicant. No Land Use Permit shall be granted which relies upon a variance until ten (10) days following the decision of the Zoning Board of Appeals has expired.

3.1.4.4.2 Withholding Permit: The Zoning Administrator may withhold any Land Use Permit pending verification that an applicant has received any required township, village, county, state, or federal permits including but not limited to water well permits, soil erosion and sedimentation control permits, wetlands permits, flood plain and culvert permits, driveway permits; or building permits.

3.1.4.4.3 Expiration of Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first inspection by the Zoning Administrator. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Village Council may, after receiving written request prior to the expiration from the permit holder, waive or extend the period of time in which the permit is to expire, by resolution, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration without a waiver of extension, the permit shall be renewable upon re-application and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.

3.1.4.4.4 Relation to Non-Conforming Uses: It shall not be necessary for an owner of a legal non-conforming structure or use, existing on the effective date of this Ordinance, to obtain a Land Use Permit in order to maintain its legal, non-conforming status. However, no non-conforming building,

structure, or use shall be renewed, changed, or extended until a Land Use Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the non-conforming building, structure, or use differs from the provisions of this Ordinance and the changed, extended, or enlarged non-conforming building, structure or use shall comply with the terms of this Ordinance.

3.1.4.4.5 Occupancy Permit: No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Zoning Administrator and the Building Inspector, where applicable under the building code.

3.1.4.4.6 Violations: Shall be handled as set forth in Section 3.2.

3.1.5 Certificates of Occupancy: No land shall be occupied or used, and no buildings shall be used or changed in use until a certificate of occupancy has been issued by either the Zoning Administrator or the Building Code Official, where applicable, stating that the building and its proposed use complies with the provisions of this Zoning Ordinance and/or the building code, where applicable.

3.1.5.1 Certificate for Existing Buildings: Certificates of occupancy may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such uses of land are in conformity with the provisions of this ordinance.

3.1.5.2 Certificates for Non-Conforming Uses: Any use or occupancy of any land or building not specifically permitted in its particular zoning district shall require the issuance of a certificate of occupancy for continued use. The certificate shall indicate the authorized use, the authority by which it is permitted, and limiting conditions to such use.

3.1.5.3 Application for Certificates: Application for certificates of occupancy shall be made at the time of application for building permits, or in the case of existing buildings or uses of land, by application in writing to the Zoning Administrator. A certificate of occupancy applied for coincidentally with an application for a building permit shall be issued upon receipt of proof that the structure has passed all required inspections, and in the case of existing buildings or uses of land, a certificate of occupancy shall be issued with ten (10) days after the receipt of such application if the building, structure, or use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal in writing with the aforesaid ten (10) day period.

Section 3.2 ENFORCEMENT:

3.2.1 Violations and Penalties: The Zoning Administrator shall enforce the provisions of this Ordinance. Violations of any provision of this Ordinance are declared to be a Municipal Civil Infraction – MCLA 600.8701; MSA 27A.8701, et seq.. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to police and fire department employees or to any Village Official shall be reported to the Zoning Administrator.

3.2.2 Inspection of Violations: The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, or all conditions found to be in violation of this Ordinance.

3.2.3 Correction Period: All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall permit. A violation not corrected within this period shall subject the violator to issuance of a Municipal Civil Infraction Ticket, as provided in Section 3.2.4.

3.2.4 Penalties: For each and every the violation continues beyond the permissible grace period, a separate Municipal Civil Infraction Offense shall be declared. Any person, firm, corporation, or legal entity violating any provisions of this Ordinance shall be adjudged guilty of a Municipal Civil

Infraction as set forth below:

3.2.4.1. The words “municipal Civil infraction” mean an act or omission that is prohibited by this Ordinance, but which is not a crime under this Ordinance or other ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. [MCL 600.8701; MSA 27A. 8701, et seq] A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.

3.2.4.2. Unless a violation of this Ordinance is specifically designated a misdemeanor, then the violation shall be a municipal civil infraction.

3.2.4.3. The sanction for a municipal civil infraction violation shall be a civil fine in the amount as provided by this Ordinance, plus costs, damages, expenses, equitable relief and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable law.

3.2.4.3.1. Unless otherwise specifically provided for in this Ordinance, the civil fine for a municipal civil infraction violation shall not be less than \$50.00, plus costs and other sanctions.

3.2.4.3.2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Ordinance. As used in this Section, “repeat offense” means a second (or subsequent) municipal civil infraction violation of the same requirement or provision:

3.2.4.3.2.1. Committed by a person within a six (6) month period (unless some other period is specifically provided by this Ordinance) and

3.2.4.3.2.2. For which the person admits responsibility or is determined to be responsible.

3.2.4.3.3 Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increase fine for a repeat offense shall be as follows:

3.2.4.3.3.1. The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs and other sanctions.

3.2.4.3.3.2. The fines for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$500.00, plus costs and other sanctions.

3.2.4.4 The person who shall receive the municipal civil infraction by the Zoning Administrator shall be the owner, person, firm, corporation, or legal entity violating any provisions of this Ordinance.

3.2.4.5 A “violation” includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance, including any omission or failure to act where the act is required by this Ordinance.

3.2.4.6 In addition to any remedy available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

3.2.4.7 The village Zoning Administrator shall have the authority to issue Municipal Civil Infraction Tickets pursuant to this Ordinance, after an investigation and authorization by the Village Attorney, pursuant to MCL 600.8707 (2); MSA 27A.8707 (2).

3.2.5 Cumulative Rights and Remedies: In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever possible any one of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

ARTICLE IV:
BOARD OF APPEALS

ARTICLE IV: VILLAGE ZONING BOARD OF APPEALS

Section 4.1 CREATION AND MEMBERSHIP

4.1.1 Establishment: There is hereby established a Village Zoning Board of Appeals in accordance with Act 207 of the Public Acts of Michigan of 1921, as amended. The Board of Appeals shall perform its duties and exercise its powers as provided by Section 5 of the said Act, as amended, and in such a way that the objectives of this Ordinance; that the health, safety, and welfare of the public be secured, and that substantial justice be secured.

4.1.2 Membership, Terms of Office: The legislative body of the Village may act as, or appoint a Board of Appeals. In the event that the legislative body appoints, the Board of Appeals must consist of not less than three (3) members, each to be appointed for a term of three (3) years; provided that appointments for the first year shall be for a period of one (1), two (2), and three (3) years respectively, so as nearly as may be to provide for the appointment of an equal number each year, depending on the number of members; thereafter each member to hold office for the full three (3) year period. If a member of the Zoning Board of Appeals resigns his/her term of office, the Village Council must appoint a successor member to the Zoning Board of Appeals not more than one month after the term of the preceding member has expired.

4.1.3 Training for Board of Appeals Members: It shall be the duty of the Zoning Administrator to carefully review with each new member of the Board of Appeals the provisions of this Ordinance, most importantly, the provisions of Article IV as they regard the duties, powers, and scope of responsibility of that each Board member will assume while a member of the Board of Appeals. Furthermore, once each year, the Zoning Administrator may, at the Board's request, review with the entire Board of Appeals their duties, powers, scope of responsibility, and the procedures and policies set forth for the Board of Appeals in this Ordinance.

4.1.4 Removal of Zoning Board of Appeals Members: The Village of Morrice Council shall have the authority to remove a member of the Zoning Board of Appeals for misfeasance, malfeasance, or nonfeasance in office, upon written charges, and after public hearing. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which a member has a conflict of interest. Failure of the member to disqualify himself/herself from a vote in which the member has a conflict of interest shall constitute malfeasance of office.

Section 4.2 ORGANIZATION AND PROCEDURES

4.2.1 Rules of Procedure: The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meeting and carry out its function. The Board shall choose its own Chairperson, and in his absence, an acting Chairperson

4.2.2 Meetings: Meetings shall be held at the call of the Chairperson and at such times as the Board of Appeals may determine. All meetings by the Board shall be open to the public, pursuant to the Open Meetings Act (MCL 15.261 et seq.). The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance. Notice of all meetings shall be published in a newspaper of general circulation in the Village not less than fifteen (15) days before the meeting.

4.2.3 Records: Minutes shall be recorded of all proceedings which shall contain the evidence received, the findings of fact and data relevant to every case considered, together with the votes of the members and the final disposition of the Village Clerk and shall be made available to the general public. The Village Clerk shall act as Secretary to the Board of Appeals and all records of the Board's action shall be taken and recorded under the Village Clerk's direction.

4.2.4 Counsel: The Village Attorney shall act as legal counsel for the Board and shall be present at all meetings upon request by the Board.

4.2.5 Hearings: The Board of Appeals shall fix reasonable time for the hearing of the appeal and give due notice thereof to all person to whom any real property within three hundred (300) feet of the premises in question shall be assessed, such notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, the Board of Appeals may, in passing upon appeals, vary or modify any of its rules, regulations, or provisions relating to the construction, or structural changes in equipment, or alteration of buildings, or structures, or the use of land, buildings or structures, or the use of land, buildings, or structures, so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done. The Board may recess such hearing from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment of the Board hearing, no further notice shall be required.

4.2.5.1. NOTICE AND FAILURE TO APPEAR: Any person required to be given notice under the provisions of subsection 4.2.5 shall be a proper and necessary party to any action for review instituted under the provisions of this Ordinance, and shall be given due notice personally or by registered or certified mail of any such proceedings in the same manner as provided in subsection 4.2.5. If any person receiving notice under the provisions of this section fails to within twenty (20) days of receiving such notice to enter an appearance in the court in which the proceedings were instituted, no further notice to such person or subsequent proceedings is required, and the court may thereupon proceed to determine the issues.

4.2.6 Decisions: The Board of Appeals shall return a decision on a case within sixty (60) days after a request or appeal has been filed unless a further time is agreed upon with the parties concerned. Any decision of the Board shall not become final until expiration thereof five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

4.2.7 Two-Thirds Vote: The concurring vote of two-thirds (2/3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning

Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

4.2.8 Reports to Council: At intervals of not greater than one (1) year, the Board of Appeals shall, by written report to the Village Council, list all applications and appeals made to it since its last report, and shall summarize its decisions on such applications and appeals.

Section 4.3 APPEALS

4.3.1 Filing of Appeals: Appeals to the Board of Appeals may be made by any aggrieved parties, or by an officer, department, board or bureau of the Village. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within ten (10) days after the date of the mailing of the Zoning Administrator's decision. Such appeal shall be filed with the Secretary of the Board of Appeals and with the Zoning Administrator, and shall specify the grounds of the appeal. The Zoning Administrator shall immediately transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from was taken..

4.3.2 Stay: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or on application by court of record.

4.3.3 Fees: A fee, as established by the Village Council, shall be paid to the Secretary of the Board of Appeals at the time the petitioner files an application with the Board. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records, and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Village or any official body of the Village is the moving party.

4.3.4 Review By Circuit Court: Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, Board of Appeals, or the legislative body of the Village of Morrice, which has acted pursuant to the provisions of Act 207 of the Michigan Public Acts of 1921, as amended, may obtain a review thereof, both on the facts and the law, in the Circuit Court of Shiawassee County provided that application is made to the Court within Thirty (30) days after delivery of certiorari or by any other method permissible under the rules and practices of the Circuit Courts of this State, and further, provided that all other means of local appeal and review, as provided in this Ordinance, have first been exhausted. The Circuit Court shall review the record and decision of the Board of Appeals to insure that the decision:

- a) Complies with the Constitution and laws of the State.
- b) Is based upon proper procedure.
- c) Is supported by competent, material, and substantial evidence on the record.
- d) Represents the reasonable exercise of discretion granted by the Board of Appeals.

If the Circuit Court finds the record of the Board of Appeals inadequate to make the review required by this section or that there is additional evidence which is material and with good reason was not presented to the Board of Appeals on conditions which the Court considers proper. The

Board of Appeals may modify its findings and decision as a results of the new proceedings, or may affirm its original decision. The supplementary record and decisions shall be filed with the Courts. As a result of this review, the Circuit Court may affirm, reverse, or modify the decision of the Board of Appeals.

4.3.5 Appeals To The Supreme Court: Any appeal may be had from the decision of any circuit Court or Commendation Court to the Supreme Court in the same manner as provided by the laws of this state, with respect to appeals from Circuit Courts, and in the event of such appeal, the issuance of nonconformity may be reviewed as an issue of law in the Supreme Court.

Section 4.4 Duties and Powers: The Village zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but does have the power to act on those matters where this Ordinance provides for and administrative review, interpretation, variance, exception, or special approval permit as defined in this section.

4.4.1 Review: The Board shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance.

4.4.2 Interpretation: The Board Shall have the power to:

- 1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
- 2) Determine the precise location of the boundary lines between zoning districts.
- 3) Classify a use which is not specifically mention as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district.
- 4) Determine the off-street parking and loading space requirements of any use not specifically mentioned in Article VII, Section 7.1 or 7.2.

4.4.3 Variances: The Village of Morrice recognizes two types of variances. “Dimensional” variances and “Use” variances. The Board of Appeals shall have the power to authorize, upon appeal, dimensional variances and/or use variances as follows:

4.4.3.1. Dimensional Variances: Where there are practical difficulties preventing a property owner from conforming with the strict letter of the ordinance, the Zoning Board of Appeals has the power to grant a dimensional (non-use) variance. The applicant must show practical difficulty by demonstrating that: (1) strict compliance with the area, set back, frontage, height, bulk, or density requirements would unreasonably prevent the owner from using the property for the permitted purposes, or would render conformity unnecessarily burdensome; and/or (2) a variance would do substantial justice to the application as well as to other property owners in the district, and that a lesser relaxation would not give a substantial relief to others; and/or (3) the necessity of the variance is due to unique circumstances to the property; and/or (4) the problem was not self-created.

The zoning Board of Appeals must ensure that in granting dimensional variances, the spirit of the zoning ordinance is observed, public safety is secured, and substantial justice done.

Note for interpretation: Typically this means that if (4) is true, the solution to a dimensional variance is “no”. If (4) is false, and (2) and (3) are true (in which case (1) is also probably true), the solution is probably “yes”. If the application only meets (1) and

the problem is not self-created under (4), the solution is probably “no”

4.4.3.2 Use Variances: Decisions under use variances shall require a concurrent vote of 2/3 of the full membership of the Zoning Board of Appeals. A use variance should only be granted by the Zoning Board of Appeals under such exceptional circumstances where the concurrent zoning district is currently unreasonable as applied to the specific parcel because it does not permit the property owner a reasonable use of the land. In order to obtain approval for a use variance, the applicant must demonstrate an unnecessary hardship exists that can only be resolved by granting a use variance. The property owner must show all of the following: (1) the property in question cannot be put to a reasonable use (i.e., there would be no reasonable economic return from the privilege of ownership) if permitted to be used only for the uses allowed in the district in which it is located; (2) the plight of the property owner is due to the unique circumstances peculiar to the property, and not the general neighborhood conditions; (3) the use variance, if granted, would not alter the essential character of the area or neighborhood; and (4) the problem is self-created.

4.4.4 Special Exceptions: When in its judgment, the public welfare will be served and the use of neighboring property will no be injured hereby, the Board may, in specific case after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this Ordinance in harmony with the general character of the district and the intent and purposes of this Ordinance. The granting of a special exception shall in no way constitute a change in the basis uses permitted in the district affected nor on the property wherein the exception is permitted. The Board may issue either temporary or conditional permits as special exceptions for the following land and structure uses:

4.4.4.1 Temporary Permits: For temporary structures for dwelling purposes, including mobile homes, subject to the following procedures:

4.4.1.1 An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Board on a special form used exclusively for that purpose.

4.4.1.2 The Board shall give due notice to the applicant and to all property owners within three hundred (300) feet of the property affected at least five (5) days before the hearing will be held on such application.

4.4.1.3 A temporary permit shall not be granted unless the Board finds adequate evidence that the proposed location of use will not be detrimental to property in the immediate vicinity, and that the proposed water supply and sanitary facilities have been approved by the County Health Department.

4.4.1.4 The Board may impose any reasonable conditions including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.

4.4.1.5 The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed six (6) months. No permit shall be transferable to any other owner or occupant.

4.4.4.2 Conditional Permits: When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Board. The land or structure may be permitted to be established and to continue as long as the conditions unique to the user exist. The permit issued shall contain all the specific conditions under which continued use may be allowed. Conditional permits may be issued for the following uses”

4.4.4.2.1 Permit more than two (2) roomers in any one (1) dwelling, but no more than four (4), when it can be demonstrated to the satisfaction of the Board that such an expanded capacity is clear necessity for satisfaction of this particular housing demand; that adequate off-street parking space can be provided in accordance with standards stated in Article VII, Section 7.1, and that such use will not

injure the character or value of the immediate neighborhood.

4.4.4.2.2 The Board may authorize a reduction, modification, or waiver of any of the off-street parking or off-street loading regulations in Article VII, Section 7.1 and 7.2, when it can be demonstrated that circumstances of extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal interpretation of the regulations is required. Hardship shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Board. Under all these circumstances, in no case shall the off-street parking or off-street loading standards be reduced by more than twenty-five (25) percent.

4.4.4.2.3 Joint use of off-street parking areas may be authorized by the Board when the capacities outlined in Article VII, Section 7.1 are complied with, and when a copy of an agreement between joint users shall be recorded with the Register of Deeds of Shiawassee County guaranteeing continued use of the parking facilities for each party.

4.4.5 Essential Services: The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service.

4.4.6 Performance Guarantee for Compliance

4.4.6.1 Purpose: In authorizing and Land Use Permit, Special Use Permit, variance, or site plan, the body or official which approved the respective request, as designated by this Ordinance, may require that a performance guarantee of bond be furnished: (1) to insure compliance with the requirements, specifications, and conditions imposed with the grant of such approval, permit or variance, (2) to insure the discontinuance of a temporary use by a stipulated time, and (3) to provide sufficient resources for the Village to complete required improvements or conditions in the event the permit holder does not.

4.4.6.2 Requirements of Guarantee: The performance guarantee shall meet the following requirements:

4.4.6.2.1 Improvements Covered: Improvements that shall be covered by the performance guarantee include those features and actions associated with the project which are considered necessary by the approving body 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 projects are, including roadways, lighting, utilities, common open space improvements, lighting, drainage, and sidewalks.

4.4.6.2.2 Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the approving body, which names the property owner as the obligor and the Village as the obligee. If appropriate, based on the type of performance guarantee submitted, the Village shall deposit the funds in an account in a financial institution with which the Village regularly conducts business.

4.4.6.2.3 Amount and Time Required: The amount of the performance Guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the body or official requiring such guarantee. After approval of the detailed cost estimate, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

4.4.6.3 Return of Performance Guarantee or Bond: The following procedure shall be followed in the return of performance guarantees or bonds:

4.4.6.3.1 Request for Payment: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Village Clerk of completion of said improvements. Thereupon, the Zoning Administrator, Village Engineer, and/or

Building Code Official (whichever is appropriate) shall inspect all of the improvements and shall transmit recommendation to the Clerk which originally approved the Land Use Permit indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvements or condition rejected shall be set forth.

4.4.6.3.2 Approval of Payment: The Clerk shall either approve, partially approve or reject the improvements or conditions with the recommendation of the above officials written statement and shall notify the obligor in writing of the action of the approving body within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the approving body shall notify the Clerk of such approval and the Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

4.4.6.3.2.1 Where partial approval is granted, the obligor shall be released from the liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

4.4.6.3.3 Lack of Full Completion: Should installation of improvements begin and fail to meet full completion based on the approved bond, or if the project area is reduced in size and improvements are only partially met, the Village may complete the necessary improvements or conditions itself by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

4.4.6.4 Performance Guarantee for Razing of Building: The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. A Guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief, Police Chief, or the Village Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

4.4.6.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

4.4.6.6 Form of the Performance Guarantee: The performance guarantee shall be in a form that meets the requirements of this Ordinance and approved by the Village Attorney.

**ARTICLE V:
ZONING DISTRICTS, MAP, & SCHEDULE OF REGULATIONS**

ARTICLE V

ZONING DISTRICTS, MAP, AND SCHEDULE OF REGULATIONS

Section 5.1 General Provisions

5.1.1 Districts Established: For the purposes of this Ordinance, the Village of Morrice is hereby divided into the following districts:

- R-1A Low density residential (Old Town Area)
- R-2A Low density residential
- R-1B Medium Density Residential
- R-M1 Multiple Family Residential
- B-1 General Business
- B-2 Highway Service
- M-1 Industrial
- A-1 Agricultural
- PL Public Lands

5.1.2 Zoning Districts Map: The boundaries of these districts are hereby defined and established as shown on a map entitled *Amended Zoning District Map of the Village of Morrice*, Shiawassee County, Michigan, which accompanies this Ordinance at **Exhibit B**, and which map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

5.1.2.1 The official Zoning Map shall be identified by the signature of the Village President, attested to by the Village Clerk or Treasurer, and bear the following words: “This is to certify that this is the official Zoning Map referred to in Article V, Section 5.1.2 of the Village of Morrice Zoning Ordinance adopted on December 11, 2013.”

5.1.2.2 If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official Zoning District Map, such changes shall not be considered final, and zoning permits shall not be issued until changes have been made within five (5) normal working days after the effective date of the Ordinance amendment. Each map change shall be accompanied by a reference number on the map which shall refer to the official action of the Village Council. Two (2) copies of the official Zoning District Map are to be maintained and kept up-to-date one (1) in the Village Clerk’s or Treasurer’s office, and one (1) with the Zoning Administrator.

5.1.3 Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the streets or highways, shall be construed as following the center lines of said streets or highways as such boundaries.
- 2) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following Village boundary lines shall be construed as following such Village boundary lines.
- 4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto, and at such distance therefrom as indicated on the official Zoning District Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning District Map.
- 6) Boundaries following the shoreline of a drain, stream, lake, or other body of water shall be construed to follow such shoreline and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
- 7) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Village Zoning Board of Appeals after recommendation from the Village Planning Commission.

5.1.4 Scope of Regulations: Each district, as created in this Article, shall be subject to the regulations contained in this Ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited.

5.1.5 Zoning of Vacated Areas: Whenever any street, alley, or other public way within the Village shall have been vacated by official public action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands formerly within such vacated street, alley, or public way shall automatically and without further action of the Village of Morrice, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

5.1.6 Zoning of Annexed Areas: Any area annexed to the Village of Morrice shall, immediately upon such annexation, be automatically classified as an "A-1" Agricultural District, until a zoning map for said area has been adopted by the Village Council. The Planning Commission shall recommend appropriate zoning for such area within three (3) months after the matter is referred by the Village Council.

5.1.7 District Requirements: All buildings and uses in any district shall be subject, where applicable, to the provisions of Article VI, “Supplementary Regulations,” and Article VII, “Off-Street Parking and Loading Regulations.”

5.1.8 Categories Within Zone Districts: In order to ensure all possible benefits and protection for the zone districts in this Ordinance, the land uses have been classified in two (2) categories:

- 1) Uses permitted by RIGHT. The primary uses and structures specified for which the zone district has been established.
- 2) Uses permitted by SPECIAL USE PERMIT. Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zone district, but could present potential injurious effects upon the primary uses and structures within the zone district and, therefore, require special consideration in relation to the welfare of adjacent properties, and to the community as a whole. All such proposed uses shall be subject to a public hearing following review by the Village Planning Commission. Refer to Article VIII.

Section 5.2 R-1A Districts: One Family Low Density Residential (Old Town Area)

5.2.1 Intent and Purpose: This Section establishes the R-1A One-Family Low Density Residential District (Old Town Area). It is the purpose of this District to encourage a predominance of residential dwellings located on individual parcels of land housing only one (1) family that also recognizes the lots are much smaller in size in the Old Town Area as that was laid out prior to 1983. The requirements for this District are designed to protect and stabilize the essential character of these areas and to promote and encourage a suitable and safe environment for family life, while relieving these lot owners from having to seek a variance for every change that would be required if they were forced to adhere to the zoning requirements of the R-2A Districts. This District includes existing low density one-family properties, as well as areas within which such development appears both likely and desirable.

5.2.2 Uses Permitted by Right:

- 1) One-Family Dwelling.
 - (5) Adult Foster Care Family Home.
- 3) Customary Accessory Uses and Buildings. Provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include any additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.
- 4) Name Plates and Signs: Provided a One-Family Dwelling unit or Adult Foster Care Home is already located on the property, then, as provided in Article VI, Section 6.2.3.
- 5) Automobile Parking: Provided a One-Family Dwelling unit or Adult Foster Care Home is

already located on the property, then, off-street spaces shall be provided as specified in Article VII, Section 7.1.

- 6) Temporary Buildings: Provided a One-Family Dwelling unit or Adult Foster Care Home is already located on the property, then, for uses incidental to construction work; such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period.
- 7) Private Swimming Pools: Provided a One-Family Dwelling unit or Adult Foster Care Home is already located on the property, then, provided that whenever an unenclosed in-ground swimming pool is constructed, said pool shall be provided within a protective fence four (4) feet in height, and entry shall be provided by means of a controlled gate.

An above-ground swimming pool shall either have a protective fence four (4) feet in height, or shall have a ladder with removable steps making the pool inaccessible to prevent access when the pool is not supervised/in use. All pools shall also satisfy all other construction codes.

5.2.3 Uses Permitted By Special Use Permit: The following uses of land and structures may be permitted by the application for, and the issuance of, a special use permit when specified procedures and requirements, as outlined in the Article and Section cited, are complied with:

- 1) Customary Home Occupations: Provided the requirements of Article VIII, Section 8.9 are met.
- 2) Two and Three Family Dwellings: When converted from an existing One-Family Dwelling in compliance with the requirements stated in Article VIII, Section 8.11 “Miscellaneous Special Uses” are met.

5.2.4 Area and Bulk Requirements: See Section 5.11 regarding Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements and Section 5.2.5, One-Family Dwelling Regulations.

5.2.4.1 Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.
- c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8

5.2.5 Review Procedure: All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.3 R-2A Districts: One Family Low Density Residential

5.3.1 Intent and Purpose: This Section establishes the R-2A One-Family Low Density Residential District. It is the purpose of this District to encourage a predominance of residential dwellings located on individual parcels of land housing only one (1) family and which were constructed after 1983. The requirements for this District are designed to protect and stabilize the essential character of these areas and to promote and encourage a suitable and safe environment for family life. This District includes existing low density one-family properties as well as areas within which such development appears both likely and desirable.

5.3.2 Uses Permitted by Right:

- 1) One-Family Dwelling
- 2) Adult Foster Care Family Home
- 3) Customary Accessory Uses and Buildings. Provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include any additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.
- 4) Name Plates and Signs: Provided a One-Family Dwelling unit or Adult Foster Care Home is already located on the property, then, as provided in Article VI, Section 6.2.3.
- 5) Automobile Parking: Provided a One-Family Dwelling unit or Adult Foster Care Home is already located on the property, then, off-street spaces shall be provided as specified in Article VII, Section 7.1.
- 6) Temporary Buildings: Provided a One-Family Dwelling unit or Adult Foster Care Home is already located on the property, then, for uses incidental to construction work; such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period.
- 7) Private Swimming Pools: Provided a One-Family Dwelling unit or Adult Foster Care Home is already located on the property, then, provided that whenever an unenclosed in-ground swimming pool is constructed, said pool shall be provided within a protective fence four (4) feet in height and entry shall be provided by means of a controlled gate.

An above-ground swimming pool shall either have a protective fence four (4) feet in height, or shall have a ladder with removable steps making the pool inaccessible to prevent access when the pool is not supervised/in use.

5.3.3 Uses Permitted By Special Use Permit: The following uses of land and structures may be permitted by the application for, and the issuance of, a special use permit when specified procedures and requirements, as outlined in the Article and Section cited, are complied with:

- 1) Customary Home Occupations: Provided the requirements stated in Article VIII, Section 8.9

are met.

- 2) Two and Three Family Dwellings: When converted from an existing One-Family Dwelling in compliance with the requirements stated in Article VIII, Section 8.11 “Miscellaneous Special Uses” are met.

5.3.4 Area and Bulk Requirements: See Section 5.11 regarding Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements and Section 5.3.5, One-Family Dwelling Regulations.”

5.3.4.1 Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.
- c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8.

5.3.5 **Review Procedure:** All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.4 R-1B District: Medium Density Residential

5.4.1 Intent and Purpose: This district is intended to provide for a diverse residential environment whereby both one-family and two-family dwellings can be accommodated side by side. It provides for a mixture of these two housing types and, thereby, offers a greater choice in living environments. The district also includes areas within the Village which presently have, or will have within a reasonable future period, public water and sewer facilities.

5.4.2 Uses Permitted by Right:

- 1) All uses permitted by “Right” in R-1A Districts are subject to all the restrictions specified therefor.
- 2) Two-family dwellings.

5.4.3 Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted by the application for, and the issuance of, a Special Use Permit, when specified procedures and requirements as outlined in the Article and Sections cited, are complied with:

- 1) All special uses permitted in R-1A Districts: Subject to all the restrictions specified therefor.
- 2) Private noncommercial recreation areas for private neighborhood associations and condominium associations: Private, non-profit swimming pool clubs, community

recreation centers, or other non-commercial recreation activities.

- 3) Day nursery for kids to provide childcare, not including dormitories.

5.4.4 Area and Bulk Requirements: See Section 5.11 regarding Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

5.4.4.1 Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.
- c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8

5.4.5 **Review Procedure:** All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.5 R-M1 District: Multiple-Family Residential

5.5.1 Intent and Purpose: This District is provided to accommodate a mixture of housing types and to serve the limited needs for garden apartments, townhouses, row houses, or other group housing facilities similar in character and density in an otherwise low density, one-family community. This District is further intended to accommodate the particular needs of the mobile homes when situated in mobile home parks which are properly located, designed, and constructed under all conditions specified in this Ordinance and other applicable Village Ordinances. This District also includes areas within the Village which presently have sewer and water facilities which are located adjacent to major thoroughfares, and are situated contiguous to existing multiple-family residential developments. It is the purpose of this District to achieve the same character, stability, and soundness of residential environment as intended for achievement in the R-1A, R-2A, and R-1B Districts.

5.5.2 Uses Permitted by Right:

- 1) All uses permitted by “Right” in the R-1B Residential District.
- 2) Multiple family dwellings.

5.5.3 Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted by the application for and issuance of, a Special Use Permit when specified procedures and requirements as outlined in the Article and Sections cited are complied with:

- 1) All uses permitted by Special Use Permit in the R-1B Residential District subject to all the restrictions specified therefor.

- 2) Mobile home park developments shall comply with all requirements and conditions specified in Section 8.7.1.
- 3) Mobile home subdivisions shall comply with all requirements and conditions specified in Section 8.7.2.
- 4) Group Housing Developments: Including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units and other housing structures of similar character, provided that all proper procedures described in Article VIII, Section 8.1 are followed; the proposed project is serviced by public or semi-private water, sanitary sewer, and storm sewer systems, and that all of the conditions specified in the following Group Housing Site Development Requirements are met. Subject to the specifications of Article VIII, Section 8.2. and specifically 8.2.5.3
- 5) Planned Unit Developments: Provided that the development requirements cited in Article VIII, Section 8.3 are met.
- 6) Institutions for Human Care: Hospitals, professional offices for doctors, dentists, optometrists, clinics, philanthropic and charitable institutions subject to the specifications of Article VIII, Section 8.2.
- 7) Religious Institutions: Churches, convents, parsonages, and other housing for religious personnel subject to the specifications of Article VIII, Section 8.2.
- 8) Educational and Social Institutions: Subject to the specifications of Article VIII, Section 8.2.
- 9) Public Buildings and Public Service Institutions: Subject to the specifications of Article VIII, Section 8.2.
- 10) Funeral Homes and Mortuaries: Subject to the specifications of Article VIII, Section 8.2.

5.5.4 Area and Bulk Requirements: See Section 5.11 regarding Schedule of Regulation limiting the height and bulk of building, the minimum setback and Section 5.2.5, One-Family Dwelling Regulations.

5.5.4.1 Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.
- c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8

5.5.5 Review Procedure: All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards

Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.6 B-1 District: General Business

5.6.1 Intent and Purpose: These districts are designed to cater to the needs of the local consumer population and typically accommodates those retail and business activities that serve the whole community. It is the purpose of these regulations to recognize those retail establishments presently existing within the commercial core of the city and to permit a wide variety of business enterprise types which cannot practicably be incorporated into the Highway Service Districts.

5.6.2 Uses Permitted By Right: Unless otherwise indicated, all of the following uses within this district must be wholly conducted within a permanent, fully enclosed building:

- 1) Retail Food Establishments: Which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store.
- 2) Other Retail Businesses: Such as pharmacy, variety, secondhand stores, dry goods, clothing, notions, music, book or hardware stores which supply commodities on the premises.
- 3) Personal Service Establishments: Which perform services on the premises such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries, and photographic studios.
- 4) Restaurants: Including lunch counters, dairy bars, coffee shops and other establishments which provide for consumption on the premises, provided that such establishments shall not be so-called “drive-in” facilities.
- 5) Fur and Dry Cleaning Establishments: Provided that non-flammable and odorless cleaning fluid or solvent is used.
- 6) Taverns
- 7) Public Assembly Buildings: Including theaters (except drive-in), auditoriums, churches, clubs and lodges.
- 8) Public Buildings: Post offices, libraries and governmental administrative offices.
- 9) Banks and other financial corporation offices.
- 10) Health offices for surgeons, physicians, dentists, and other similar professional persons concerned with improving personal and community health.
- 11) Professional offices for architects, engineers, artists, and others employed in the graphic arts field.

- 12) Administrative offices in which the personnel will be employed in one or more of the following fields: executive, administrative, legal, writing, clerical, stenographic, accounting, insurance, and similar enterprises.
- 13) Business Schools or private schools operated for profit.
- 14) Pet shops, provided that animals and birds are kept entirely within the building at all times.
- 15) Temporary Outdoor Uses: Such as sidewalk sale displays, Christmas tree sales lots, revival tents or other quasi-civic activities may be permitted on a temporary basis without a public hearing by the Board of Appeals, provided that such permit shall not be issued for more than thirty (30) days in any one (1) year.
- 16) Residential apartments on the second floor or above, of commercial buildings, provided adequate off-street parking for the residence is available and the apartments meet all applicable building codes.

5.6.3 Uses Permitted By Special Use Permit: The following uses may be permitted under the provisions of Article VIII of this Ordinance:

- 1) Small manufacturing and processing establishments selling their entire output at retail on the premises.
- 2) Residential uses One and Two Family residential uses are permitted on second floor of businesses and in existing homes located within the district.
- 3) Freezer locker for retail business.
- 4) Retail services such as household equipment repair, servicing laundries, and similar establishments.
- 5) Open air business uses such as retail sales of product, landscaping materials, plant materials not grown on the site, sale of lawn furniture, playground equipment, and garden supplies.
- 6) Miniature golf, trampoline, or similar public amusement.
- 7) Institutional buildings and public service installations, provided that the conditions and requirements as set forth in Section 8.2 are met.

5.6.4 Site Development Requirements:

- 1) General Use Requirements: No use in this district shall produce any objectionable noise, odor, smoke, fumes, heat, glare, or vibration at its lot lines so as to be detrimental to the health, safety, and welfare of the Village and its residents.
- 2) Signs: Signs identifying any of the permitted uses within this district shall be in accordance

with the requirements as specified in Article VI, Section 6.2.3.

- 3) **Off-Street Parking and Loading Requirements:** Shall be provided as specified in Article VII, Section 7.1 and 7.2. When all frontage on one side of the street within a block is zoned B-1, General Business, and when two (2) or more existing business structures are set back for the purpose of providing suitable parking in front, then new construction on adjacent lots shall conform to that setback insofar as when determined to be feasible by the Planning Commission, based upon a review of the required Site Plan, so that a joint functional parking facility can be erected, otherwise, parking shall be provided at the side or rear yards. When said parking areas abut a street or residential lot, parking facilities shall be screened by an obscuring fence or wall at least four (4) feet in height, and shall be appropriately painted and landscaped.
- 4) **Storage of refuse:** All space required for the accumulation and unloading of garbage, trash, waste, and empty containers shall be provided entirely within a contained fence or walled enclosure at least six (6) foot in height.

5.6.5 Area and Bulk Requirements: See Section 5.11 regarding Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

5.6.5.1 Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.
- c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8

5.6.6 Review Procedure: All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.7 B-2 District: Highway Service

5.7.1 Intent and Purpose: These districts are designed to accommodate retail businesses and service activities which serve the particular needs of the highway traveler. The protective standards for site development contained in this Section are intended to promote efficient and safe traffic access to these districts, and to minimize any adverse effect of such districts upon adjoining land uses of a different type.

5.7.2 Bond for Compliance: In approving any site development proposal under this Section, the Village Council may require that a bond of ample sum be furnished by the owner or lessee to ensure compliance with the requirements, specifications, and conditions imposed with the approval of a site plan.

5.7.3 Uses Permitted by Right: All of the following uses permitted must be conducted wholly in a permanent, fully enclosed building except utility structures not usually so enclosed:

- 1) Retail Establishments: Selling principally (ninety percent [90%] of total sales measured by dollar volume) new merchandise including, but not limited to, such uses as gift, curio, novelty, and outdoor sports supply shops.
- 2) Personal and Business Services, excluding processing of physical materials.
- 3) Passenger Terminals
- 4) Offices, Banks, and Public Buildings
- 5) Gasoline Service Stations: Under the following conditions:
 - a) No more than ten percent (10%) of the gross area of the district shall be utilized for this use.
 - b) The site development requirements of Article VIII, Section 8.7 shall be met.
 - c) Automobile, truck, and trailer repair, and sale of automobile accessories, shall be permitted only as an accessory use to an automobile or truck service station, and shall be conducted within a wholly enclosed building.
- 6) Restaurant and Drive-in Businesses: Including cafes and other drive-in businesses except drive-in theaters, provided that for drive-in restaurants and businesses the following conditions are met:
 - a) All motor vehicle parking and standing areas shall be provided and improved in accordance with the requirements stated in Article VII, Section 7.1.
 - b) The development requirements of Article VIII, Section 8.7 shall be met.
- 7) Ice Storage and portable dispensing structures.
- 8) Motel, motor hotel, hotel, and transit lodging facilities (but not including trailer camps or tent sites) under the following conditions:
 - a) See Section 5.11 regarding Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.
 - b) Site Screening: The site may be enclosed by open structure wood or wire fences along any yard line, but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicle.

Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line except for headlight screening, which shall not be closer than thirty (30) feet.

- c) Lighting: Lighting shall be hooded, shielded, and directed so as to prevent the source of illumination from being visible outside the property lines of the parcel or lot, and shall in no way impair safe movement of traffic on any street or highway.
 - d) Swimming pools and other outdoor recreational uses, provided such facilities are an accessory use to a permitted use within this district, and are located on the same site as the principal use to which they are accessory, and further provided that whenever an unenclosed swimming pool is constructed, 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.
 - e) Accessory uses such as meeting rooms, tavern, bar, or similar uses, provided such accessory use shall be carried on within the same building as the principal use. A caretaker's or proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor hotel, hotel, or other transient tourist facility.
- 9) Servicing and repair of motor vehicles, trailers, and land or water recreational vehicles as an accessory use to a principal retail use such as an automobile showroom.

5.7.4 Uses Permitted by Special Use Permit: The following uses of land may be permitted by the application for, and issuance of, a special use permit, when the specific procedures and requirements, as outlined in the provisions of Article VIII of this Ordinance, are complied with:

- 1) Two-Family Dwellings: Two family dwelling units may be permitted under a special use permit.
- 2) Accessory Residential Use: Accessory use of a proprietor's residence may be permitted under a special use permit, where the principal use is a retail business and service activity allowed as a matter of right in the B-2 District.

5.7.5 Site Development Requirements:

- 1) Motor Vehicle Access: All site plan proposals submitted under the requirements of the Highway Services District shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles other than stated herein shall be permitted to a minor residential street. All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two (2) streets.
- 2) Transition Strips: There shall be included in addition to, and as an integral part of any site development within the district, a strip of land fifty (50) feet or more in width on all sides of the highway Service District which abut a residential or agricultural district except on the side fronting on a major street or highway. This strip shall serve as a transition between the

subject use and the adjacent property uses, both existing and future. No part of this transition strip shall be used for any of the site functions except that thirty (30) feet thereof may be used for parking area. Further, the transition strip shall be occupied by plant materials or structural fences or walls used separately or in combination. The plans and specifications for site development shall include the proposed arrangement for such plantings and structures.

- 3) General Use Requirements: Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of the lot. Short intermittent noise peaks may be expected if they do not exceed normal traffic noise peaks at any point on the lot boundaries. No odors shall be humanly perceptible at or beyond the lot boundaries at a height of less than twenty-five (25) feet. No physical vibrations humanly perceptible at or beyond the lot boundaries shall be allowed.
- 4) Signs: Signs identifying any of the permitted uses within this district shall be in accordance with the requirements as specified in Article VI, Section 6.2.3.
- 5) Off-Street Parking and Loading Requirements: Off-street parking and loading areas shall be provided and maintained in accordance with the requirements of Article VII, Section 7.1 and 7.2, and in addition shall conform to the following locational criteria:
 - a) Motels, motor hotels, hotels, and other transient residential uses: parking shall be furnished on the immediate premises of the developed site.
 - b) Restaurants and drive-in businesses: parking shall be provided on the premises and shall be located upon the same side of the major roadway as the establishment.
- 6) Storage of Refuse: All space required for the accumulation and outloading of garbage, trash, scrap, waste, and empty containers shall be provided entirely within a covered contained structure.
- 7) Yards:
 - a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses**: Please see section 6.3.3.
 - b) **Structures and Solid Fences or Walls**: Please see section 6.2.4.
 - c) **Screening Requirements for Side and Rear Yards**: Please see Section 7.1.11.8

5.7.6 Area and Bulk Requirements: See Section 5.11 regarding Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

Exceptions to Required Lot Area, Width, and Yards: In cases where one owner or lessee proposed an integrated site development of a unified group of buildings, the Board of Appeals may waive or modify the lot area, lot width, and yard requirements (except front yard

requirements) stated herein if, in its judgment, the proposed development conforms to the basic intent of the Highway Service District, and will meet the parking, vehicular safety, and protective standards stated within this Section.

5.7.7 **Review Procedure:** All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.8 M-1 District: Industrial

5.8.1 Intent and Purpose: These districts are established to provide location and space for all types of industrial, wholesale, and storage facilities, and to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material, such as: pharmaceuticals, hardware and cutler, tool and die, gauge and machine shops. It is also intended to permit industrial and commercial uses which meet the performance standards of this Section, commercial establishments not engaged in retail sales, and service establishments which are of a type not generally requiring the customer to call at the place of business.

The M-1 Industrial District is designed also for manufacturing, assembling, and fabrication activities including large-scale or specialized industrial operations whose external effects will be felt to some degree by surrounding districts. It is so structured to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw material, as well as from previously prepared material. It is the interest of this Section to encourage the full utilization of these districts under standards of development which will serve to effectuate this intent and with adequate protection against the creation of nuisances. In order to allow optimum service to activities of this nature, residential uses, uses incidental to residential development, and most retail commercial uses are excluded from these districts as being incompatible with the primary uses permitted.

5.8.2 Uses Permitted by Right: In this district, no building, structure, or land shall be used, and no building or structure shall be hereafter erected, or structurally altered or enlarged, except for the following uses:

- 1) Any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi-finished or finished products from previously prepared material, provided that the requirements specified in Section 5.7.4 below are met, and provided further that no retail activity is involved.
- 2) Veterinary hospital.
- 3) Trade or industrial schools.
- 4) Public utility installations and buildings.
- 5) Truck or rail freight terminal.
- 6) Contractor's establishment not engaging in retail activities on the site.

- 7) Commercial freestanding towers, provided the requirements of Section 6.5.1 (3) are met.
- 8) Storage facilities for building materials, and gravel, stone, lumber and contractor's equipment, provided the requirements of Section 5.7.4 (1) are met.
- 9) Storage and repair of large trucking equipment.
- 10) Railroad right-of-way, including all necessary trackage, switches, operating devices, storage, marshaling yards, and freight yards or sidings.
- 11) Heating and electric power generating plants.
- 12) Grain and seed elevators and sales, cold storage for cooperative and/or wholesale agricultural products.
- 13) Accessory uses clearly appurtenant to the main use of the lot, and customary to and commonly associated with the main use such as:
 - a) Incidental offices for management and material control.
 - b) Restaurant or cafeteria facilities for employees.
 - c) Caretaker's residence if situated upon a portion of the lot complying with all of the requirements of the residential districts.
 - d) Identification signs referring to the principal activities on the premises with all of the requirements of the residential districts.
- 14) Open industrial or storage uses, provided that for any activity in which materials being processed or stored are located, transported, or treated outside of a building; such use shall be provided with an obscuring, permanently maintained fence or wall no lower than the subject use or storage.
- 15) Junk yards:
 - a) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.
 - b) The site shall be a minimum of one (1) acre in size.
 - c) An obscuring fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said area from surrounding property. Such fence or wall shall be of sound construction, painted, and otherwise finished neatly and inconspicuously.
 - d) All activities shall be confined within the fenced-in area.

- e) All fenced in areas shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation; the spacing and type of plant materials to be determined by the Village Council after receiving a recommendation from the Planning Commission.
- f) No open burning shall be permitted, and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- g) Whenever the installation abuts upon property within a residential or agricultural district, a transition strip of at least two hundred (200) feet in width shall be provided between the fenced in area and the property within a residential or agricultural district. Such strip shall contain plant materials or grass and structural screens of a type to effectively minimize the appearance of the installation and help confine odors therein.

16) Public garage, motor vehicle repair shop, or automobile paint and bump shop.

17) Other uses of a similar and no more objectionable character which can meet the requirements of Section 5.7.4 (following).

5.8.3 Use Requirements

- 1) Enclosed buildings: Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, provided that within three hundred (300) feet of any other district, all storage shall be in completely enclosed buildings. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates. Such fence or wall shall be at least eight (8) feet in height, but in no case shall the fence be lower than the enclosed storage. Such storage shall not be deemed to include the parking of licensed motor vehicles under one and one-half (1½) ton capacity.
- 2) Noise emanating from a use in this district shall not exceed eighty (80) decibels as measured at the property line.
- 3) Uses in this district shall conform to the following standards:
 - a) Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety, or general welfare.
 - b) Emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive to health, safety, and general welfare, at or beyond the boundary of the use of the parcel. For the purpose of grading the density of smoke, or the shade or appearance of smoke, which is equal to, but not darker than, No. 1 of the Ringlemann Chart, as published and used by the United States Bureau of Mines, may be emitted for a period

not exceeding four (4) minutes out of any thirty (30) minutes.

- c) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing.
 - d) Produce no heat or glare detrimental to the health, safety, and general welfare at or beyond the lot boundaries.
 - e) Produce no physical vibrations to such an extent to be detrimental to the health, safety, and general welfare at or beyond the lot boundaries.
 - f) Discharge no radioactive materials that exceed quantities established by the U.S. Bureau of Standards.
- 4) Use shall not include in the manufacturing process, any production or storage of any material designed for use as an explosive, nor in the use of any such material in production.

5.8.4 Site Development Requirements:

- 1) Off-Street Parking: A building permit may be issued only if an adequate number of off-street parking spaces will be provided on the lot in accordance with the requirements as specified in Article VII, Section 7.1, Off-street Parking Requirements. In addition to these requirements, sufficient parking space shall be provided to park all vehicles owned or leased by the occupant including, but not limited to, passenger cars, trucks, tractors, trailers, and similar vehicles.
- 2) Off-Street Loading and Unloading: Each use in this district shall provide off-street loading spaces as specified in Article VII, Section 7.2.
- 3) Signs: Signs identifying any of the permitted uses in this district shall conform to the requirements in Article VI, Section 6.2.3.

5.8.5 Supporting Evidence Required: In all instances in which the Planning Commission considers the ability of a proposed use to meet all the requirements of this Section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his application. If such evidence is not presented, the site plan shall not be approved.

5.8.6 Area and Bulk Requirements: See Section 5.11, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size lot permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

5.8.6.1. Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.

c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8

5.8.7 Review Procedure: All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.9 A-1 District: Agriculture

5.9.1 Intent and Purpose: These districts are intended to preserve, enhance, and stabilize existing areas within the Village, which are presently used predominately for general farming and areas which, because of their soil characteristics and natural flora, or because of seasonal flooding, should be conserved for agricultural and open space use.

To achieve these objectives, permitted uses within this district are limited to agricultural and low density residential use together with such limited community facilities as schools, churches, and public open space.

5.9.2 Uses Permitted by Right:

- 1) Single-family dwelling.
- 2) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises, along with accessory uses incidental to the above.
- 3) Public and private conservation areas and structures for the conservation of water, soils, open space, forest, and wildlife resources.
- 4) Public areas such as forest preserves, game refuges, forest type recreation parks, and similar public uses of low density character.
- 5) Roadside stands selling products grown on the premises upon which the stand is located, provided that contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area, and provided further that all of the requirements for accessory buildings contained in Article VI, Section 6.2.2 shall be met.
- 6) Railroad right-of-way, as specified for PL Public Lands Districts.
- 7) Supplementary Uses: Customary accessory uses and buildings incidental to the permitted principal use of a premise. The following accessory uses may be permitted under the conditions stipulated:
 - a) The storage of not more than one (1) unoccupied travel trailer upon each lot or parcel.
 - b) All signs shall conform to the requirements of Article VI, Section 6.2.3.

5.9.3 Uses Permitted by Special Use Permit: The following uses of land and structures may be

permitted in any agricultural district by the application for, and the issuance of, a special use permit when all the procedural requirements specified in Article VIII, Section 8.1, *Uses Authorized by Special Use Permit: General Standards and Requirements* are satisfied, together with any applicable requirements as outlined in the particular Article and Sections cited:

- 1) Public recreation and playgrounds.
- 2) Greenhouses and nurseries selling at retail on the premises.
- 3) Riding stables and livestock yards.
- 4) Raising of fur-bearing animals for profit.
- 5) Veterinary hospitals, clinics, and kennels.
- 6) Seasonal labor housing complexes associated with agricultural enterprises, provided that such units are maintained in safe and sanitary condition with inside water and sanitary sewage disposal facilities and that said structures are occupied no more than eight (8) months in any twelve (12) month period.
- 7) Private noncommercial recreation areas, private non-profit swimming pool clubs, community recreation centers, or other non-commercial recreation activities.
- 8) Golf courses and country clubs, other than golf driving ranges and miniature golf courses, subject to the conditions specified in Article V, Section 5.2.3(6).
- 9) Institutions for human care, religious institutions, educational and social institutions, refer to Article VIII, Section 8.2.
- 10) Public buildings and public service installations, refer to Article VIII, Section 8.2.
- 11) Sand or gravel pits, quarries, incinerators, sanitary fills, junk yards, public or semi-private sewage treatment and disposal installations, refer to Article VIII, Section 8.11, Miscellaneous Special Uses.
- 12) Drive-in theaters, temporary and transient amusement enterprises, golf driving ranges, miniature golf courses, refer to Article VIII, Section 8.11, Miscellaneous Special Uses.
- 13) Special open space uses, public beaches, bathhouses, private resorts, recreational camps, and other open space uses operated for profit, refer to Article VIII, Section 8.11, Miscellaneous Special Uses.
- 14) Advertising structures, as provided in Article VIII, Section 8.11.
- 15) Raising and keeping of animals, refer to Article VIII, Section 8.11, Miscellaneous Special Uses.
- 16) Travel trailer parks, subject to all specifications in Article VIII, Section 8.7.5.

17) Airports or landing fields

18) Hospitals

19) Cemeteries

20) Customary home occupations as specified for R-1A and R-2A Districts, One-Family Density Residential, Article VIII, Section 8.9.

5.9.4 Area and Bulk Requirements: See Section 5.11, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

5.9.4.1 All review processes will require compliance with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

5.9.4.2 Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.
- c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8

5.9.5 Review Procedure: All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.10 PL District: Public Lands. The public lands district is designed to classify publicly owned uses as well as certain privately owned uses and lands which are intended for major uses in recreational, utility, or institutional settings for use by the public.

5.10.1 Uses Permitted by Right:

- 1) Public Recreation: Outdoor publicly owned recreational uses including but not limited to: playgrounds, playfields, boating areas, fishing sites, parks, skateboarding sites, and parkways.
- 2) Railroad Right-of-Way: Including all necessary trackage, switches, and operating devices, but excluding storage, marshaling yards, freight yards, or sidings.
- 3) Cemeteries: Public or private, subject to the following conditions:
 - a) The site shall be no less than twenty (20) acres and shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare, as classified on the Future

Land Use Plan of the Village of Morrice.

- b) The location of proposed service roads and entrances shall be so designed in relationship to the major thoroughfare that pedestrian and vehicular traffic safety is encouraged.
- c) No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned property line.
- 4) Municipal or Other Governmental Buildings: such as but not limited to: offices, fire stations, police stations, museums, post offices, libraries, schools, and senior centers.
- 5) Utilities: Public or private transformer stations, and substations, public utility gas regulator stations, utility pumping stations, water towers, and sanitary/storm sewer systems.
 - a) when dealing with sanitary sewer systems, the use shall include, but not be limited to: lagoons, irrigation systems, test wells, and agricultural uses incidental to the primary use of a sewer system.
- 6) Child Day Care
- 7) Commercial freestanding towers, provided that the requirements of Section 6.5.1 (3) are met.

5.10.2 Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in any public land district by the application for, and the issuance of, a special use permit when all the procedural requirements specified in Article VIII, Section 8.1, *Uses Authorized by Special Use Permit: General Standards and Requirements* are satisfied, together with any applicable requirements as outlined in the particular Article and Sections cited:

- 1) Institutions for Human Care: Hospitals, professional offices for doctors, dentists and optometrists, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions.
- 2) Religious Institutions: Churches, convents, parsonages, and other housing for religious personnel: Refer to Article VIII, Section 8.2.
- 3) Educational and Social Institutions: Public or private elementary and secondary schools, institutions for higher education, auditoriums and other places for assembly, and centers for social activities: Refer to Article VIII, Section 8.2.
- 4) Golf Courses and Country Clubs: Other than golf driving ranges and miniature golf courses subject to the following conditions:
 - a) The site area shall be fifty (50) acres or more and shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
 - b) A site plan of the proposed development shall be reviewed and approved by the

Planning Commission. Such site plan shall indicate the location of service roads, entrances, driveways, and parking areas, and shall be so designed in relationship to the major thoroughfare that pedestrian and vehicular traffic safety is encouraged.

- c) Development features shall be shown on said site plans, including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands.
 - d) The minimum number of off-street parking spaces shall be provided as required in Article VII, Section 7.1, including additional spaces which may be required for each accessory use such as a restaurant or bar.
 - e) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines, and shall be provided with a protective fence six (6) feet in height, and entry to which shall be provided by means of a controlled gate.
 - f) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- 5) Private noncommercial recreation areas: Private, nonprofit swimming pool clubs, community recreation centers, or other noncommercial recreation activities.
- 6) Facilities such as licenses [licensed] restaurants and bars may be permitted when occupying an integral part of the main building considered incidental to a permitted use or an approved special use. However, the structure and associated parking facilities must be sited and landscaped so as to protect the views of adjacent existing residential uses and districts.

5.10.3 Area and Bulk Requirements: See Section 5.11, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size lot permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

5.10.3.1 Yards:

- a) **Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses:** Please see section 6.3.3.
- b) **Structures and Solid Fences or Walls:** Please see section 6.2.4.
- c) **Screening Requirements for Side and Rear Yards:** Please see Section 7.1.11.8

5.10.4 Review Procedure: All proposed uses shall also comply with the Site Plan Review Process set forth in Section 6.8. Additionally, all proposed uses shall comply with Municipal Standards Ordinances, Subdivision Ordinances, and any Land Division Ordinances, as applicable.

Section 5.11 Schedule Limiting Height, Bulk, Density, and Area by Zoning District and Notes:

5.11.1 Schedule Limiting Height, Bulk, Density, and Area by Zoning District:

See Schedule Attached As Exhibit A

5.11.2 Notes to Schedule

- a) Development permitted only on subdivided lands served with public water and public sewer.
- b) In the case where curvilinear street patterns produce irregularly shaped lots with non-parallel side lot lines, a lesser frontage width at the street line may be permitted provided that the lot width at the building line is equal to the specified lot width for that district.
- c) All measurements for front and/or side yards abutting State trunklines shall be taken from the right-of-way and shall not be less than fifty (50) feet. All measurements for front and/or side yards abutting all arterial and/or section line, secondary, collector, and/or quarter line roads shall not be less than fifty (50) feet. All measurements for front and/or side yards abutting local internal subdivision roads shall be as specified for the respective zoning districts.
- d) Except in the case of a corner lot where the side yard on the street side shall not be less than the front yard requirements.
- e) For each dwelling unit in a multiple-family dwelling: Three hundred fifty (350) square feet for one room; five hundred fifty (550) square feet for two rooms; seven hundred fifty (750) square feet for three rooms; and an average of two hundred (200) square feet for each room in excess of three rooms.
- f) Except that any building within one hundred (100) feet of a residential district shall not exceed fifteen (15) feet in height.
- g) Structures for agricultural operations may be permitted up to seventy-five (75) feet in height.
- h) Side and rear yards shall be ten percent (10%) of the lot width and depth respectively, but need not exceed forty (40) feet each. Except where a lot in this district abuts a lot in any residential district, no building in the M-1 District shall be closer than one hundred (100) feet to the property line of such residential district lot.
- i) With a corner lot in a R-1A District, the side yard on the street side shall be kept at the fifteen (15) foot set back, because the Ordinance recognizes that these older lots were laid out prior to 1983 and cannot meet the more aggressive set back requirements of the R-2A District and note (c).
- j) Except free standing towers, which may be over thirty (30) feet tall, if they meet the

requirements of Section 6.5.1 (3).

ARTICLE VI: SUPPLEMENTARY REGULATIONS

ARTICLE VI: SUPPLEMENTARY REGULATIONS

6.1 MISCELLANEOUS REGULATIONS

6.1.1 Prior Building Permits: Any building permit issued prior to the effective date of this ordinance shall be valid, even though not conforming to the provisions of this ordinance, PROVIDED that construction is commenced within ninety (90) days after the date of permit issuance, and that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.

6.1.2 Access to a Street: Any lot of record created after the effective date of this Ordinance shall have frontage on a public street except in the case of an officially approved group housing development as provided in Article V, Section 5.4.3. Any one (1) lot of record created before the effective date of this Ordinance without any frontage on a public street, shall not be occupied without access provided by an easement or other right-of-way no less than twenty (20) feet wide.

6.1.3 Rear Dwelling Prohibited: No building in the rear of, and on the same lot with a principal building, shall be used for residential purposes except for watchmen, caretakers, and domestic employees whose employment functions are related to the functions of the principal building, PROVIDED that all other requirements of this Ordinance is satisfied.

6.1.4 Review of Building Design Near Public Buildings and Sites: The design of proposed nonresidential buildings within five hundred (500) feet of the nearest property line of public parks, scenic areas, and buildings such as community centers, Village office buildings, libraries, schools, or hospitals shall first be approved by the Planning Commission before site plan approval can be issued. The purpose of this requirement is to prevent the occurrence of inappropriate structural appearance of the building designs intended to attract attention of potential customers and patrons in proximity to improvements in which the public has invested tax monies.

6.1.5 Required Water Supply and Sanitary Sewer Facilities: After the effective date of this Ordinance, no structure shall be erected, altered, or moved upon a lot or premise and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe, sanitary, and potable water supply, and with a safe and effective means of collection, treatment, and disposal of human excrement and domestic, commercial, and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Shiawassee County Health Department and the

State of Michigan Health Department.

6.1.6 One-Family Dwelling Regulations: A one-family dwelling and any additions or alterations thereto erected or placed in the Village, other than mobile homes located in a licensed mobile home park or subdivision and approved under the provisions of Article 8 hereof, shall conform to the following regulations in addition to all other regulations of this Ordinance:

6.1.6.1 It shall comply with all pertinent building, construction and fire codes for single-family dwellings.

6.1.6.2 The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of twenty (20) feet on a side. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved.

6.1.6.3 It shall be firmly attached to a permanent foundation constructed on the site in accordance with the State Construction Code, and shall have a wall of the same perimeter dimensions as the dwelling to be constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as required above.

6.1.6.4 In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis, as skirting shall be required on all four (4) spots.

6.1.6.5 It shall be connected to a public sewer and water supply, if available, or if same is not available, then to private facilities approved by the Shiawassee County Health Department.

6.1.6.6 It shall comply with all pertinent zoning, subdivision, and other ordinances regulating use, floor area, lot size, setback, yards, etc., in the Zoning District in which it is located.

6.1.6.7 It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction, all plumbing, all electrical apparatus, and all insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as, from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

6.1.6.8 It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the Zoning and Building Department to determine whether this standard is met. The Zoning and Building Department may, in its discretion, refer the matter to the Board of Appeals for the determination. Any party aggrieved by an adverse decision by the Zoning and Building Department may appeal to the Board of Appeals, which Board shall make the determination, with findings, based upon its independent judgment, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design, and appearance of residential dwellings located outside of the mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within said area, or where said area is not so developed by the character, design, and appearance of the residential dwellings generally found throughout the Village in which it is to be located. The determination of compatibility shall also be based upon compliance with the following standards:

6.1.6.8.1 The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.

6.1.6.8.2 The dwelling shall have a chimney that is constructed of a material and type similar to those

of other dwellings typically found in the neighborhood in which it is to be located.

6.1.6.8.3 The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is to be located.

6.1.6.8.4 The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.

6.1.6.8.5 The dwelling shall have windows located on the front sides and exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.

6.1.6.8.6 The dwelling shall not have a detached garage if attached garages are typically found in the neighborhood in which it is to be located.

A dwelling may be approved as aesthetically compatible in design and appearance to home in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible to homes in the District. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour, or relief from the common or standard designed home.

6.2 SUPPLEMENTARY USE REQUIREMENTS

6.2.1 Uses of Structures for Temporary Dwelling: No structure shall be used for dwelling purposes that is not considered a standard dwelling structure as defined in this Ordinance. No garage or other accessory building, tent, cabin, partial structure, whether fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purpose for any length of time unless authorized by the Board of Appeals by the issuance of a temporary permit as provided for in Article IV, Section 4.4.4.

6.2.2 Accessory Buildings: Authorized accessory buildings may be erected as a part of the principal building, or may be connected to it by a roof-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be structurally made a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached, and not made a part of the principal building as provided in the previous statement, shall not be nearer than then (10) feet from any other separate structure on the same lot.

1. Accessory Uses, Garages: In residential districts, the number of motor vehicles for which structural space may be provided as accessory to an authorized use shall not exceed the following:

1. R-1A and R-2A Residential Districts: Four (4) motor vehicles, one (1) of which may be a commercial vehicle not exceeding one (1) ton rated capacity, and one and one-half (1-1/2) tons if the residence is part of an agricultural operation.

2. R-1B Residential Districts: Three (3) motor vehicles, one (1) of which may be a commercial vehicle not exceeding one (1) ton rated capacity, and for each five thousand (5,000) square feet by which the lot exceeds the minimum lot area required, space for one (1) additional motor vehicle may be provided.

3. R-M1 Districts and Group Housing Developments: Two (2) motor vehicles for one-family and two-family dwellings and for each family or household group housed in a multiple-family dwelling

structure, but not more than one (1) of these two (2) motor vehicles may be a commercial vehicle not exceeding one (1) ton rated capacity.

1. Space in a garage accessory to a multiple- family residence or a motel shall be rented only to occupants of the dwelling.
 4. A parking area of ten (10) feet by twenty (20) feet shall be considered as adequate storage space for each authorized motor vehicle. Additional space may be provided in a garage for uses incidental to a garage function or for hobby workshops and storage areas.
 5. I R1-A and R2A Residential Districts: Living quarter, as part of an accessory garage for domestic employees of the residents of the property.
2. Accessory Buildings: Shall be subject to the maximum percentage of lot area coverage in Section 5.11.2 and in no case shall be greater than the first floor area of the home or five percent (5%) of the lot area, whichever is greater.
 3. Accessory Uses, Fallout Shelters: Fallout shelters are permitted uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures, or may be constructed separately and, in addition to shelter use, may be used for any accessory use permitted in the district, subject to the district regulations for such use.
 4. Yard Encroachments for Accessory Buildings: See Section 6.4.4 for permitted Yard Encroachments for Accessory Buildings.

6.2.3 Signs:

1. R-1A, R-2A, R-1B Residential Districts:
 1. One non-illuminated sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot, such sign being placed no closer to the street line than one-half ($\frac{1}{2}$) the minimum front yard depth.
 2. One non-illuminated sign announcing a home occupation or professional service not to exceed one and one-half (1-1/2) square feet in area for platted lots, or four (4) square feet in unplatted areas, and attached flat against a building wall.
 3. One non-illuminated sign or structure advertising a recorded subdivision or development, not to exceed fifty (50) square feet, and placed no closer to any street line than twenty-five (25) feet.
 4. All plans for the construction and design of signs shall be submitted to the Zoning Administrator for review and approval.
2. R-M1 Multiple and Group Housing Developments:
 1. All signs permitted in R-1A and R-1B Residential Districts and subject to the same limitations required for those districts.
 2. One flat sign or structure announcing the identification of the multiple or group housing development that shall not exceed twelve (12) square feet in area. Such a sign or structure may be illuminated; provided, however, that the source of the light is not visible to traffic, neighboring residences, or to the units within the Group Housing or Multiple Unit Developments.
3. B-1 General Business Districts:
 1. Signs may be attached flat against a main building or parallel to the building with a projection not to exceed eight (8) inches, and may face only public streets or parking areas which are part of the development.
 2. Signs may be illuminated, but all bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. But if intended to have moving illumination, such illumination must be approved in advance by the Planning Commission which body shall make certain that light intensity, color, and movement will not likely distract motor vehicle operators or constitute a

traffic safety hazard.

3. Signs shall not project above the cornice or roof line.
4. No temporary sign made of paper, cardboard, canvas, or similar material, other than a sign advertising the sale or rental of the premises on which the same is located, will be permitted on the exterior wall.
5. Signs shall not exceed, in height, twenty percent (20%) of the building height and the total area of all signs on any wall shall not exceed twenty percent (20%) of the surface area of such wall.
6. Additional requirements for gasoline service stations to include one (1) freestanding sign structure to be utilized to identify the station; PROVIDED SUCH SIGN IS SET BACK FIFTEEN (15) FEET from any public street pavement edge, and does not exceed a height of twenty five (25) feet, nor to be placed so low as to obstruct the visibility of passing motorists.
7. The plans and specifications for site development which are required within this Section shall include the type, size, location, and illumination of all sign proposed as part of the site development.

The Planning Commission's review of sign proposals shall be to ensure that light intensity, color, and movement shall not likely be so distracting to motor vehicle operators as to constitute a traffic hazard.

4. B-2 Highway Service Districts:

1. All signs permitted in the B-1 General Business Districts and subject to the same limitations required for those districts.
2. Signs not exceeding two (2) square feet, purely for traffic regulations and directions within the development, may be utilized as required.
3. One (1) free-standing sign structure may be utilized to identify the district development, PROVIDED such sign is set back twenty-five (25) feet from any public street right-of-way and is of such size and design that it will, in the judgment of the Planning Commission, meet the vehicular safety and protective standards of the Highway Service District.

5. M-1 Industrial Districts:

1. The restrictions imposed on all signs permitted in the B-1 General Business Districts shall apply to all signs in the M-1 Industrial Districts.

6. A-1 Agricultural Districts:

1. All signs permitted in R-1A and R-1B Residential Districts and subject to the same requirements for those districts.
2. One non-illuminated sign advertising for the sale of farm products grown on the premises not to exceed fifty (50) square feet in area, and placed no closer to any street line than fifteen (15) feet.
3. Homes of occupants and other identification painted on or otherwise made a part of the surface of the roof of a barn and/or other accessory building pertaining to and identifying the owner and/or activity of the farm unit; provided said identification is not for advertising purposes.
4. Memorial or historical signs such as "Centennial Farm" signs and/or other signs representing awards won by the farm and/or its properties.

7. For Nonconforming Uses:

1. One (1) sign placed flat on the wall of a legal nonconforming use not to exceed twenty (20) feet in area.

8. For Organizations and Institutions:

1. One (1) sign per lot for churches, schools, clubs, associations, and institutions serving as identification and/or bulletin board not to exceed twenty (20) square feet in area. Such signs may be placed 1) flat against the wall of a principle building, 2) free-standing, or 3) attached to an accessory building on the lot. If the sign is free standing than it shall not be closer to any property line than ten (10) feet. If the sign is attached to an accessory building than it shall not be closer to any property line than the permitted distances for an accessory building in that zoning district.

6.2.4 Fences, Walls, Porches, Decks, and Screens:

6.2.4.1 No fence, wall, or structural screen- other than plant materials- shall be erected on any residential property higher than eight (8) feet from the natural contours of the ground.

6.2.4.2 No fence, hedge, or other screen planting shall exceed a height of four (4) feet from the natural contours of the ground within any residential front yard or within an area closer than twenty (20) feet to only front lot line. On any corner lot, no fence, hedge, or other screen planting shall exceed a height of four (4) feet from the natural contours of the ground within twenty (20) feet of any corner so as to interfere with traffic visibility across the corner. The twenty (20) feet shall be thought of as a triangle formed along each street frontage. The plate of measurement shall be the outside edge of the street right-of-way. The entity installing the fence shall pay for any required survey to determine the exact location of the outside edge of the street right-of-way.

6.2.4.3 No deck or porch shall be constructed over or nearer than four (4) feet to the sewer holding tank. If a fence is constructed enclosing the sewer holding tank, an eight (8) feet access gate shall be constructed to provide the most direct access to the sewer holding tank, at a location to be determined in the sole discretion of the DPW's head or authority.

6.2.4.4 Structures and solid fences or walls shall b no closer to the lot boundary than two (2) feet. The property owner must either provide a written agreement from the adjoining property owner that the fence is two (2) feet inside the property line, or submit a state survey establishing same.

6.3 SUPPLEMENTARY AREA REGULATIONS

6.3.1 Exception to Required Lot Area For Residents: Residential lot created and recorded prior to this Ordinance may be used for any permitted use area and/or dimensions are less than those required in which the lot is located; provided:

1. That the other requirements of the district are met.
2. That no adjacent land or lot is owned by the owner of the lot in question.
3. That no lot shall be so reduced in area that the required open space will be smaller than those established as a minimum for the district in which the lot is located.
4. That any lot so excepted shall be no less than fifty (50) feet in width at the street line.

6.3.2 Lot Area Can Only be Allocated Once: No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed, or the alteration of an existing, building.

6.3.3 Front, Side, and Rear Yard Usage for Parking, Loading, Storage, or Accessory Uses: Except for

landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the boundary ten (10) feet in width, may be used for parking and loading, but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at that edge of the lot.

6.4 SUPPLEMENTARY YARD REGULATIONS

6.4.1 Side Yard Reduction: Area required for side yards may be reduced in the following situations:

1. For residential lots adjoining an alley, the least width of a required side yard may be measured to the centerline of that alley; provided, that no building shall be erected closer than five (5) feet to the nearest alley right-of-way.
2. For lots of record eighty (80) feet or more in width at the building line, the same side yard requirements as for lots one hundred (100) feet or over in width shall apply.
3. For lots of record sixty (60) to seventy-nine (79) feet in width at the building line, the least width of either side yard shall be eight (8) feet, but the sum of two (2) side yards shall not be less than eighteen (18) feet.
4. For lots of record fifty (50) to fifty-nine (59) feet in width at the building line, the least width of either side yard shall be six (6) feet, but the sum of the two (2) side yards shall not be less than thirteen (13) feet.

6.4.2 Rear Yard Reduction: When a lot of record in any residential district has a depth of less than one hundred fifteen (115) feet prior to the effective date of this Ordinance, the rear yard of such lot may be reduced one-fourth ($\frac{1}{4}$) of distance if the lot depth is less than one hundred fifteen (115) feet; provided, that no rear yard shall be less than twenty (20) feet in depth.

When there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of the rear yard may be made to the center line of such alley.

6.4.3 Permitted Yard Encroachments for Accessory Buildings:

6.4.3.1 In a Front Yard: No accessory building shall project into any front yard.

6.4.3.2 In a Rear Yard: No accessory building, including detached garages, shall be closer than three (3) feet to any lot line.

6.4.3.3 In a Side Yard: No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance for a dwelling within a residential district except when an accessory building is located ten (10) feet or more to the rear of the principal dwelling, then the accessory building shall be no closer than three (3) feet to the side lot line.

6.4.3.4 On a Corner Lot: No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight feet to the common lot line.

6.4.4 Accessory Buildings:

1. In the Front Yard: No accessory building shall project into the front yard of any zoning district, except the Public Lands District. In the Public Lands District, the accessory building may be up to

fifteen (15) feet forward of the principle building, but in no case may the accessory building be more than three-quarters of the distance between the principle building and the sidewalk abutting the property.

2. In the Rear Yard: No accessory building, including detached garages, shall be closer than three (3) feet to any lot line.
3. In a Side Yard: No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance for a dwelling within a residential district, except when an accessory building is located (10) feet or more to the rear of the principle dwelling; then the accessory building shall be no closer than three (3) feet to the side lot line.
4. On a Corner Lot: No accessory building shall be closer to the side street lot line than the side yard setback of the principle building on the lot in all zoning districts, except in the Public Lands District. In the Public Lands District, no accessory building shall be closer to the side street lot line than the lesser of either a) Thirty-seven (37) feet or b) the side yard setback of the principle building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.

6.5 SUPPLEMENTARY HEIGHT REGULATIONS

6.5.1 Permitted Exceptions, Structural Appurtenances:

1. The following kinds of structural appurtenances and permitted exceptions shall be permitted to exceed the height limitations for authorized uses only when all of the following conditions can be satisfied:
 1. No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial enterprise.
 2. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve so as not to become a hazard to aviation.
 3. If the roof area of such structural elements permitted to exceed the height limitations exceed twenty percent (20%) of the gross roof area, they shall be considered as integral parts of the whole structure and, thereby, shall not be eligible for permission to exceed height limitations.
 4. Structural appurtenances qualifying for exception includes those listed below:
 1. Ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, and monuments.
 2. Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell, penthouses, ventilators, bulkheads, radio towers, masts, aerials, television antennas, fire and hose towers, cooling towers, and grain and see elevators.
 3. Commercial Free-standing towers, when not attached to a building or structure, shall be constructed under applicable State and Federal regulations and approved by the Planning Commission
 4. Free-standing towers, such as TV or radio towers intended primarily to serve the occupants of the main structure, shall not exceed fifty (50) feet.

6.5.2 Permitted Exceptions, Residential Districts: There shall be no exceptions permitted for residential structures; certain nonresidential structures in residential districts may be permitted to exceed height limitations as specified in Article VIII, Section 8.2.

6.5.3 Permitted Exceptions, Business and Industrial Districts: In any business or industrial district, any principal building may be erected to a height in excess of what specified for the district, PROVIDED

each front, side, and rear yard is increased one (1) foot for each one (1) foot of such additional height.

6.6 Reserved

6.7 Nonconforming Uses: It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structures may not conform with the provisions of this Ordinance. There are two types of nonconforming uses: Class A and Class B.

1. Class A Nonconforming Uses or structures are those which have been so designated by the Zoning Board of Appeals, after application by the person having interest in the property of the Zoning Administrator. Where Class A nonconforming Uses are identified, it is the intent of this Ordinance to provide for their continuance so long as they fulfill the requirements in this Section.
2. Class B Nonconforming Uses or structures are all nonconforming uses or structures designated as Class A. It is the intent of this Ordinance not to encourage the survival of Class B nonconforming Uses or Structures. Class B nonconforming Uses or structures shall not be enlarged upon, expanded or extended, no be used as grounds for adding other uses or structures prohibited elsewhere in the same district.
3. The continuance of all non conforming uses and structures within the Village shall be subject to the conditions and requirements set forth in this Section.

6.7.1 Procedures For Obtaining Class A Designation: Any application for a Class A designation for a nonconforming use permit for any land or structural use permitted under this Article shall be submitted and processed under the following procedures:

1. A written application shall be filed with the Zoning Board of Appeals setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Board of Appeals to make a determination of the matter.
2. The Zoning Board of Appeals may require the furnishing of such additional information as it consider necessary.
3. A notice of hearing, and subsequent hearing procedures, shall be given in accordance with the procedures outlined in Section 4.2.
4. Before an application of Class A designation for nonconforming use can be processed, the zoning Board of Appeals shall review each application to insure beyond a reasonable doubt, that the following standards are met:
 1. That the continuance of the use would not be contrary to the public health, safety or welfare, or the spirit of this Ordinance.
 2. That the use or structure does not, and is not likely to significantly decrease the value of nearby properties.
 3. That the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions of requirements of this Ordinance with which the use or structure does not conform.

6.7.2 Approval of Class A Designation: The Zoning Board of Appeals shall approve Class A Designation for nonconforming uses that comply with the standards and procedures of this Section. The decision of the Board of Appeals shall be in writing and shall set forth the findings and reasons on

which it is based. The Board of Appeals shall attach conditions, where necessary, to assure that the use or structure does not become contrary to the public health, safety, and welfare or the spirit and purpose of this Ordinance. In addition, no vested interest shall arise out of a Class A Designation.

6.7.3 Revocation of Class A Designation: Any Class A Designation shall be revoked following the same procedure required for designation upon finding that, as a result of any change of conditions or circumstances, the use or structure no longer qualifies for Class A Designation.

6.7.4 Regulations Pertaining To Class A Nonconforming Uses and Structures: A Class A nonconforming use or structure shall not be repaired, restored, extended, enlarged, or substituted for except in accord with the following requirements:

1. This Ordinance shall not prohibit the repair, improvement, or modernization of a Class a nonconforming structure to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of fifty percent (50%) of the structure's replacement cost. Repairs, improvements, or modernization in excess of fifty percent (50%) of the structure's replacement cost may be permitted by the Zoning Board of Appeals provided the structure will still meet the qualifications of a Class A nonconforming use or structure.
2. Any Class A nonconforming use or structure damaged by fire, explosion, flood, erosion, or other means, may be restored, rebuilt, or repaired, provided that such restoration does not exceed fifty percent (50%) of the structure's precatastrophy replacement cost as determined by a qualified appraiser. Restoration of a Class A nonconforming use or structure damaged in excess of fifty percent (50%) of the structure's precatastrophy replacement cost may be permitted by the Zoning Board of Appeals provided the restored structure would still meet the qualification of a Class A nonconforming use or structure. However, no Class A nonconforming structured damaged in a floodplain, shoreland erosion area or other areas of recurring natural hazards in excess of fifty percent (50%) of the structure's precatastrophy replacement shall be rebuilt except in full compliance with this Ordinance.
3. Structural changes including enlargement or extension of a Class A nonconforming structure or use may be permitted by the Zoning Board of Appeals except when such extension for enlargement would be incompatible with surrounding land uses or when the structural change would be inconsistent with the intent of this Ordinance. No extension or enlargement of a Class A nonconforming use or structure shall be approved if approval would result in violation of the setback, side yard, or bulk requirements of this Ordinance.
4. A Class A nonconforming use maybe substituted for a similar nonconforming use or structure when the Zoning Board of Appeals determines that the substitution would improve the property, would not increase the structure or uses nonconformity, or when the substitution would not be contrary to the intent of this Ordinance.

6.7.5 Regulations Pertaining To Class B Nonconforming Uses and Structures: It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment or compensation. A Class B nonconforming use or structure shall not be repaired, restored, extended, enlarged, or substituted for except in accord with the following requirements:

1. Minor repairs or maintenance of a Class B nonconforming use or structure in order to keep it structurally safe and sound is permitted. A Class B nonconforming use or structure shall not be repaired , improved, or remodeled when such repair or improvement exceeds twenty-five percent (25%) of the structures replacement cost. The replacement cost shall be determined prior to any repairs or

improvements by a qualified appraiser. If a Class B nonconforming use or structure is changed to conform with this Ordinance, the limitations on repairs or improvements shall not apply.

2. Any Class B nonconforming use or structure damaged by fire, explosion, flood, erosion, or other means, shall not be rebuilt, repaired, or reconstructed if damaged in excess of fifty percent (50%) of the structures precatastrophy replacement cost except when the use or structure would fully comply with the requirements of this Ordinance.

3. No Class B nonconforming use or structure shall be enlarged, extended, or structurally altered nor shall the nonconforming use be changed to a substantially different nonconforming use.

4. If a mineral extraction operation is designated a Class B nonconforming use, existing holes or shafts may be worked or enlarged on the land which constituted the lot on which operations were conducted at the time of the operation being so classified, but no new holes or shafts shall be established.

5. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time it was established.

6. A Class B nonconforming structure or use may be substituted with a conforming use or structure, or by a use or structure which meets the requirements of a Class A nonconforming use when the Zoning Board of Appeals determines that the substitution would not increase the nonconformity of the use or structure or be contrary to the public health, safety, and welfare and the intent of this Ordinance.

6.7.6 Determination of Replacement Cost: The replacement cost of repairing, restoring, or improving a Class A or B nonconforming use or structure excluding contents damage by fire, explosion, flood, erosion, or other means shall be made on the basis of an appraisal by a qualified individual designated by the Zoning Board of Appeals. The cost of such determination shall be born by the Zoning Administrator after:

1. Receiving an estimate of the structural damage from the Village Fire Chief.
2. Receiving a figure representing the difference between the precatastrophy market value of the structure and the post catastrophe value as determined by the assessing officer for the Village of Morrice.
3. Dividing the sum of the figures derived in (1), from the Fire Chief, and (2), from the assessing officer by two (2).

6.7.7 Nonconforming Lots of Record: 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 Ordinance, or an amendment thereto, shall be used only for a use permitted in this Ordinance. If the use of a nonconforming lot requires a variation of the setback or yard requirements of this Ordinance in excess of fifteen percent (15%) of the requirements, then such use shall be permitted if a variance is granted by the Zoning Board of Appeals under the terms of this Ordinance. The reduction of fifteen percent (15%) or less of dimensional requirements for lawful nonconforming lost may be granted by the Zoning Administrator. When the minimum dimensional requirements of this Ordinance can be met by the combination of two or more nonconforming contiguous lots owned by the same person, said lots may be combined for use and no variance is necessary.

6.7.8 Discontinuance or Abandonment: Whenever a nonconforming use has be discontinued for twelve (12) consecutive months, or for eighteen (18) months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandonment; the

nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

6.7.9 Changing Uses: If no structural alterations are made, the Board of Appeals may, upon an appeal, authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

6.7.10 Prior Construction Approval: Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, PROVIDED that construction is commenced within ninety (90) days after the date of issuance of the permit, and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.

6.7.11 Reserved

6.7.12 Illegal Nonconforming Uses: Nonconforming uses of buildings or land existing at the effective date of this Ordinance established without a building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued within a period of three (3) years following the effective date of this Ordinance, subject to the review and approval of the Village council.

6.7.13 District Changes: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

6.7.14 Elimination of Nonconforming Uses: In accordance with Act 207, Public Acts of the State of Michigan of 1921, as amended, the Village Council may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or may be used by the Village for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

6.8 Land Development Ordinance

Purpose: The purpose of this Ordinance is to regulate and control all land development within the Village of Morrice and to promote the safety, public health, and general welfare of residents of the Village; to provide process for site plan reviews, to provided minimum requirements for the Site Improvements for land development; to establish standards for engineering design and detailed engineering plans and specifications for Site Improvements; to provide for construction standards for land development Site Improvements; to promote the orderly layout and use land; and to control building development within Flood Plain areas.

Legal Basis: This Ordinance is adopted pursuant to and in accordance with Act 246, Michigan

Public Acts of 1945, as amended, and Act 288, Michigan Public Acts of 1967, as amended, and Act 520, Michigan Public Acts of 1996, as amended, by Act 87, 1997, and should be read in conjunction with the Village zoning Ordinance.

Scope: This Ordinance applies to all land development causing ore requiring the re-shaping, grading, or re-grading of such land. The proposed installation of any Improvements, including public utilities such as gas piping, electric or telephone wiring (underground or overheard), oil piping, television cable, Regional Water Supply Transmission Mains, Regional Sanitary Sewer Interceptors, and/or Drainage Facilities, is subject to the provisions herein contained.

This Ordinance shall not apply to the development of land for agricultural purposes.

This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provision of other laws, ordinance, or regulations, except as hereinafter provided. Where this Ordinance imposes a greater restriction or more demanding requirement upon land than is imposed or required by other Ordinances of the Village, the provisions of this Ordinance shall control.

Administration: This Ordinance shall be administered by the Village Zoning Administration.

The Following Subsections are added:

6.8.1 Definitions

6.8.1.1 Rules of Construction: For the purpose of this Section of the zoning Ordinance the following rules of construction apply:

- 6.8.1.1.1. Words used in the present tense include the future tense; and in the singular include the plural, unless the context clearly indicates the contrary.
- 6.8.1.1.2. The term “shall” is mandatory; the term “may” is permissive.
- 6.8.1.1.3. The word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

6.8.1.2. Words defined: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Building Service Drain: Any drainage water pipe extension from a building foundation drain outlet point, to a public storm drain, or other approved discharge facility.

Building Service Sewer: The sewer extension from a building to a point of connection with a public sanitary sewer.

Building Water Supply Pipe: The water supply pipe, valves, and appurtenances from a public water main to the supply side of the water meter.

Council: The Village Council, Village of Morrice, State of Michigan.

Customer Wastewater Disposal Outlet: The point of connection to the public sanitary sewer.

Customer Water Supply Point: The location on the customer side of a stop valve on the Building Water Supply Pipe near the public easement or public right-of-way line or on the customer side of a master water meter where the Village has allowed the use of a master water meter to serve special types of customers.

Department: The Public Works Department of the Village.

Detention Basin: A storm water storage facility intended to provide storm water storage, designed to detain storm water and reduce runoff rates from developed sites.

Ditch or Drainage Swale: An open channel used to transport water, groundwater, surface water runoff, or drainage from any source.

Drainage Basin: All land area with runoff tributary to the drainage facilities in question.

Drainage Facilities: Any Storm Drain or Open Drain, including facilities designated as County Drains that receive water from lands owned by more than one owner.

Drinking Water and Radiological Protection Division of the Michigan Department of Environmental Quality or “DWRPD”: The State agency, which regulates Water Supply Facilities in the State.

Dwelling Unit: A building or unit thereof that is occupied by one or more persons as a residence (with a single set of culinary facilities) intended for a single family.

Easement: An acquired legal right for the specific use of land owned by others.

Land Developer (sometimes called “developer”): A person, firm, association, partnership, corporation, or any other legal entity, who intends to develop land by making various improvements to the land as described under “Site Improvements”.

Lot: A measured portion of a parcel or tract of land which is described and whose location is established in a recorded plat.

Michigan Department of Environmental Quality or “MDEQ”: The State agency, which regulates the discharge of wastewater and drainage water to the natural outlet of the waters of the State.

Natural Outlet: Any existing drainage outlet into a watercourse, pond, ditch, lake, or other body of surface water, excluding storm sewers.

Open Drain: An open channel used to transport water, groundwater, and surface water runoff from any source.

Parking lot: A designated area used primarily for the parking of motor vehicles.

Parking Lot Bay: A portion of the width of a parking lot which includes a set of parking

stalls on either side of a driveway provided for access to such parking stalls.

Person: Any individual, firm, company, association, society, corporation, governmental agency (including school district), or other legal entity.

Plat: A map of a subdivision of land as defined in Act No. 288 of Michigan Public Acts of 1967 as amended.

Preliminary Plat: A drawing showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration, as defined in Act No. 288 of Michigan Public Acts of 1967 as amended.

Premises: A tract of land with the building(s) thereon that is, or is intended to be, owned and maintained by a single responsible person who is to be served as a single customer by a single Customer Wastewater Disposal Outlet and a single water supply meter. Each Mobile Home Park is considered separately as premises.

Private Wastewater Disposal System: A septic Tank with sub-surface soil absorption facilities; Wastewater Treatment Facilities; or similar methods of wastewater disposal that may be approved by the Shiawassee County Health Department and/or the State of Michigan Department of Environmental Quality.

Private Water Supply System: Any system by which potable groundwater is withdrawn and supplied to premises that is approved by the Shiawassee County Health Department and/or the Michigan Department of Environmental Quality.

Public Sanitary Sewer: A sanitary sewer intended to be located in public easement or public right-of-way, designed to collect wastewater from more than one user or premises and that is required to receive the approval and issuance of a construction permit from the Michigan Department of Environmental Quality.

Public Sewer and Public Drain: A common sewer or drain that serves more than one user or premises and is controlled by the Public Works Department or another governmental agency.

Public Utility Company: A legally constituted firm, corporation, or agency, other than the Village or a County agency acting under a contract with the Village, that operates under a franchise or agreement approved by the Village for the purpose of installing and operating public utilities including, but not limited to gas piping, electric or telephone wiring (underground or overhead), oil piping, television cable, water supply transmission mains, sanitary sewer interceptors, and/or drainage facilities.

Public Water Main: A main greater than four inches in diameter, existing or proposed, in public easements or public right-of-way that is required to receive the approval and issuance of a construction permit from the Shiawassee County Health Department or MDEQ. The service pipe, extending from a public water main to a "Customer Water Supply Point," shall also be considered "Public."

Retention Basin: A stormwater storage facility that holds stormwater with no outlet.

Right-of-Way or “ROW”: Land reserved, used, or to be used for a street, alley, walkway, or other public purpose.

Sanitary Sewer: A pipe together with appurtenances intended to carry wastewater from residences, commercial buildings, industrial plants, and institutions.

Services: As applied to the Water Supply Facilities and connections thereto, shall mean any water supply conveyance pipe, outside of a building, two inches in diameter and smaller.

Sewage Force Main: A pipe or conduit that carries wastewater under pressure.

Sewer: A pipe or conduit that carries wastewater or drainage water.

Sight Distance: The unobstructed (straightline) length of view from a driver's eye height of three and one-half feet to an object height of six inches.

Site Improvements or “Improvements: Such operations, acts of construction, or changes affecting land that increase the value, utility, or habitability of the site including, but not limited to, site grading, storm drain, or culverts; sanitary sewers; wastewater disposal facilities; water supply facilities; gas piping; oil piping; television cable; electric power supply wiring; telephone wiring; roadway surfacing or paving; parking lot paving; driveways; bridges; lakes, ponds, or lagoons; sidewalks; and/or other appropriate appurtenant items.

Site Plan: The plan required under the Village zoning Ordinance for site plan review for all projects other than a land subdivision plat.

Stop Valve (sometimes called “Curb Stop”): The valve placed on a building service water supply pipe that is located at a “Customer Water Supply Point.”

Storm Drain: A watercourse or a sewer intended for the conveyance of water, groundwater, surface water runoff, or other water from any source exclusive of intentionally admitted wastewater.

Stormwater Inlet Structure: A structure designed and constructed to intentionally admit surface water runoff into an underground storm sewer.

Street: Any street, avenue, boulevard, road, alley, or other right-of-way that provides for vehicular or pedestrian access to abutting properties by the general public; and includes the land between the street right-of-way lines, whether improved or unimproved.

1. Street Public: A right-of-way that provides for vehicular and pedestrian access to abutting properties that are deeded or dedicated to the Village, Shiawassee County Road Commission, or the State of Michigan.

2. Street Private: A right-of-way that provides for vehicular and pedestrian access to abutting properties for the general public, but is not deeded or dedicated to the Village, Shiawassee County Road Commission, or the State of Michigan for ownership, operation, or maintenance.

3. Street Local: Any street, private or public, which is intended primarily for access to, or through, abutting properties. Local streets shall have or shall be considered to occupy, a right-of-way width of 60 feet.

4. Street Collector: A street intended to carry traffic from local street to major roads. Collector streets shall have an 86-foot-wide right-of-way.

Surface Water Runoff (Sometimes called Stormwater): The part of rainfall or melting snowfall that reaches the storm drain as runoff from natural land surfaces, building roofs, or pavement.

Tabulation of Quantities: A list of construction items as usually used in the underground pavement construction industry as defined in the Michigan Department of Transportation (MDOT) Standard Specifications for Construction and compatible with the Village Construction Specification items together with the quantity of each item planned to be constructed.

Trunk Storm Sewer: A public storm sewer having a diameter of 18 inches or larger.

Underdrain Pipe: A perforated pipe installed underground for the specific purpose of lowering ground water or draining a granular sub-base by receiving groundwater and conveying it to a storm drain.

Unpolluted Water or Drainage Water: Water of a quality to, or better than, the effluent criteria currently in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Village sanitary sewers and wastewater disposal system.

User: The owner or occupant of any premises connected with, and/or using, any of the facilities operated by the Village.

Utility Company's Contractor: A construction contractor engaged by the utility company to install public utilities for the utility company; or, in the case where the utility company has a construction division that installs its own utilities, shall mean the utility company.

Village: Village of Morrice, Shiawassee County, Michigan.

Village Attorney: The license attorney representing the Village with the consent of the Village Council.

Village Engineer: The staff registered professional engineer or the consulting engineer representing the Village in this position.

Wastewater (Sometimes called Sewage): The spent water of a community, including liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water, that may be present.

Wastewater treatment Works or Sewage Treatment Plant: Facilities for treating wastewater, industrial wastes, and sludge.

Watercourse: A natural or artificial open channel for the passage of water either

continuously or intermittently.

Zoning Administrator: The person appointed by resolution of the Village Council to administer the Village Zoning Ordinance.

6.8.2 Site Plan Review Process

6.8.2.1 Purpose: Before a building permit is issued for any use requiring a building permit, a site plan shall be submitted to the Village council for review and approval. In addition, for all new developments and substantial modifications (50% or more of the existing floor area or front wall surface area) to an existing building. Before granting approval, the Village Council shall ascertain that all provisions of this Ordinance, as applicable, are complied with and that the proposed location and arrangement of buildings, access, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

6.8.2.2 Scope:

6.8.2.2.1 Except as set forth below, the Zoning Administrator shall not issue a permit for construction of any building, structures, or uses until a site plan has been submitted in accordance with this Ordinance and engineering plans have been approved where applicable, together with approval by the appropriate agencies and bodies, and review and signed by a representative of the Village Council, after approval at a public meeting.

6.8.2.2.2 The following buildings, structures, or uses shall be exempt from site plan review and procedures.

6.8.2.2.2.1. Single or two-family homes under separate ownership on an individual and separate lot for each home, and including Accessory Uses.

6.8.2.2.2.2. Interior, accessory, and subordinate buildings that require no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.

6.8.2.2.2.3. Projects involving the expansion, remodeling, or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highways, and does not expanded, remodeled, or enlarged buildings not exceeding fifty (50) percent of existing floor area or building facade surface.

6.8.2.2.2.4. Additional buildings or structures similar to those previously existing upon an individual site complying with all zoning ordinance requirements and requiring no new or additional means of access thereto from adjoining public roads or highways for such purposes, and which do not require any additional parking area to comply with the requirements of Article VI, Section 7.1 of the Village Zoning Ordinance.

6.8.2.2.2.5. Uses such as on-premises advertising signs.

6.8.2.3 Pre-Application Conference: At the request of the applicant for site plan review, the Village shall conduct a pre-application conference before a committee compose of the Village President, the Zoning Administrator, and three (3) representatives from the Village Council. The purpose of this conference is to allow discussion with the Village to better inform the applicant of the acceptability of any proposed plans or use prior to incurring extensive engineering and other costs which might be necessary for preliminary plan review and final site plan approval. A request for this conference shall

be in writing and shall contain whatever information the applicant deems necessary so that full disclosure and discussion of the proposed plan may be held. The committee's decision shall have no binding effect on the Village Council but be designed simply to advise the applicant of the feasibility of the proposal.

6.8.2.4 Preliminary Site Plan Review:

6.8.2.4.1. A preliminary site review and development plan may be submitted for review to the Village Council prior to final approval. The site plan, at a minimum, shall include the following, together with any required fees:

6.8.2.4.1.1. The name and address of the applicant or developer and property owner, including the names and addresses of any officers of a corporation or partners of a partnership.

6.8.2.4.1.2. A description of the present use and a sketch drawing of all existing structures.

6.8.2.4.1.3. A legal description of the property.

6.8.2.4.1.4. Sketch drawings showing tentative site and development plans,

6.8.2.4.2. Except for approval of the use proposed, any preliminary approval given at this time, shall not be binding upon the Village Council.

6.8.2.5 Final Site Plan Review: Requests for site plan review shall be made by filing with the zoning Administrator the following items:

6.8.2.5.1 A review fee as determined by resolution of the Village Council based upon the cost of processing the review. The resolution shall be on file with the Village Clerk for public information.

6.8.2.5.2 Ten (10) copies of the completed application form for site plan review which shall contain, as a minimum, the following information:

6.8.2.5.2.1. The name and address of the applicant;

6.8.2.5.2.2. The legal description of the subject parcel of land;

6.8.2.5.2.3. The area of subject parcel of land stated in acres, or if less than one acre, in square feet;

6.8.2.5.2.4. The present zoning classification of the subject parcel; and

6.8.2.5.2.5. A general description of the proposed development.

6.8.2.5.3 Ten (10) copies of the proposed site plan which shall include, as a minimum, the following information:

6.8.2.5.3.1. The plan shall be drawn to an appropriate scale of not smaller in size than one (1) inch equals twenty (20) feet for a development of not more than three acres, and a scale of not smaller in size than one (1) inch equals fifty (50) feet for a development in excess of three (3) acres. For plans requiring more than one (1) drawing, an overall plan shall be provided.

6.8.2.5.3.2. The plan shall show an appropriate description legend, north arrow, scale, date of preparation, location map, and the name and address of the individual or firm preparing the plan.

6.8.2.5.3.3. The property shall be identified by lot lines and general location together with dimensions, angles, and size in acres, correlated with the legal description of the property.

6.8.2.5.3.4. The topography of the site and to 100 feet off-site with at least two (2) foot contour intervals and all natural features such as wood lots, streams, rivers, wetlands, flood plains, unstable soils, and similar features shall be shown, as required by the Village engineer USGS Benchmarks.

6.8.2.5.3.5. Zoning and existing man-made features upon the site and within one hundred (100) feet of the ownership site boundary shall be identified and located.

6.8.2.5.3.6. The location, proposed finished floor and grade line elevations, the size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, and the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple-family residential development shall also include a density schedule showing

the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit by type or size (i.e. 1, 2, or 3 bedroom).

6.8.2.5.3.7. All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in off-street parking areas, service lanes thereto, and service parking and delivery or loading areas. Wheel stops where required. Sidewalks are required which meet ADA access, for inter site access, as well as public access across the property along all road frontage. List road right-of-way width.

6.8.2.5.3.8. The location, use, and size of open spaces, together with landscaping, screening, fences, walls, and proposed alterations of topography or other natural features shall be indicated.

6.8.2.5.3.9. The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features, which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will also be described, together with any special features, which will assist in satisfying these demands. The colors, materials, textures of all buildings, walls, roofs, fences, asphalt, and signage and other items of installation on the site shall be explained in sufficient detail, to allow review.

6.8.2.5.3.10. Any earth-change plans required by state law shall also be submitted with the application.

6.8.2.5.3.11. On-site lighting, electric service and meter location, pave needs, surface water drainage, for the site, and proposed locations for sanitary sewage disposal and water supply shall be shown on the site plans.

6.8.2.5.3.12. A traffic study if recommended for the Village Engineer in his or her sole discretion.

6.8.2.5.3.13. The site plan shall include any other information as may be determined to be necessary by the Village Council because of any peculiar features of the proposed development

6.8.2.6 Action on Application and Plans:

6.8.2.6.1. The Zoning Administrator shall record the date of receipt of the application and plans, and shall transmit copies to the Village Council, the Village Clerk, the Village Engineer, the Village Planner, the Police Chief, the Fire Chief, and copies to the other affected Village Departments.

6.8.2.6.2. Where it is evident the Zoning Administrator of the Village Council that the proposed use will have an impact upon any public facility, right-of-way or easement, the Zoning Administrator or Village Council shall submit the applicant's site plan to the appropriate state, county, or local agency(s) that has an impact upon, or will be impacted by, the proposed land use. The Zoning Administrator or Village Council shall request the appropriate agency(2) to review the proposed land used and submit a written response to the Zoning Administrator or Village Council describing the potential impact of the project upon that agency's area of interest or influence and the agency's recommendations for approval, disapproval or modifications. The Village Council shall consider these responses in their review of the application.

6.8.2.6.3. A hearing shall be scheduled by the Village Council for review of the application and plans as well as reviewing the recommendations of the Village Planner, Village Engineer, the Zoning Administrator and the Police Chief, any Department Head of an affected Village Department, and Fire Chief. Member of the Village Council shall be delivered copies of the application and plans prior to the hearing for their preliminary information and study. The hearing shall be scheduled not more than forty (40) days following the date of receipt of the plans and application by the Zoning Administrator.

6.8.2.6.4. The applicant shall be notified of the date, time, and place of the hearing on the application not less than three (3) days prior to that date.

6.8.2.6.5. Following the hearing, the Village Council shall have the authority to approve, disapprove, or request modifications to the proposed plans in accordance with the purpose of the site plan review provisions of this section. Any required modification or alteration shall be stated in writing, together with the reason for the modification, and delivered to the applicant. The Village Council may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant. The decision of the Village Council shall be made within sixty (60) days of receipt of the application by the Zoning Administrator. If the decision is not made within the sixty (60) day period, the application shall be considered approved.

6.8.2.6.6. Three (3) copies of the approved final plan/design including any required modifications or alterations, shall be submitted to the Village and be maintained as part of the Village records for future review and/or enforcement. One (1) copy shall be returned to the applicant. One (1) copy shall be provided to the Village Engineer. Each copy shall be signed and dated by the President of the Village Council for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the Village records as part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the landowner and the Village Council.

6.8.2.7. Criteria for Review: In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Village Council shall be governed by the following general standards, in addition to the applicable site requirements in the Section listed previously.

6.8.2.7.1. There is a proper relationship between the existing street and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.

6.8.2.7.2. The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.

6.8.2.7.3. As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.

6.8.2.7.4. Any adverse effects of the proposed development and activities emanating there from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.

6.8.2.7.5. The layout of buildings and improvements will minimize any harmful or adverse effect, which the development might otherwise have upon the surrounding neighborhood.

6.8.2.7.6. The site plan must comply with all provisions of the Zoning Ordinance and the Land Development Requirement, as applicable. The Village Council may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

6.8.2.8. Conformity to Approved Site Plan/Design Appearance

6.8.2.8.1. Revocation of Site Plan/Design Approval: Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which has received the approval of the Village Council. IF construction and development does not conform with the approved plan or design appearance, the approval of the site plan or design

appearance shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the premises involved and mailed to the last known address of the owner. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the village Council has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction to be in compliance with the criteria contained in the site plan/design appearance approval provisions and with the spirit, purpose, and intent of the Zoning Ordinance.

6.8.2.8.2. Criteria for Commencing Construction: Approval of the site plan shall be valid for a period of one (1) year. If engineering plans have not been approved and a building permit has not been obtained and on-site development actually commenced within one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and now approval obtained before any construction or earth change is commenced upon the site. If engineering plans are in the process of being review within one (1) year, the Village Council has the option of extending site plan approval for one (1) year, if requested prior to the original one (1) year expiration date.

6.8.2.9. Amendment to Site Plan

6.8.2.9.1. A proposed amendment, modification, or alteration to a previously-approved site plan may be submitted to the Village Council for review in the same manner as the original application was submitted or reviewed.

6.8.2.10. Performance Bond

6.8.2.10.1. The Village Council shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement in a form approved by the Zoning Administrator to ensure the development of the site in accordance with the approved site plan, conditioned upon the proper construction and development. This agreement shall continue for the duration of the construction and development of the site.

6.8.3 Site Improvements Required for Development of Land

6.8.3.1 Site Grading and Drainagewater Collection and Disposal Systems

6.8.3.1.1. Except for agricultural purposes, it shall be unlawful for any person to change the drainage patter of any land by excavating, grading, or filling without first obtaining a Permit for Construction from the Village. Each site shall receive such grading for the purpose of directing surface water runoff to appropriate storm drain collection and disposal systems, consistent with Section 6.8.5.2. Surface water runoff shall be collected internally. Flow from adjacent properties shall not be obstructed. The site storm drains shall be sized to collect and pass upstream fully developed flows within the drainage basin. The storm drain collection system shall consist of enclosed storm sewers or ditch throughout the project. An extension of the storm sewer system shall be provided to furnish an outlet for foundation drain service pipes for each building having a basement. The collected drainagewater shall be conveyed to a point of disposal that shall be a public storm drain.

6.8.3.1.2. All sites proposed for development shall provide a stormwater storage unless an adequate county drain is available to the site, and approval for discharge is acquired from the Shiawassee County Drain Office, and the Village Engineer and Village Council waive the storage requirement.

6.8.3.2 Street and Parking Lot Pavement and Rights-of-Way

6.8.3.2.1. Where any land development abuts or includes a proposed collector street or where it is deemed essential by the Village Council to provide for continuity to other parts of the public road

system through a land development, the Developer of such land development shall be responsible for the installation of the collector street or other local streets, with dedication of the right-of-way to the use of the public.

6.8.3.2.2. Where the Village Zoning Ordinance requires off-street parking, each parking space shall be 9 feet wide and 20 feet long. Parking areas shall be paved. For angled parking other than 90 degrees to the driving lane, the lane shall be marked for one-way movement. All paved areas shall have curbs or bumper blocks adjacent to sidewalks, landscaping, and at the site boundaries to prevent vehicles from crossing onto pedestrian walkways and adjacent sites. Moreover, parking lots shall be designed in accordance with standards contained in this Ordinance.

6.8.3.3. Potable Water Supply and Distribution System.

6.8.3.3.1. All developments shall be serviced by potable water supply and distribution systems acceptable to the Village. A site plan or a preliminary subdivision plan submitted to the Village shall be accompanied by data describing the type or potable water supply and distribution system that is to be provided for the development. A written approval for use of the system shall be obtained from the Village and the Shiawassee County Health Department. The Developer shall transmit the approval letter from the Shiawassee County Health Department to the Village Engineer with his request for Village approval.

6.8.3.3.2. If the proposed development consists of a single family dwelling unit subdivision, including condominiums or unplatted lot splits, the Developer shall install a potable water supply and distribution system for the development. If a public water supply and distribution system shall be installed as a dry system to be used in the future when a public supply becomes available and the developer may use individual wells for each lot; provided that the Developer demonstrates that each lot is capable of having an adequate well water supply acceptable to the Shiawassee County Health Department. If public water supply is available within 200 feet of the project then the developer shall extend the public supply to the development site and pay for any necessary improvements to the public system to provide adequate service.

6.8.3.3.3. A community Well Water Supply System may be used and shall be designed in a manner acceptable to the Village Engineer and the Shiawassee County Health Department and/or the Michigan Department of Environmental Quality.

6.8.3.3.4. All water supply and water main distribution systems that are intended to be operated as public facilities shall be conveyed to the Village for operation and maintenance.

6.8.3.3.5. Easements shall be provided for public water supply purposes in all subdivision, private road developments, and condominium developments for present and future installation.

6.8.3.4. Wastewater Collection and Disposal System

6.8.3.4.1. All developments shall be serviced by a wastewater collection and disposal system acceptable to the Village. A site plan or a preliminary subdivision plan submitted to the Village shall be accompanied by data describing the type of wastewater collection and disposal system that is to be provided for the development. Written approval for use of the system shall be obtained from the Village and the Shiawassee County Health Department. The Developer shall transmit the approval letter from the Shiawassee County Health Department to the Village Engineer with his request for Village approval.

6.8.3.4.2. If the proposed development consist of a single family dwelling unit subdivision, including condominiums or unplatted lot splits, then a gravity sewer system collection system shall be provided with pump stations as necessary to connect to the Village waste water disposal system. However, with prior approval of the Village Council, the Developer may use a septic tank and tile field for each lot; provided that the system for each lot receives approval from the Village and the Shiawassee County Health Department.

6.8.3.4.3. For all other developments, the Developer shall provide sanitary sewers to service each

proposed building site. The shall be connected to a public wastewater disposal system acceptable to the Village Engineer. If no existing Village wastewater disposal system is available, s system shall be provided by the Developer and conveyed to the Village for operation and maintenance. Such wastewater disposal system shall be designed in a manner acceptable to the Village Engineer and the Shiawassee County Health Department.

6.8.3.4.4. All public sewers that are intended to be operated as public facilities shall be conveyed to the Village for operation and maintenance.

6.8.3.4.5. Easements shall be provided for public sewer purposes in all subdivisions, private roads, and condominium developments for present or future installations.

6.8.3.5 Pedestrian Ways

6.8.3.5.1. Provisions shall be made for pedestrian ways completely across the Developer's project where it abuts existing or proposed public streets. Said provision shall consist of permission from the Village for use of the road right-of-way and/or the granting of easements on private property depending upon the appropriate location of the pedestrian ways as determined by the Village Engineer.

6.8.3.5.2. The Village Council shall establish a fund for payments made as an alternative for construction of sidewalks and/or bikepaths. The fund shall be used exclusively to construct sidewalks and bikepaths at a location or locations to be determined by the Village Council. For all projects, the Developer shall either construct a pedestrian way completely across the project where it abuts existing or proposed public streets, or as an alternative to said construction, he/she shall deposit with the Village monies, which are to be placed into said fund. The deposit shall be equivalent to the estimated construction cost of the pedestrian way. The Village Council shall have the option of requiring construction or the pedestrian way across the project site or allowing monetary deposits into the district fund. Monies from the pedestrian way fund shall be used by the Village to construct the sidewalks at a later date.

6.8.3.5.3. All sidewalks and driveway approaches between the lot line and the street curb, except crosswalks at intersections, shall be repaired and maintained by the abutting property owner and shall comply with all requirements set forth into this Ordinance.

6.8.3.5.4. All sidewalks within the Village shall be kept and maintained in good repair by the owner of the land adjacent to and abutting upon it. If any owner shall neglect to keep and maintain the sidewalk along the front, rear, or side of the land owned by him in good repair and safe for use of the public, the owner shall be liable to the Village for any damages recovered against the Village sustained by any person by reason of such sidewalk being unsafe and out of repair.

6.8.3.6. Trees

6.8.3.6.1. Unless a sanitary sewer or water main is not yet installed where planned along a street, at least two tree (minimum if three inches in diameter) per lot or building site shall be installed by the developer on each side of all streets. Street trees shall have a minimum spacing of 60 feet and maximum of 120 feet. The type of tree shall be determined by the Village.

6.8.3.6.2. The Developer shall deposit funds with the Village to assure installation of trees, in conformance with Village specifications.

6.8.3.7. Distribution Lines

6.8.3.7.1. The developer shall provide appropriate locations for all local distribution lines for power, heat, and communication services. These services must be placed underground except for main supply and perimeter cables or wires providing service to significant areas outside of the proposed development. Undergrounding may be waived in commercial and industrial developments. The

developer shall provide easements for installation of all power, heat, and communications facilities. Construction shall conform to the current requirements of the Michigan Public Service Commission. No public utility shall be placed without first obtaining a permit from the village.

6.8.3.8 Guarantee For Completion of Site Improvements

6.8.3.8.1. After engineering approval or final preliminary plat approval by the Village, but before any site grading or site improvements, the Developer shall provide the Village with a guarantee for the satisfactory completion of the required site improvements for his/her development. Such guarantee shall be in the form of cash, certified check, or irrevocable bank letter of credit, whichever the Developer selects. The amount of the deposit shall be set by the Village Council based on the estimated construction cost of said improvements as determined by the Village Engineer. The Village shall release funds from this deposit as the site improvements are completed and approved by the Village approximately in proportion to the amount of improvements satisfactorily completed.

6.8.4 Procedure For Procurement of a Permit For Construction of Site Improvements and/or Public Utilities

6.8.4.1 General: Except for agricultural purposed, it shall be unlawful for any person to begin the development of land or install Public Utilities within the Village without first obtaining a permit.

6.8.4.2 Procedure: Any person to proceed with the development of land or install Public Utilities shall apply for a Permit for Construction in accordance with the following procedures:

6.8.4.2.1. For projects where the construction contractor is engaged by the Village or by a County agency under contract with the Village.

6.8.4.2.1.1. Where the construction contractor is engaged by the Village, or by a County agency under contract with the Village, the contractor will not be required to acquire a Permit for Construction. However, the contractor shall restore all land and/or other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.

6.8.4.2.2 For projects where the construction contractor is engaged by a Public Utility Company other than the Village.

6.8.4.2.2.1. The Public Utility Company shall prepare and present to the Village three (3) copies of the plans and specifications for the proposed utility, whether it be an underground utility or an overhead utility including a single pole relocation. The 'Standard Utility Locations' indicated in the Appendix "b" should be utilized where possible. Furthermore, the Utility Company shall ascertain where the location may be in possible conflict with utilities proposed by the Village. Appendix "B" shall be approved from time to time by resolution of the Village Council.

6.8.4.2.2.2. The Public Utility company shall obtain a permit to construct from the Village prior to construction except for emergency repairs. Any facility installed under emergency conditions must be relocated at the Utility Company's expense when those facilities are in conflict with Village Sewer, storm drain, water, or walkway locations.

6.8.4.2.2.3. The plan shall be reviewed by the Village to determine whether the proposed location will conflict with present or future Village utilities. The Utility Company shall reimburse the Village for any costs incurred for inspection or plan review. Work shall not proceed without Village written approval.

6.8.4.2.2.4. The Utility Company must submit and additional information deemed necessary and requested by the Village during the course of the plan review.

6.8.4.2.2.5. Upon approval of the plans and specifications, the Village will return one set of plans marked "approved" which shall be the Utility Company's approval to commence construction as long

as all other permits and licenses which may be required by other governmental agencies have been secured.

6.8.4.2.2.6. The Village President shall be notified of all times construction is taking place and the Village shall have the right to have an inspector present at all times that construction is taking place.

6.8.4.2.2.7. The Utility Company is responsible for ensuring that the Contractor restores all land and/or physical features affected by the work to a condition at least as good as that existing at the time construction was begun.

6.8.4.2.2.8. Within 30 days after completion of construction, the Utility Company shall provide one copy of as-built plans for the project to the Village.

6.8.4.2.3 For All Other Development Projects.

6.8.4.2.3.1. The Developer shall engage a Professional Engineer, hereinafter call the Developer's Engineer, who shall prepare plans and specifications for the proposed site improvements in accordance with current engineering design and plan preparation standards contained herein or otherwise adopted by the Village or set forth by the Village Engineer.

6.8.4.2.3.2. Upon completion of the plans and specifications for the Site Improvements, the Developer shall make an application for a Plan Review on a form furnished by the Village As part of this Application the Developer shall submit the following:

6.8.4.2.3.2.1. Four (4) copies of completed plans and specifications as proposed to be used for the Construction of the Site Improvements;

6.8.4.2.3.2.2. A "Tabulation of Quantities" using MDOT pay items and unit prices in sufficient detail to enable the Village Engineer to make a reasonable estimate of construction cost of all proposed work;

6.8.4.2.3.2.3. A cash payment, computed according to the schedule indicated in Appendix "A" to cover cost of the Plan Review Administrative Fee; and Appendix "A" and any amendment thereto shall be adopted by resolution of the Village Council.

6.8.4.2.3.2.4. Copies of proposed public utility and detention basin easement descriptions and conveyance documents for review and approval by the Village.

6.8.4.2.3.2.5. Such other information and data as the Village Engineer deems necessary to enable the approval of the plans and specifications.

6.8.4.2.3.3. Upon approval of the plans by the Village Engineer and the Village, the Village Engineer will coordinate the securing of necessary approvals for sanitary sewer and/or water main from other reviewing agencies. The Applicant shall furnish such plans and other documents as necessary to accomplish such approvals. However, after approval of plans by the Village, the Developer's Engineer shall obtain approval from the Shiawassee County Road Commission, the Shiawassee County Drain Office, the Michigan Department of Transportation, or any other agency having jurisdiction. Also, the Developer's Engineer shall forward plans to any public utility and/or other agency whose facilities or rights-of-way may be affected by the proposed construction. Plan approval shall be valid for one (1) year. Approval may be renewed, subject to the amendment of such plans by the addition of the current construction detail sheets, and subject to revisions to conform to current standards and construction specifications.

After the requirements of all other agencies have been met, a final set of the complete construction plans shall be submitted to the Village prior to the pre-construction meeting.

6.8.4.2.3.4. Upon securing approvals and construction permits from all other appropriate agencies, the Developer shall make an Application for Permit for Construction of Site Improvements on a form furnished by the Village. As part of this Application, the Developer shall submit the following:

6.8.4.2.3.4.1. A digital record of the approve site plan, plat, parcel split, or condominium plan, along with a disk of the construction drawings all in a format approve by the Village. A mylar copy of the

grading plan, at least four (4) mils thick.

6.8.4.2.3.4.2. Eight set of approved plans and specifications, sealed by the Developer's Engineer, including the executed Construction Contract Documents that shall contain as a minimum:

6.8.4.2.3.4.2.1. Certificates of Insurance, with the Village and the Village's Consulting Engineer named as co-insureds, showing satisfactory Workers' Compensation insurance, public liability insurance, and property damage insurance, including motor vehicle exposure and specific coverage for explosion and underground hazards. Insurance limits and coverages to be approved by the Village.

6.8.4.2.3.4.2.2. A Maintenance and Guarantee Bond to the Village in the amount of 1/3 of the construction contract cost, to guarantee for a period of three (3) years from the date of final written acceptance of such improvements, the correction of any defects or deficiencies in the improvements covered under the construction permit.

6.8.4.2.3.4.2.3. A Performance Bond and Labor and Material Bond from the Applicant's contractor for 100% of the contract price for construction of site improvements.

6.8.4.2.3.4.3. A cash deposit, computed according to the deposit schedule indicated in Appendix "A", from which the final cost of construction inspection, administration, testing, construction water usage, and other related expenses will be deducted, as determined by the Village. Applicant further agrees to supplement the inspection deposit with sufficient additional payment if the final cost of inspection exceeds the inspection deposit.

6.8.4.2.3.4.4. A completed "Permit to construct" form shall convey all public improvements to the Village after final acceptance by the Village.

6.8.4.2.3.4.5. Copies of the approved easement descriptions and conveyance documents ready for recordation after as-built plans have been approved by the Village.

6.8.4.2.3.4.6. The contractor shall submit a certification letter accepting responsibility for all work, including job site safety.

6.8.4.2.3.4.7. Such other information and data as the Village Engineer deems necessary to enable the approval of the Construction Permit.

6.8.4.2.3.5. Upon approval of the Construction Permit by the Village Engineer and the Village, the Developer's Construction Contractor may proceed with the construction. No work shall be done without prior notice to, and inspection by a representative of the Village, or Village Engineer.

6.8.4.2.3.6. Upon completion of construction and prior to using any of the facilities covered under the construction permit, the Developer shall apply for a written final approval and acceptance of the Improvements. As part of this Application, the Developer shall submit the following:

6.8.4.2.3.6.1. Three (3) sets of complete "as-built" plans to be reviewed by the Village Engineer. After approval of the as-builts, the Developer must submit one full set of as-built mylars, at least four (4) mils thick, a digital record of the approved as-built plans, three (3) paper copies of the full set, and two (2) additional paper copies of the general utility plan.

6.8.4.2.3.6.2. Recorded easements for all public utilities and detention facilities. A title search statement indicating the names of all persons of interest (certified by a recognized Title Insurance Company) shall accompany the copies of recorded easements.

6.8.4.2.3.6.3. A cash deposit to the Village in the amount indicated in Appendix "A", to cover the cost of cleaning and televising all sewers installed.

6.8.4.2.3.6.4. Sworn statements and Waivers of Lien, indicating that all public improvements labor and materials have been paid for in full.

6.8.5 Standards: For Engineering Design; For Preparation of Engineering Plans and Specifications; and For Construction of Site Improvements

6.8.5.1. General

6.8.5.1.1. Plans submitted shall be on 24-inch by 36-inch (24" x 36") white prints having blue and black lines, and shall be neatly and accurately prepared. Exercise judgment in the design, layout, and presentation of proposed improvements.

6.8.5.1.2. For projects or subdivisions having more than one sheet of plans, a general plan having a scale of one inch equals 100 feet shall be provided showing the overall project or subdivision and indicating the size and location of all improvements shown in the detailed plans. Street names, street and easement widths, lot lines, lot dimensions, lot numbers, and ownership shall be shown on all plans.

6.8.5.1.3. Plans include a complete topographic survey of the site, plus 100 feet beyond. The survey shall include at least two (2) existing benchmarks, and shall have a minimum of two (2) bench marks transferred to the site. All benchmarks shall be on USGS datum. The survey shall include: the ground at approximately a 50 foot grid; all buildings within 100 feet of the development; elevations at 50-foot intervals along all boundary lines and all drainage courses; sewers and water mains, inverts of sewers and drains as field measured; pavement; sharp changes in grade and any other features that may affect site design. Elevations shall be take at an interval to produce a reliable map at a scale of one-inch equals 50 feet, with one-foot contour intervals.

6.8.5.1.4. A drainage shed map to be incorporated in plan set consisting of a copy of a USGS map drawn to scale, indicating the site of proposed development, and the limits of the offsite drainage shed.

6.8.5.1.5. Submit a certified boundary survey plus a copy of the Village approved plat, site plan, or condominium. Show 100-year flood boundary from FEMA map panels for the Village. For sites where the Developer intends to modify or do work in the flood plain, submit a copy of the approved Development Permit. Indicate designated wetlands. No construction shall take place in wetlands without a permit or letter from MDEW indicating they are not regulated.

6.8.5.1.6. Engineering plans shall be drawn at a scale of one-inch equals 50 feet horizontal or better. Plan and profile views must be shown on the same sheet with the profile below. A different scale may be used for details as necessary for clarification.

6.8.5.1.7. Profile views are required for all sanitary sewers, storm drains and roads, and water mains 12-inch diameter and larger, sidewalks, bicycle and pedestrian ways. Profiles shall indicate the size of pipe, class of pipe, slope of the utility or pavement, and control elevations. The existing and proposed grade lines shall be shown along the profile view of each utility. Storm sewer profiles shall include the hydraulic gradient at each structure.

6.8.5.1.8. All utility crossing must be shown in profile, with invert elevations and clearances shown.

6.8.5.1.9. Grading plans are required for all developments.

6.8.5.1.10. Finished grade shall be shown for all structures.

6.8.5.1.11. Proposed improvement plans shall conform to the master water, sewer, storm drain, pedestrian way, and thoroughfare plans of the Village.

6.8.5.1.12. Upon final approval of plans, submit in Village format, a digital record of the construction plans that have been prepared in digital format.

6.8.5.1.13. For subdivisions, condominiums, and multi-family developments, provide a mylar copy of the grading plan upon final approval of the plans.

6.8.5.1.14. Where a project lies within an area or system under jurisdiction of the County, State, or Federal Government, the standards and requirements of the respective agencies are generally adopted by the Village. Where conflict arises, the higher standard applies.

6.8.5.1.15. The Developer's Engineer shall forward plans for approval to any public utility and any Federal, State, or County agency whose facilities or rights-of-way may be affected by the proposed

construction. The Developer's Engineer must forward copies of pertinent correspondence to the Village Engineer.

6.8.5.1.16. All engineering plans submitted for approval shall bear the seal and signature of the Professional Engineer responsible for their preparation.

6.8.5.1.17. The Village reserves the right to revise the "Engineering Design Standards" or any "Standard Construction Specifications" at any time and to require that such revised Design Standard or Construction Specifications be incorporated into the work at any time prior to installation or construction. The Village also reserves the right to revise or correct any plans that have been "approved for construction" due to errors, omissions, or changed or unforeseen field conditions and to require that such revisions and corrections be incorporated into the work at any time prior to final acceptance of the work.

6.8.5.1.18. The plans covering all of the required Site Improvements for a specifically designated area of the Developer's land shall be submitted as one package before any plan review shall commence, including building envelopes for all proposed structures and the required review fees.

6.8.5.1.19. Utilities shall, in general, be located in accordance with the schedule entitled Standard Utility Locations shown in Appendix "B".

6.8.5.1.20. Safety shall be the responsibility of the Contractor.

6.8.5.1.21. All work shall be performed in conformance with the current standards and specifications of the Village of Morrice.

6.8.5.1.22. All trenches under or within three (3) feet of the 45 degree line of influence of existing or proposed pavement, sidewalk, or drive approach shall be backfilled with sand compacted to 95% of maximum unit weight.

6.8.5.1.23. All lettering on plans shall have a minimum height of 1/10 inch and be of such quality to be clear and legible.

6.8.5.2 Site Grading and Drainage

6.8.5.2.1. A grading and drainage plan is required for all sites and developments. The following minimum requirements must be provided on all grading and drainage plan sheets:

6.8.5.2.1.1. List benchmark descriptions and elevations to be used for the development. These benchmarks must not be disturbed during construction. In non-residential areas each site must have storm drainage provided to it and will be required to have internal drainage, and an approved outlet.

6.8.5.2.1.2. The grades of existing adjacent houses, buildings, drainage structures, and streets shall be shown. The grades of existing adjacent ground and yards shall be shown on a 50-foot grid pattern for 100 feet from the property line. The drainage pattern of all adjacent existing land shall be indicated.

6.8.5.2.1.3. The grading plan shall be designed to ensure that if a failure occurs in the storm system, water will drain away in overland swales. In parking lot areas, overland flow shall occur prior to depths greater than one (1) foot occurring.

6.8.5.2.1.4. Show proposed elevations at lot and building corners; walkout elevations; top curb or pavement, or center line elevation if there are no curbs; back of walk elevations at all lot corners, or front property line elevations if there are no sidewalks; front and side yard set-backs to scale for a typical rectangular building footprint, as well as side yard elevations.

6.8.5.2.1.5. A rear yard drain system of underdrain pipes and storm sewers or ditches are required to provide surface drainage and foundation drain outlet for each site in residential developments.

6.8.5.2.1.6. Show all drainage structures. Rear yard catch basins shall be located near lot corners.

6.8.5.2.1.7. Provide three-inch sump pump outlets for each building. Preferred locations are in catch basins. Connections to underdrains or storm sewers shall be done in conformance with Village of Morrice Standard Details.

- 6.8.5.2.1.8. Driveway grades shall not exceed 10%.
- 6.8.5.2.1.9. Rear yard swales more than one lot long must not be graded straight down to a street without being intercepted by a standard four-foot diameter catch basin and a low point shall be established outside of the road right-of-way.
- 6.8.5.2.1.10. Where topography prevents rear yard drainage from being practical, rear-to-front or rear-to-side may drain only the specific lot in question. Other bordering lots are not to drain across this lot. Lots with rear-to-front drainage must have side swales shown around the house with swale grades of 2.0% or more. The following swale elevations must be shown:
- 6.8.5.2.1.10.1. The high point of the swale(s), located generally behind the house, a minimum of 15 feet from the house and minimum 0.5 feet below the house grade;
- 6.8.5.2.1.10.2. The side swale elevation located even with the back of the house; and
- 6.8.5.2.1.10.3. The side swale elevation located even with the front of the house.
- 6.8.5.2.1.11. Rear yard underdrains shall consist of the following:
- 6.8.5.2.1.11.1. Rear yard underdrains, upstream of a low point, shall consist of an eight-inch diameter, perforated or slotted PVC pipe with smooth interior. Perforated underdrain shall be smooth wall PVC, ASTM F-758, Type PS 46, with 3/16" to 3/8" diameter perforations. Slotted underdrain shall be PVC-corrugated with smooth interior, ASTM F-949, with slotted perforations of 1.90 to 2.00 square inches per foot of pipe length. Eight-inch underdrains shall be laid at a minimum slope of 0.40%.
- 6.8.5.2.1.11.2. Rear yard underdrains, downstream of a low point shall consist of a 12" minimum diameter pipe. 12" diameter pipe shall be PVC-corrugated with smooth interior, ASTM F-949, with slotted perforations of 1.90 to 2.00 square inches per foot of pipe length. Twelve-inch underdrain shall be laid at a minimum slope of 0.32%.
- 6.8.5.2.1.11.3. Underdrain joints shall be plain.
- 6.8.5.2.1.11.4. Underdrain trenches shall have a minimum depth of three feet, a minimum width of 12 inches, and a maximum width of 10 inches greater than the inside pipe diameter and shall be backfilled with pea gravel to within four-inches of the finished grade and topped with topsoil.
- 6.8.5.2.1.11.5. As a part of the rear yard underdrain system, a three-inch sump pump lead shall be connected to the underdrain and extended to the easement line in the direction of the house to be served, and capped. Minimum depth shall be two-and-one-half-feet (2 1/2 ft.), maximum depth shall be three feet. Sump pump leads shall be provided for all proposed new homes in the development and for all homes on adjacent properties that do not have a sump pump outlet. Three-inch sump pump leads must be tapped into a front or rear yard catch basin and extended to the easement line in the direction of the house to be served and capped.
- 6.8.5.2.1.11.6. Sump pump leads shall be three-inch, PVC, ASTM D-2729 with solvent cement joints.
- 6.8.5.2.1.12. All proposed grading shall be indicated on the plans with contour lines.
- 6.8.5.2.1.13. All sets of plans, which include plans for storm drains shall include the current Village Storm Sewer Detail Sheets. All work shall be performed in conformance to the current standards and specifications of the Village of Morrice.
- 6.8.5.2.1.14. If there are any upstream watershed drainage areas, which need to be drained through the site under design consideration, sufficient capacity shall be provided to take fully developed upstream drainage into the system. The hydraulic gradient shall remain in the pipes sized for upstream capacity.
- 6.8.5.2.1.15. Site grading for all building sites shall be reviewed to determine that proposed and/or actual site grading is proper and that drainage from land lying upstream is not obstructed and that downstream properties will not be adversely affected by runoff from the property under design consideration. Before a Certificate of Occupancy for any building is issued, the Village Engineer and/or Village shall approve the final site grading and drainage for each building. The Village may require that

a survey, drawing, and certificate, done by a Professional Engineer or Professional Surveyor, be furnished by the Developer indicating that the work has been done in conformity to the approved site grading and drainage plan. It shall be unlawful for any person to interfere with, modify, or obstruct the flow of drainage water across any property in any manner different from the approved plan.

During period of the year when weather conditions make site grading work unfeasible, a temporary Certificate of Occupancy may be issued, subject to the furnishing of a satisfactory bond, letter of credit, or cash deposit guaranteeing the completion of the work when weather conditions permit.

6.8.5.2.1.16 The fall of the land away from any building shall be a minimum of six (6) inches in the first 25 feet. From this elevation the land shall slope to a drainagewater collection swale at a minimum slope of one foot in 100 feet (one percent (1%)).

6.8.5.2.1.17 The maximum slope of the land for the site, except for transitional ramps between useable site areas shall be 10 feet in 100 feet (10%). The sodded ramp slopes shall be a maximum slope of one foot vertically and three (3) feet horizontally.

6.8.5.2.1.18 Adequate soil erosion and sedimentation control measures shall be specified on the plans, and followed during construction, to conform to the requirements of Michigan Act 347, P.A. Of 1972, entitled "Soil Erosion and Sedimentation Control Act of 1972."

6.8.5.2.1.19 All buildings having foundation drains shall direct the flow of drainage water from such foundation drains into storm drain by means of a three-inch underground PVC pipe, conforming to the Village of Morrice Standard Details. No building permit for any building having a basement shall be issued unless the plans for such building indicate a foundation drain with discharge to a storm drain.

6.8.5.2.1.20 Runoff from building roofs shall be piped, via gutters and downspouts, to a point five (5) feet away from the outside buildings walls.

6.8.5.2.1.21 The longitudinal grade of any drainage swale shall not be less than one (1) foot per 100 feet (1 percent (1%)). The maximum distance drainagewater shall travel in a drainage swale without an intercepting yard catch basin shall be 350 feet. Not more than 100 feet of drainagewater travel shall be upstream of an angler point (deflection angle 45 degrees or greater) in the drainage swale. Planned final grade elevations shall be indicated on the plans for the drainage swale at a maximum spacing of 50 feet.

6.8.5.2.1.22 Storm water runoff drainage systems shall be designed for at least a 10-year storm by means of the rational method formula: $Q=CIA$; where Q is the peak rate of runoff in cubic feet per second, A is the area in acres, C is the coefficient of runoff for the drainage area, and I is the average rainfall intensity in inches per hour for a certain time of concentration. The rainfall intensity shall be determined by the formula $I=175/(25+T)$; Where T is the time of concentration. An initial T of 20 minutes is acceptable for single-family residential areas. Paved areas in commercial and industrial developments are presumed to have an initial T of 15 minutes. The Developer's Engineer shall use his judgment in arriving at proper imperviousness factors, but in general, the following factors are acceptable minimums:

6.8.5.2.1.22.1. Lawn areas	0.15
6.8.5.2.1.22.2. Pavement and roof areas	0.90
6.8.5.2.1.22.3. Overall area of single family subdivision	0.35
6.8.5.2.1.22.4. Overall area of multiple housing development	0.55
6.8.5.2.1.22.5. Overall area of commercial development	0.90
6.8.5.2.1.22.6. Overall area for industrial development	0.80

The Engineer shall submit a map outlining the various watershed drainage areas, including off-site upstream areas, which drain to each inletpoint used for design. The map shall be accompanied by storm sewer design computations. The minimum acceptable size of storm sewer downstreams of any stormwater inlet structure is 12 inches in diameter.

For the design of storm sewers, use the Manning's formula for pipe sizing. An "N" factor of 0.013 shall

be used for all smooth-walled pipe. Storm sewers shall be designed to provide a minimum velocity when flowing full of 2.5 feet per second. The maximum velocity of stormwater flow shall be 10 feet per second, unless a waiver is specifically requested by the design engineer and approved by the Village Engineer.

In general, trunk storm sewers or any sewer that carries street drainagewater shall be located within a public street right-of-way. Such sewers shall not be located along rear lot line easements. Where public storm sewers are located outside of public streets, they shall be placed in a recorded public easement that provides for unlimited access to the storm sewer for repairs, connections, and maintenance. Storm drain easements shall be twice the depth of the deepest sewer or shall meet the following criteria. The greater width will apply. The sewer shall be placed within the middle third of the easement.

Drain	Minimum Width
up to 18"	12'
21" to 42"	20'
Over 42"	30'

6.8.5.2.1.23. Where open drains are proposed for drainagewater disposal, the Manning's formula shall be used for determination of flow depth and capacity. However, if the Village Engineer and/or Michigan Department of Environmental Quality deem it advisable, the Developer's Engineer may be required to furnish computations and plans showing the backwater curve for the open drain under 100-year-flood-flow fully-developed-upstream-watershed conditions.

6.8.5.2.1.24. Where possible, provide a minimum of three (3) feet of cover from the top of finish road or earth grade to the top of any storm sewer. In some cases it will be acceptable to allow the hydraulic gradient to be above the top of the sewer pipe. If this is the case, the design elevation of the hydraulic gradient profile shall be indicated on the sewer profile view, but hydraulic gradients shall not be less than two feet below the surface at any location. Hydraulic gradients shall be maintained within the pipe on any storm sewers designed to provide capacity for upstream areas.

6.8.5.2.1.25. Storm manholes or catch basins must be provided along the storm system at every change in pipe size, grade, or direction. In addition, maximum spacing of manholes shall be:

Diameter of Sewer	Maximum Manhole Spacing
12" to 18"	400'
21" to 30"	450'
36" & 42"	500'
48"	550'
54" & 60"	600'
66" & 72"	650'
6'6" and Larger	800'

Note: Height of Lo-Hed pipe shall be used as the criteria for manhole spacing

Catch basin leads may tap directly into sewers 42 inches and larger, except that taps shall not be made into pre-cast manhole tee pipe sections.

- 6.8.5.2.1.26 Manholes and catch basins may be combined and utilized as a stormwater let structure, if constructed with a two-foot deep sump.
- 6.8.5.2.1.27 Prefabricated bar screens shall be installed on the upstream ends of all storm sewers 12 inches in diameter or larger. Openings of the bar screen shall be no more than six inches on centers.
- 6.8.5.2.1.28 In general, pavement type catch basins shall be located as follows:
 - 6.8.5.2.1.28.1. At the radius return of street intersections. One hundred fifty feet maximum distance of drainagewater travel is allowed around a corner without an intercepting catch basin.
 - 6.8.5.2.1.28.2. At all low points in the streets.
 - 6.8.5.2.1.28.3. At intermediate points along the street such that there is a maximum pavement drainage area per structure as follows:

6.8.5.2.1.28.3.1.	Intercepting catch basins	7,500 SF/CB
6.8.5.2.1.28.3.2.	Low point catch basins	12,000 SF/CB
- 6.8.5.2.1.29 Yard type catch basins shall be provided at all low points in drainage swales. Provide intercepting yard type catch basins such that not more than 350 feet of swale drainage runs into any one catch basin other than a low point catch basin where 600 feet of drainage is allowed.
- 6.8.5.2.1.30 Improved open drains may be permitted under special circumstances provided the Village Engineer has determined that the enclosure of such open drains would require a storm sewer 60 inches or larger in diameter. When open drains are used, the easement width shall be sufficient to accommodate a 30-foot wide maintenance plateau with a maximum slope of 10 percent (10%) on each side of the channel.
- 6.8.5.2.1.31 The side slopes of open drains shall have a maximum slope of one (1) foot vertical to six feet horizontal, except that a low-flow channel may have side slopes of one (1) foot vertical to three foot horizontal. Open drain side slopes shall have an established sod surfacing as soon as possible after construction. In any event, sufficient measures shall be taken to conform to the erosion and sedimentation control requirements of applicable state or local ordinances.
- 6.8.5.2.1.32 An extension of the storm sewer shall be provided to furnish an outlet for foundation drain service pipe for any buildings not otherwise serviced. Such extensions shall have a minimum diameter of eight (8) inches.

6.8.5.3 Street and Parking Lot Paving.

- 6.8.5.3.1. Paving for all streets located within dedicated public road rights-of-way shall be designed and constructed in accordance with the currently adopted specifications of the Village of Morrice.
- 6.8.5.3.2. Right-Of-Way Widths
 - 6.8.5.3.2.1. Local streets shall have a minimum 60 feet right-of-way.
 - 6.8.5.3.2.1.1. Except that local street that have never been properly dedicated, but have been on the Act 51 Street Map submitted to the state of Michigan by the Village of Morrice for 2005 or earlier years, may be dedicated to the Village subsequent to the adoption of this Ordinance even if the local street does not meet the minimum right-of-way requirements, or other requirements of this Ordinance. However, in such case, no additional land splits, condominium development plans, plan unit developments, and/or subdivision plans will be permitted using a roadway dedicated under this section as its point of access.
 - 6.8.5.3.2.2. Cul-de-sacs shall have a minimum 75 feet right-of-way radius.
- 6.8.5.3.3. Cross Sections for Public or Private Streets.
 - 6.8.5.3.3.1. Industrial streets shall be Portland cement concrete, a minimum of eight (8) inches thick, on a base acceptable to the Village Engineer. Width shall be 27 feet. One side, typically the side planned for water main, shall be posted "No Parking."

6.8.5.3.3.2. Commercial streets and service lanes shall be Portland cement concrete, a minimum of eight inches thick, on a base acceptable to the Village Engineer. Provide at least two 12-foot wide lanes posted “No Parking.”

6.8.5.3.3.3. Condominium residential and multi-family streets and drives shall be constructed of concrete pavement, 24-foot wide with integral curbs and gutters. The concrete pavement shall have a minimum thickness of seven (7) inches, and be on a base acceptable to the Village Engineer. An equivalent asphalt pavement may be substituted for 7” concrete with concrete curbs.

6.8.5.3.3.4. All parking lots shall have storm drainage systems meeting the requirement of the Village Engineer. Parking lot pavements shall be designed for the expected traffic volume and shall be a minimum of three (3) inches of bituminous aggregate pavement over six inches of crushed limestone per MDOT Classification 21A, or a base equivalent as approved by the Village Engineer.

6.8.5.3.3.5. Where the Village Zoning Ordinance requires off-street parking, the design of the parking area shall conform to the requirements of the Village Engineer and shall receive his written approval.

6.8.5.3.3.6. Alternate pavement cross-sections may be considered provided that design calculations are submitted and approved by the Village Engineer.

6.8.5.4. Water Supply and Distribution System.

6.8.5.4.1. All sets of plans, which include plans for water mains, shall include the current Village Water Main Detail Sheets, which shall be considered an inseparable part of the plans.

6.8.5.4.2. A water distribution system basis of design shall be included in plan set. The basis of design shall include a general map indicating the service area, location of existing water main and proposed water main. The system shall be designed to meet peak hourly demands and the maximum daily demand plus fire flow.

6.8.5.4.3. Where a community well water system is to be proposed, the system shall be designed to meet the Shiawassee County Health Department and the Michigan Department of Environmental Quality requirements for community water systems.

6.8.5.4.4. All water mains shall be shown in a plan view. Water main, at location of crossing with other utilities or drains, and those water mains 12 inches or larger in diameter shall also be shown on a profile view.

6.8.5.4.5. The plan shall indicate the proposed finished grade elevations of all hydrants, gate wells, and/or other structures and, where a public main or hydrant is not located in a public street, shall show an easement for the main and hydrants. The easement shall extend a minimum of six (6) feet each side of the main.

6.8.5.4.6. The type, capacities, location, and layout of a building service water supply pipe shall comply with all requirements of the Village.

6.8.5.4.7. The type of pipe and joints approved for use in potable water supply systems in Village of Morrice are as follows:

6.8.5.4.7.1. Ductile iron pipe, 20 inches and smaller, shall conform to ANSI/AWWA Specifications C1511/A21.51, Class 54. Ductile iron fittings shall conform to ANSI/AWWA Specification C110/A21.10 for standard fittings or to ANSI/AWWA Specification C153/A21.53 for compact fittings. Ductile iron pipe and fittings shall have a double thickness cement mortar lining conforming to ANSI Specification A21.4.

6.8.5.4.7.2. Joints for ductile iron water main shall be push-on joints such as “Tyton Joint” or approved equal.

6.8.5.4.7.3. All pre-stressed concrete pressure pipe shall conform to the AWWA Standard for “Pre-stressed Concrete Pressure Pipe, Steel Cylinder Pipe for Water and other Liquids,” C-301.

Pre-stressed concrete embedded cylinder pipe with rubber and steel joints may be used for 24-inch diameter and larger water mains, with approval of the Village Engineer.

6.8.5.4.8. All water mains shall be installed with a minimum cover of five and one-half (5-1/2) feet below finished grade. Where water mains must dip to pass under a storm sewer or sanitary sewer, the minimum acceptable clearance shall be 18 inches. At all open drain crossings provide a five-foot minimum clearance between bottom of drain and top of water main. The sections which are deeper than normal shall be kept to a minimum length by the use of vertical bends, (maximum deflection allowed 22-1/2 degrees) properly anchored.

6.8.5.4.9. Water mains other than hydrant leads shall be eight inches minimum diameter. Larger water mains may be required for dead end lines longer than 80 feet in length. Hydrant leads may be 6" in diameter, if they are less than 100 feet in length. Hydrant leads longer than 100 feet must also be eight inches in diameter and shall be valved as a dead end main.

6.8.5.4.10. All valves, except hydrant valves, shall be installed in a standard gate well. Valves shall be installed along the water main every 800 feet or 500 feet in a commercial district. Valves shall be located in the system such that no more than four valves need be turned off to isolate any individual section of water main. Moreover, sufficient valves shall be placed such that not more than 30 dwelling units are out of service when a section is shut off. Where possible, valves shall be located at street intersections five feet from the intersecting street right-of-way line. All dead-end mains shall be valved near the tee.

6.8.5.4.11. Hydrants shall be installed along the water main at least every 500 feet. However, in no case shall any external part of any building be more than 300 feet from a hydrant. In commercial or industrial districts, no part of any building shall be more than 100 feet or less than 50 feet from a hydrant. In commercial or industrial districts, additional hydrants are required, as determined by the Fire Marshall, in conformance to the Uniform Fire Code. Hydrants shall be installed at the ends of all dead-end water mains. When near a street intersection, hydrants shall be located a minimum of 15 feet from the intersecting street right-of-way line. Hydrants located in cul-de-sacs shall wrap around the cul-de-sac so that domestic service lines do not have to cross under the cul-de-sac for connection.

6.8.5.4.12. Twelve-inch mains shall be the minimum size in commercial, office, industrial, and multi-family residential areas except in a looped system of 1,500 feet or less where eight-inch mains may be permitted.

Water mains are to be looped whenever possible. Systems shall be designed to transmit the following minimum rates of flow, from two or more hydrants:

6.8.5.4.12.1. Single-family residential 2,000 GPM

6.8.5.4.12.2. Apartment, cluster, multi-family 3,000 GPM

6.8.5.4.12.3. Industrial and commercial 4,000 GPM

6.8.5.4.13 All workmanship and materials shall be in accordance with the current standards and specifications of the Village of Morrice.

6.8.5.4.14 Village standard valve is solid wedge, Left Hand Open, or as approved by the Village. (See Standard Detail Sheet.)

6.8.5.4.15 No water main shall be placed in service until it has been tested and approved by the Village.

6.8.5.4.16 Maintain 18 inches vertical clearance between water mains and all other utilities.

6.8.5.5. Wastewater Collection and Disposal System.

6.8.5.5.1. All sets of plans, which include plans for sanitary sewers shall include the current Village Sanitary Sewer Detail Sheets, which shall be considered an inseparable part of the plans.

6.8.5.5.2. A sanitary basis of design shall be included with plan set. The basis of design shall

include a general map indicating the service area, location of existing sanitary and proposed sanitary.

6.8.5.5.3. All sewers shall be subjected to infiltration, air, or exfiltration tests or a combination thereof in accordance with the following requirements, prior to acceptance of the system by the Village and prior to removal of the bulkheads:

6.8.5.5.3.1. All sewers over 24 inches in diameter shall be subjected to infiltration tests.

6.8.5.5.3.2. All sewers of 24 inches or small, where ground water level above the top of sewer is over seven feet, shall be subjected to an infiltration test.

6.8.5.5.3.3. No sanitary sewer section having an infiltration rate or an exfiltration rate of more than 100 gallons per inch of pipe diameter per mile of pipe per 24-hour period shall be approved for connection to the Village Sanitary Sewer System.

6.8.5.5.3.4. All sewers of 24 inches in diameter or less, where the ground water level is seven feet or less, shall be subjected to air tests or exfiltration tests.

6.8.5.5.3.5. Sanitary sewer lines shall be televised and videotape record in VHS (or CD-Rom Disk) format provided to the Village Engineer. Any defects in the sewer lines shall be corrected prior to placing the sewer in service. Any visible leak must be sealed to the satisfaction of the Village Engineer. The television inspection must be performed by an experienced technician with a Village representative present. The inspection shall include a written record of wye or tee locations as well as defects.

6.8.5.5.4. In new subdivisions, gravity sanitary sewer collector system shall be designed to discharge to a single pumped outlet, if pumping is necessary.

6.8.5.5.5. The minimum allowable size for public gravity sanitary sewers shall be eight (8) inches in diameter. The minimum size of building service sewers shall be six (6) inches in diameter. Multiple family and non-residential service sewers shall be eight (8) inches in diameter for buildings of 13-100 dwelling units, or an equivalent flow. Each structure shall have a separate sanitary service sewer connected to a public sanitary sewer.

6.8.5.5.6. The following table of acceptable slopes for gravity sanitary sewers shall be adhered to:

Sewer Size	Minimum Slope	Maximum Slope
4"	2.00%	
6"	1.00%	
8"	0.40%	
10"	0.30%	4.0%
12"	0.22%	3.0%
15"	0.15%	2.0%
18"	0.12%	1.5%
21"	0.10%	1.3%
24"	0.10%	1.2%

6.8.5.5.7. Sanitary Sewage force mains shall be designed for a minimum velocity of two (2) feet per second and maximum velocity of 12 feet per secon, unless otherwise approved. Force mains shall be show in a profile view with grades and elevations indicated thereon. An air relief and clean-out assembly manhole shall be provided at high points. Access (clean-out assembly) manholes shall be

provided along the force main at least every 600 feet.

6.8.5.5.8. All workmanship and materials shall be in accordance with the standards and specifications of the Village of Morrice.

6.8.5.5.9. Manholes shall be provided along all gravity sanitary sewers eight (8) inches and larger at:

6.8.5.5.9.1. Points of horizontal deflection;

6.8.5.5.9.2. Points where the size of sewer is changed;

6.8.5.5.9.3. Points where the slope of the sewer is changed;

6.8.5.5.9.4. At junctions with other sewer lines;

6.8.5.5.9.5. At the upstream terminus of a sewer run; and

6.8.5.5.9.6. Along the sanitary sewer at other locations such that the maximum spacing between manholes shall not exceed the following:

6.8.5.5.9.6.1. For 8-inch through 21-inch diameter 450 feet

6.8.5.5.9.6.2. For 24-inch and larger diameter 600 feet

6.8.5.5.9. At manholes where size of sewer changes, match eight-tenths (8/10) diameter elevation points of inlet and outlet sewer. All manholes shall have a minimum of two-tenths (2/10) of a foot fall across the channel in the manhole.

When the invert of any inlet sewer is more than 18 inches above the outlet sewer, a drop assembly shall be provided. Gravity sewers connecting to trunk line sewers shall have their invert elevation above the 8/10 point of the trunk sewer.

6.8.5.5.10. In general, sanitary sewers shall be located within a public street right-of-way or in an easement abutting street right-of-way. Sanitary sewers shall not be located within rear lot line easements, except in extremely unusual circumstances as determined by the Village Engineer. Width of sanitary sewer easements shall, in general, be twice the depth of the sewer. The minimum acceptable width of easements for public sanitary sewers shall be 20 feet except that, if adjacent and parallel to the street, it may be reduced to 12 feet. The sanitary sewer shall be located within five (5) feet of the right-of-way line.

6.8.5.5.11. Sanitary sewers shall be designed to have a minimum cover of nine feet. All sewers shall be designed deep enough to serve a standard depth basement for the type of building for which the land is zoned.

6.8.5.5.12. Each wye/tee or end of service lead shall be marked by setting a two (2) inch by two (2) inch by eight (8) foot (2" x 2" x 8') lumber stake vertically above the end of the lead.

Each wye/tee or end service lead shall have watertight and airtight stopper of compatible joint material and shall be adequately braced to withstand exfiltration and/or air test pressure.

6.8.5.5.13. When existing brick or block manholes are to be tapped, drill holes at four (4) inches center to center around the periphery of opening, to create a plane of weakness joint, before breaking out section. Joint must be watertight.

When existing reinforced concrete manholes or sewer pipes are to be tapped, a hole, of the appropriate diameter shall be core drilled, through the wall of the manhole or sewer pipe, to accept a resilient connector conforming to ASTM Designation C-923. Resilient connectors shall be "kor-N-Seal" as manufactured by the "Core and Seal Co.," or approved equal.

6.8.5.5.14. In new subdivisions, all service leads shall be sand backfilled and extended a minimum of 10 feet past the property line or to the easement line.

6.8.5.5.15. Sanitary sewer manholes must be watertight and shall be pre-cast sections with modified grooved tongue joints with rubber gaskets, conforming to ASTM Designation C-478. Chimney of sanitary sewer manholes are to be wrapped with plastic per Village requirements.

The following information shall be indicated on the sanitary sewer profile:

- 6.8.5.5.15.1. Length of run between manholes;
 - 6.8.5.5.15.2. Type of pipe between manholes;
 - 6.8.5.5.15.3. Class of pipe between manholes;
 - 6.8.5.5.15.4. Size of slope of sewer between manholes;
 - 6.8.5.5.15.5. Class of bedding;
 - 6.8.5.5.15.6. Top elevation of all manholes;
 - 6.8.5.5.15.7. Existing and proposed ground elevation above the route of the sewer;
 - 6.8.5.5.15.8. A logical numbering system for manholes shall be included;
 - 6.8.5.5.15.9. Invert elevations of all sewers at manholes;
 - 6.8.5.5.15.10. Locations and limits of sand backfill where required; and
 - 6.8.5.5.15.11. locations and elevations of crossings with other utilities.
- Sanitary sewer plans must include the length and location of leads. The invert of the sanitary lead at upper and lower ends must be shown, and the height and location of any risers must be identified.
- 6.8.5.5.16 Allowable type of gravity sewer pipe shall be as follows:
- 6.8.5.5.16.1. Clay sewer pipe shall conform to the current adopted ASTM specifications for Extra Strength Vitrified Clay Pipe: C-700. This pipe is to be used only for industrial zones.
 - 6.8.5.5.16.2. Reinforced Concrete Sewer Pipe for use only in sizes 18 inches and larger, shall conform to the current adopted ASTM specifications for Reinforced Concrete Pipe; C-76, Class IV or Class V, as required. The “wall B” or “wall C” specifications shall be used.
 - 6.8.5.5.16.3. All sanitary sewer under 18” diameter shall be either ABS truss pipe per ASTM D 2680 with type SC joints or PVC truss pipe per ASTM D 2680 with gasketed joints per ASTM D 3212.
 - 6.8.5.5.16.4. Where ABS main line is used, building leads, fittings and riser shall be 6” ABS solid wall SDR 23.5 per ASTM D 2751. Where PVC main line is used, buildings leads, fittings and riser shall be 6” PVC solid wall SDR 23.5 per ASTM D 3034 with gasketed joints.
- 6.8.5.5.17 Allowable type of Force Main pipe shall be as follows:
- 6.8.5.5.17.1. Plastic force main shall be rigid PVC pipe meeting requirements of AWWA C-900 class 150 (SDR 221). This pipe shall be installed per requirements of AWWA C-605 with sand bedding to one-foot above the pipe.
 - 6.8.5.5.17.2. Ductile Iron Pipe- shall meet AWWA specifications C151-65, complete with 1/8 inch double cement lining meeting AWWA Specification C-104, and shall be lines with manufacturer's standard bituminous seal coat. Ductile iron pipe joints shall have rubber gaskets meeting the requirements of AWWA Specification C-111.
 - 6.8.5.5.17.3. Steel Pipe shall meet the AWWA Specification C-202, Grade B steel, complete with coal tar enamel single asbestos wrap coating having final Kraft wrap meeting AWWA Specification C-203. Pipe lengths shall not be less than 30 feet and pipe shall meet the following requirements:
 - 6.8.5.5.17.3.1. Wall thickness shall be as shown on the plans or noted in the specifications.
 - 6.8.5.5.17.3.2. Linings- pipe shall have 5/16 inch cement lining meeting AWWA Specification C-205 complete with manufacturer's standard bituminous seal coat.
- 6.8.5.5.18 Lift Stations- sewage lift stations may be one of the following types:
- 6.8.5.5.18.1. A wet pit-dry arrangement with centrifugal pumps; may be either steel shell or reinforced concrete sections.
 - 6.8.5.5.18.2. Submersible pump lift station with concrete chamber and an exterior valve chamber.
 - 6.8.5.5.18.3. Pneumatic ejector with air storage reservoir.
- The lift station should, to the extent possible, be of the same type and brand as existing Village lift stations. The pumping station shall be equipped with duplex pumps and the ejector shall be equipped with duplex compressors. The minimum size discharge piping shall be 4 (four) inches in diameter. Conventional wet pit-dry pit and pneumatic ejector lift stations shall be equipped with a ventilation fan,

sump pump, and fire extinguisher in addition to the pumps, compressors, valves, ejectors, and other associated components. Pumping stations shall be equipped with a magnetic flowmeter on the discharge with a recording strip chart. Submersible pump lift stations shall be equipped with slide rails to facilitate the removal of the pumps for repair. All lift stations shall be equipped with high level alarms and the pumping stations shall also be equipped with low level alarms. Alarms shall consist of both visual (red light) and audio (horn and bell) indicators. Lift stations design shall conform to the guidelines contained in the Recommended Standards for Sewage Works, Great Lakes-Upper Mississippi River board of State Sanitary Engineers (Ten-States Standards) unless otherwise noted or approved. All submersible pump lift stations shall be provided with intrinsically safe electrical and control systems meeting Village current standards. The electrical system shall have provisions for accepting portable electrical generator service.

6.8.5.6 Stormwater Storage Facilities.

6.8.5.6.1. Stormwater storage facilities, including detention basins, retention basins, and sedimentation ponds are required for all developments unless exempted by the Village.

6.8.5.6.1.1. Detention and retention basins (hereafter referred to as “Basins”) shall provide storage capacity based upon the following criteria:

6.8.5.6.1.1.1. Basins shall be designed to store all runoff from a 10-year frequency 24-hour rainfall with an allowable discharge of 0.2 cfs per acre of development and must provide freeboard of 2 feet.

6.8.5.6.1.1.2. Retention basins must provide a minimum storage volume for 2 back-to-back 100 year frequency 24-hour rainfall events.

6.8.5.6.2 Basins may be sized using “A Simple Method for Retention Basin Design” as published in, Water and Sewer Works Magazine, December 1973, or they may be sized to store a volume equal to 3-inches of water over the entire development.

6.8.5.6.3 Sedimentation ponds shall precede any discharge to a wetland. Where the wetland is to be used for stormwater storage, sedimentation ponds shall store a volume equal to 0.5 inches of water over the developed site. Regulated wetlands may not be disturbed, or used for storage, without a permit from the Michigan Department of Environmental Quality.

6.8.5.6.4 The side slopes of detention basins shall be no steeper than one foot vertically to six feet horizontally, with a minimum eight-foot-wide flat shoulder matching grades at all perimeter property lines.

The side slopes of basins with a permanent water level shall be no steeper than one foot vertically to six feet horizontally to a water depth of six feet below low water level.

Unique architectural slope treatment may be considered when detention basins are worked safely into the overall site landscaping.

6.8.5.6.5 For developments other than residential developments, all basin having side slopes steeper than one vertical on six horizontal shall be fenced, except where their design is an integral part of the landscape, and where the Village determines that depth and location are not hazardous.

Where required, fences shall be six feet high, vinyl color-coated, chain link. Gates shall be provided that are 12 feet wide with a double opening. The maximum side slopes of the basins shall be one vertical on four horizontal, with a eight-foot minimum flat shoulder between the top of the slope and the fence. Alternative types of fencing may be permitted, for aesthetic purposes, subject to the approval of the Village.

Basins that require fencing will not be located within yard setbacks adjacent to public or private streets. A 10-foot-wide green belt shall be provided around the periphery of the fence. All green belt plantings shall conform to the requirements of the Village of Morrice Zoning Ordinance.

6.8.5.6.6 Detention in perking lost may be considered with approval by the Village. The maximum depth of parking lot storage is 0.5 feet. The storage volume will only be considered free

board.

6.8.5.6.7 The bottom of the basin shall slope at a minimum grade of 1% toward the outlet.

6.8.5.6.8 Where a permanent body of water is incorporated in the basin design, a constant adequate source of fresh water shall be provided. A pumped well system shall be provided, if necessary.

6.8.5.6.9 Detention basins must be installed; stabilized with sod or seed; and as-built plans of the storm sewer and detention basin approved by the Village before any paving will be allowed.

6.8.5.6.10 Rip-rap is required at all pipe entrances to the basin. The minimum width of the rip-rap shall be twice the outside diameter of the pipe. The rip-rap shall extend from bottom of the basin to the top of the pipe. Two types of rip-rap may be used: 1) Field stone or broken concrete of four inch minimum thickness and one square foot minimum area. Broken concrete or stone shall be mortared to form a monolithic slab with a minimum thickness of four inches; 2) Poured grade "A" concrete of four inch minimum thickness. It shall be scored at a maximum of two-foot intervals. A two-foot deep poured concrete header shall be installed at the outer edges.

6.8.5.6.11 All pipe entering a basin shall have either a headwall or end section at the end of the pipe. Bar screen must be installed on all upstream ends of pipe 12 inches or larger in diameter. The outlet pipe, from the basin to an approved outlet, shall be designed for a 10-year intensity rainfall, restricted to allow runoff of no more than 0.2 cfs per acre from the development.

6.8.5.6.12 An overflow system must be provided. Where possible, an overflow structure shall be designed to outlet into an adequately sized storm sewer. There are two possible alternative methods: 1) Using an overflow pipe. The invert elevation of this pipe shall be one-inch above the maximum storage elevation of the basin and 2) A low point overflow (flume). The low point of the basin shall be set at an elevation no lower than two feet above the maximum storage elevation of the basin.

The overflow shall have rip-rap adequate to prevent scour. The overflow must be designed as to not flood adjacent properties, and the backwater elevation must be no higher than one foot below the lowest ground elevation of the developed area.

If there is no drain available to receive concentrated flow, a pipe outlet will not be accepted. If conditions warrant, a sheet flow discharge may be considered. The Developer may be required to obtain easements for off-site drainage.

6.8.5.6.13 In cases where the drain outlet for the basin is not deep enough to completely de-water the basin for a dry basin design, pumps must be installed. The pumps shall be installed in duplicate with each pump capable of handling the flow.

The controls shall include a lead-pump start and stop, a lag-pump start and stop, an alternator for alternating the lead-lag pump, a high water alarm system with a light and horn, and a safety all-pumps-off control. The control panel, pumps, and wet-well shall be installed in a suitable weatherproof and vandal-proof enclosure.

Pump controls shall be designed in a manner to assure that the water level in the receiving stream shall not create flooding to adjacent properties.

Complete specifications for the pumps and controls and performance curves for the pumps called for must be submitted to the Village Engineer for approval. Two operation manuals shall be provided by the Manufacturer.

The pump house and all gates to the detention basin shall be locked at all times. It shall be the Owner's responsibility to provide a lock and keys necessary to ensure that the basin is closed until final acceptance by the Village.

A maintenance agreement shall be provided to the Village indicating who the development will be contracting with to maintain the storm system with bi-annual inspection reports submitted to the Village.

6.8.5.6.14 For basins with pumped outlets, a silt trap and bar screen shall precede the outlet line

from the basin. The screen clear opening shall be two (2) inches maximum.

6.8.5.6.15 Basins that are gravity drained into an open drain must have the outlet pipe invert above the normal water level of the drain.

6.8.5.6.16 Access must be provided to all basins. Drive approaches in the public street right-of-way shall be provided in accordance with the requirements for paved drive approaches. Access drives outside of the road right-of-way shall consist of 12-foot wide, seven-inch thick Portland Cement Concrete pavement or an equivalent thickness asphalt pavement and shall be located within an 18-foot wide easement.

6.8.5.6.17 Final approval of any plans which include a retention basin shall be conditioned upon an operation and maintenance agreement with the Village which shall include as a minimum the following provisions:

6.8.5.6.17.1. The Developer shall pay to the Village a sum sufficient to operate and maintain the basin for a period of fifteen (15) years, Said sum shall be paid either A) In full at the time of final plat approval for said subdivision, or B) The sum of Five Hundred Dollars (\$500) shall be paid upon final plat approval and a fee for operation and maintenance of said retention or detention basin shall be collected at the time a building permit is issued for each lot within said subdivision. Said fee shall be determined by dividing the estimated costs of operation and maintenance of said retention or detention basin for fifteen (15) years by the number of lots in said subdivision.

6.8.5.6.17.2. The Developer shall grant an easement over the land occupied by the retention or detention basin and the access roadway to the basin, which easements and the agreement required herein, shall expire upon the cessation of use of the site as a basin.

6.8.5.6.17.3. Said agreement shall also include a workable method for the assessment and collection of sums for the operation and maintenance of said basin from benefited property owners by a homeowners association established for said subdivision, and shall provide the Village with the power to access and collect said assessments in the event the homeowners association is unable to do so. The assessment and collection of sums are herein required shall occur only when insufficient monies remain on deposit with the Township for continued operation and maintenance of said basin. Said agreement shall be in the form of a covenant running with the land and shall be recorded coincidental with the recording of the final plat or condominium documents.

6.8.5.6 Other Site Improvements.

6.8.5.6.1. Pedestrian ways and driveways.

6.8.5.6.1.1. Concrete sidewalks shall have a minimum thickness of four (4) inches in pedestrian-only areas and a minimum of seven (7) inches across residential driveways and ten (10) inches thick across commercial driveways.

6.8.5.6.1.2. The width of the walk shall be a minimum of five (5) feet and are subject to review and approval by the Village.

6.8.5.6.1.3. Concrete driveway approaches shall be a minimum of seven (7) inches thick for residential driveways. For commercial drives the minimum thickness should be ten (10) inches Asphalt drive approaches shall have thicknesses equivalent to the strength of the concrete sections listed.

6.8.5.6.1.4. Concrete construction joints with one-half inch pre-molded expansion filler shall be placed at maximum intervals of 50 feet. Contraction joints shall be placed at maximum intervals of five (5) feet, or equal to the width of the walk, whichever is greater.

6.8.5.6.1.5. Sidewalks shall be constructed along a planned longitudinal grade line. The maximum longitudinal slope shall be seven percent (7%). Minimum longitudinal grade shall be 0.5 percent. The transverse slope of the sidewalk shall be a minimum of two percent (one-quarter of an inch per foot).

6.8.5.6.1.6. Concrete for sidewalks and driveways shall have a 28-day compressive strength of at least 3,000 pounds per square inch.

6.8.5.6.1.7. Asphalt paths shall have a minimum thickness of four (4) inches on pedestrian only areas, and a minimum of six (6) inches in areas where vehicular traffic will cross the walk.

6.8.5.6.1.8. The width of all public paths shall be a minimum of eight feet.

6.8.5.6.2 Other Public Utilities.

6.8.5.6.2.1. Unless otherwise approved by the Village Engineer, the installation of public utilities other than Village sanitary sewers, water main,s or storm sewers shall not be started until the ground elevation has been established within four (4) inches of final grade. The Utility Company's Contractor shall be required to restore the ground to the finished grade. The drainage water swales shall be restored to a workable condition at least as good as existed prior to construction. Furthermore, all land and/or physical features affected by the construction of the public utility shall be restored to a condition at least as good as that existing at the time construction was begun.

6.8.5.7. Construction and Construction Inspections.

6.8.5.7.1. All work covered under a Permit for Construction of Site Improvements shall be performed according to the approved plans and specifications and in accordance with the requirements of this Ordinance. By making an application for a Permit for Construction of Site Improvements, the Developer grants the Village the right to perform inspection of any work covered under the Permit and the Developer shall correct, at his expense, any work which is discovered to be done in conflict with the approved plans and specifications or in conflict with the requirements of this Ordinance.

6.8.5.7.2. The Developer shall pay a fee to cover all costs of inspection of work covered under the Permit for Construction of Site Improvements. The basis of the fee to be paid the Village shall be the actual cost to the Village. Actual cost, as used herein, shall be considered the actual gross payroll or contractor cost per hour times the number of hours expended.

6.8.5.7.3. The fee for construction inspection as determined above shall be deducted from the amount of the construction inspection deposit paid upon application for a Permit for Construction as set forth in Appendix "A" [50.500]. If the fee so determined exceeds the amount of the deposit, the Developer shall make up such deficiency in deposit by paying forthwith, upon discovery, an additional deposit to cover the cost of inspection until the job is completed and approved. Upon completion and final approval of the work, any money left in the construction inspection deposit account will be returned to the Developer.

6.8.5.7.4. The Village reserves the right to inspect all work covered under the Permit for Construction of Site Improvements and intends to provided detailed inspection for all of the following:

6.8.5.7.4.1. All of those types of construction where detailed inspection is required by the Village;

6.8.5.7.4.2. All sanitary sewers (public or private) including connections thereto;

6.8.5.7.4.3. All water supply pipe (public or private) including connections thereto;

6.8.5.7.4.4. All open and enclosed storm drains (public or private) including connections thereto, except in the case of those storm sewers considered private storm sewers in mobile home parks that do not receive drainagewater from premises other than the mobile home park site;

6.8.5.7.4.5. All site grading for any site;

6.8.5.7.4.6. All sidewalk and driveway construction; and

6.8.5.7.4.7. All street and/or parking lot pavement.

The Village will provide inspection sufficient to verify compliance with requirements of Village Ordinances for all private storm sewers, sidewalks, driveways, street pavements, parking lot pavements, and all sanitary sewers and water mains, except for mobile home parks where inspections are preempted by statutes.

In the above-noted instances where the Village is not ro provide detailed inspection, the amount of the deposit for construction inspection will be reduced to ten percent (10%) of the regular deposit indicated in Appendix "A".

6.8.6. Variances

6.8.6.1. Determination.

6.8.6.1.1. The Village Council may authorize variance from the provisions of this section of the Zoning Ordinance when in accordance with Section 4.4/

6.8.6.2 Application.

6.8.6.2.1. Any person may apply for such variance by requesting same in writing, stating fully and clearly the reasons for the request and including any supplemental information and data which he/she believes may aid in the analysis of the proposed request.

6.8.7. Enforcement and Penalties for failure to comply with this Ordinance.

6.8.7.1. Penalty.

6.8.7.1.1. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village or Morrice Declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

APPENDIX “A”

Schedule of Fees

I. Plan review- Detailed engineering plan review (Grading, paving, drainage, storm sewers, sanitary sewers, and/or water mains): Review detailed engineering plans for proposed land development project improvements for conformity to the Village requirements. The improvements may consist of site grading and drainage, storm sewers, pavement, sanitary sewers, and/or water main and may include review of some off-site improvements necessary to service the land development and field inspection of the sites.

Such fees shall be in accordance with a resolution of engineering fees in effect at the time such plan review is requested.

II. Construction inspection charges.

1. To cover the cost of construction inspection, the Applicant shall pay a minimum cash deposit to the Village based on the following applicable conditions:

1. Minimum cash deposit shall be in accordance with the current Village Engineer fees in effect at the time such inspection is requested.

Appendix “B”

Schedule of “Standard Utility Locations”

	Existing and new streets				
	Locations of utilities from centerline (1)				
	60'	60'	66'	66'	120'
	ROW	ROW	ROW	ROW	ROW
	(21'	(28'	(22'	(36'	(58'
	pvmt	pvmt	pvmt	pvmt	pvmt
	with	with	no	with	with
	curbs)	curbs)	curbs)	curbs)	curbs)
Subject utility	(2)	(2)	(2)	(2)	(2)
Sanitary sewer (3)	22L	22L	25L	25L	42L
Storm sewer	16L	17L	19L	20L	34L
Gas	16R	18R	19R	21R	34R
Hydrants	20R	20R	23R	23R	36R
Water main	22R	22R	25R	25R	42R
Secondary sanitary sewer (3)	---	---	---	---	66R
Second water main (or storm drain)	---	---	---	---	52L
Electricity- Phone (underground)	31R	31R	34R	34R	61L/R
Electricity- Phone (overhead)	35'	20'	38'	23'	30'
Curb Radius at intersections					

NOTES:

(1) L means Left; R means Right when looking North or East. In some existing streets where one or more of the utilities have been installed in a location other than described above, the location of remaining proposed utilities shall be determined by the Village Engineer with the concurrence of the Road Commission when appropriate. Where, in the opinion of the Village Engineer, these locations are

not desirable or possible, Suitable adjustments may be made.

(2) This is not a categorically approved width of pavement, but only an allowance assumed for purposes of this schedule.

(3) Sanitary sewers may be installed in 12-foot wide easements adjacent to street rights-of-way in lieu of these locations if approved by the Village Engineer-- in this even the storm sewer location for 60-foot right-of-way (28-foot pavement) may be moved to 199 feet left.

ARTICLE VII:
OFF-STREET PARKING &
LOADING REGULATIONS

ARTICLE VII: OFF-STREET PARKING AND LOADING REGULATIONS

7.1 OFF STREET PARKING REQUIREMENTS

7.1.1 Intent of Parking Provisions: It is the intent of this Ordinance that off-street parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the use of occupants, employees, and patrons of each building and premise constructed, altered, or enlarged after the effective date of this Ordinance.

7.1.2 Definitions: The term “floor area” as applied to offices, merchandising or service types of uses shall mean the gross floor area used and intended to be used for services to the public as customers, patrons, clients, patients, or tenants, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities or for those areas where customers, patients, clients, salesmen, and the general public are denied access. “Floor area” shall be measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

7.1.3 Fractional Spaces: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including on-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

7.1.4 Requirements For a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is mentioned and which is most similar to the use not listed shall apply.

7.1.5 Use of Parking Areas: No commercial repair work, servicing or selling of any kind shall be conducted on any parking area. Required parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

1. No charge shall be made for customers, employees, or other visitors utilizing the parking facilities.
2. No advertising sign shall be erected on required parking areas except that not more than one (1) directional sign at each point of ingress or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed twenty (20) square feet in area and shall not project beyond the property line of the premises.
3. Downtown Parking Exemption: Uses in the B-1 General Business District located on Main Street, between Second Street and Third Street only, shall be exempt from compliance with Section 7.1.8- Parking Space Requirements. However, after the effective date of this amendment to the Zoning Ordinance, if a residential unit is a new use in a property zoned B-1 General Business District along Main Street between Second Street and Third Street, then one (1) parking space must be provided per dwelling unit, on the property. Said parking space for a residential unit shall be located to the rear of the building.

Note: This subsection has been enacted, because of the lack of ability to provide the required parking

per the Zoning Ordinance's parking requirements for historic business located along Main Street between Second Street and Third Street in the B-1 General Business District, because said zoning requirement conflicts with general overnight parking Ordinance prohibition against parking on Main Street over night. It is not unreasonable to expect the other properties in the B-1 General Business District, except the historic section specified above along Main Street, to comply with the requirements in Section 7.1.8 of the Zoning Ordinance. The historic buildings in the area specified above were historically constructed across most or all of the lot's space without regard to setbacks and there is no practical way to provide parking and comply with the general overnight parking Ordinance prohibition on overnight parking along Main Street, which is required for DPW snow plowing purposes.

7.1.6 Building Additions Or Other Increases In Floor Area: Additional parking shall be provided and maintained in proper ratio to any increased floor area or building use capacity.

7.1.7 Joint Use of Parking Areas: The joint use of parking facilities by two (2) or more uses is recommended and may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction can be satisfied.

1. **Computing Capacities**: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. **Record of Agreement**: A copy of an agreement between joint uses shall be filed with the application for a building permit and recorded with the Register of Deeds of Shiawassee County. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

7.1.8 Parking Space Requirements: The number of required off-street parking spaces in all districts for every residential, recreational, institutional, cultural, business, and industrial use shall be provided in accordance with the following minimum requirements:

<u>Use</u>	<u>Required Parking Space</u>
1) One-and two-family dwellings; and dwellings converted to one-, two-or three-family dwellings.	Two (2) spaces for each family dwelling unit.
2) Multiple Dwellings.	Two (2) spaces for each dwelling unit.
3) Boarding and lodging houses, fraternities, private clubs.	One (1) space for each bedroom or other two (2) Occupants of the structure, whichever is greater.
4) Motels, auto courts, tourist homes	One (1) space for each sleeping unit, plus two (2) operating personnel.
5) Hotel	One (1) space for each guest room, plus one (1) additional space for every five (5) employees.

- | | | |
|-----|--|--|
| 6) | Mobile home park | Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee. |
| 7) | Convalescent home, convents, or similar use | One (1) space for each three (3) beds, plus one (1) space for every four (4) employees including nurses |
| 8) | Hospitals, sanitariums | One (1) space for each three (3) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees, including nurses. |
| 9) | Clinics | Four (4) spaces for each doctor, plus one (1) space for each employee. |
| 10) | Auditoriums (incidental to schools), churches, theaters, buildings of similar use with fixed seats. | One (1) space for each four (4) seats, plus one (1) space for every two (2) employees. |
| 11) | Auditoriums (other than incidental to schools), lodge halls, meeting halls, community centers or buildings of similar use without fixed seats. | One (1) space for every eight (8) persons of legal capacity. |
| 12) | Elementary and junior high schools | One (1) space for every employee, including administrators and teachers. |
| 13) | High schools and colleges | One (1) space for every employee, including administrators and teachers, plus one (1) space for each five (5) students, plus one (1) space for every eight (8) seats in a gymnasium. |
| 14) | Libraries, museums, post offices | One (1) space for every eight hundred (800) feet of floor area, plus one (1) space for every four (4) employees. |
| 15) | Private golf clubs, swimming pool clubs, tennis clubs, or other similar. | One (1) space for every two (2) member family or individual. |
| 16) | Golf courses open to the general public except miniature or "par 3" courses | Four (4) spaces for each one (1) golf home, plus one (1) space for each employee. |
| 17) | Stadiums and sport arenas. | One (1) space for each four (4) seats. |
| 18) | Dance halls, pool and billiard rooms, exhibition halls, and roller rinks | One (1) space for each one hundred (100) square feet of floor area used for dancing assembly. |

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| 19) | Bowling Alleys | Five (5) spaces for each alley, plus one (1) space for every employee. |
| 20) | Miniature or “par 3” golf courses | Three (3) spaces for each one (1) golf hole, plus one (1) space for each employee. |
| 21) | Professional offices and banks | One (1) space for every one hundred (100) square feet of floor area. |
| 22) | General Offices | One (1) space for every two hundred (200) square feet of floor area. |
| 23) | Clothing, furniture, appliance, hardware automobile, machinery sales, shoe repair, personal services (other than beauty and barber shops), wholesale sales. | One (1) space for every two hundred (200) square feet of floor area. |
| 24) | Barber shops and beauty parlors | Two (2) spaces for each beauty and/or barber chair. |
| 25) | Supermarkets, self-service food stores | One (1) space for every one hundred (100) square feet of floor area. |
| 26) | Restaurants, cafeterias, taverns, and bars | One (1) space for every seventy-five (75) square feet of floor area, plus one (1) space for every three (3) seats. |
| 27) | Automobile service and repair garages, gasoline filling and service stations. | Three (3) spaces for each repair and service stall
Plus one (1) space for each worker on each shift. |
| 28) | Drive-in restaurants | One (1) space for every fifteen (15) square feet of floor area. |
| 29) | Drive-in banks, cleaners, car laundries and similar businesses. | Storage space for five (5) cars between the Sidewalk area and the service window, plus one (1) space for every two hundred (200) feet of floor area |
| 30) | Retail stores except as otherwise specified herein. | One (1) space for every on hundred fifty (150) Square feet of floor area. |
| 31) | Funeral Homes and mortuaries | One (1) parking space for every fifty (50) square feet of floor area in slumber rooms, chapels, and assembly rooms. |
| 32) | Warehouses, wholesale stores | One (1) space for every eight hundred (800) square feet of floor area. |

33) Industrial or manufacturing establishments, including research laboratories, creameries, bottling works, printing and engraving shops.

One (1) space for every two (2) employees for industries using two (2) or more shifts; one (1) space for every two (2) or more shifts; one (1) Space for every three (3) employees for industries using one (1) shift only, or one (1) space for every four hundred (400) square feet of gross floor area, whichever is greater.

7.1.9 Location of Parking Areas: All off-street parking areas required in this Ordinance shall be located on the same lot, on the immediate premises of the developed site, and in the same district as the use they are intended to serve, with the exception of the following uses:

1. Uses in B-1 General Business Districts: Parking on the premises or within five hundred (500) feet measured from the nearest point of the parking area to the nearest point of the building.
2. Uses in M-1 Industrial Districts: Parking on the premises or within eight hundred (800) feet walking distance from a normal entrance.
3. Public and Quasi-Public Buildings, places of assembly, private clubs, associations, and institutions: Parking on the premises or within five hundred (500) feet measured from the nearest point of the parking to the nearest point of the building.

7.1.10 Plot Plan Review: Whenever four (4) or more vehicles are required for a given use under the requirements of this Section, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a building permit can be issued. Such plans and specifications should show the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area. Furthermore, any off-street parking area proposed adjacent to a country primary road, a State or Interstate limited access highway, State trunkline, or interchange, it shall be incumbent upon the applicant to show that the proposed site location and design shall not cause unsafe traffic congestion resulting at or in conjunction with the above mentioned roadways, and the applicant shall request and submit with his application written recommendations from the Traffic Division or the Michigan Department of State highways and Transportation and/or from the Shiawassee County Road Commission regarding the relationship between the proposed use and the roadway concerned, from whichever is the body responsible for the road.

7.1.11 Site Development Requirements: All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

1. A minimum area of one hundred eighty (180) square feet, nine (9) feet by twenty (20) feet shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress.
2. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
3. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

1. Except for parking space provided on single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than twenty (20) feet wide and so located as to secure the most appropriate development of the individual property.
2. Each entrance to and exit from any off-street parking area shall be at least ten (10) feet from any adjacent lot within a residential district.
4. Each vehicle parking space within an off-street parking area shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern as follows:
 1. For right angle parking patterns seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be twenty (20) feet.
 2. For parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be fifteen (15) feet.
 3. For parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering lane width shall be twelve (12) feet.
 4. All maneuvering lane widths shall permit one-way traffic movement, except for ninety (90) degree pattern which may provide for two-way traffic movement.
5. Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth and dustless surface, and shall be graded and provided with adequate drainage facilities to dispose of all collected surface water.
6. Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. Such lighting shall not exceed an intensity of five (5) foot candles, nor shall it be less than 1.5 foot candles. All lighting shall be so arranged to reflect light away from a residential property adjacent to the parking area and an adjacent road or street so the light will not interfere with traffic.
7. Where a parking area with a capacity of four (4) or more vehicles abuts a residential district or public right-of-way in a residential district, a buffer strip at least ten (10) feet wide shall be provided between parking area and the adjoining property and a vertical screen shall be erected consisting of structural or plant material no less than four (4) feet in height and spaced as to effectively screen the parking area from the residential area.
8. When the side or rear yard areas abut land within a residential or commercial district, and when such yard areas are to be used for parking, loading, or unloading, then such side and rear yard areas shall be effectively screened by an obscuring solid, uniformly finished wall or fence, Such wall or fence shall be at least four (4) feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, or servicing activity to be screened. The height and extent of such wall or fence shall be determined by the Planning Commission on the basis of proposed side or rear yard usage. Such parcels shall also be provided with a ten (10) feet planted transition strip. Said transition strip shall be subject to the review and approval of the Planning Commission.

7.1.12 Reduction, Modification, Or Waiver: The Board of Appeals may authorize reduction, modification, or waiver of these parking requirements under specified conditions by the issuance of a conditional permit when an appeal has been filed with them consistent with the requirements of Article IV, Section 4.3.1 and 4.4.4.

7.2 LOADING AND UNLOADING SPACE REQUIREMENTS

7.2.1 Intent and Purpose: In order to prevent undue interference with public use of streets and alleys, every manufacturing storage warehouse, department store, wholesale store, retail store, hotel, hospital,

laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing good by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

7.2.2 Additional To Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 7.1, and shall not be considered as supplying off-street parking space.

7.2.3 Space Requirements: There shall be provided adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for all uses listed in the following table, or for similar uses similarly involving the receipt of distribution by vehicles or materials or merchandise.

<u>Use</u>	<u>Floor Area</u>	<u>Required Space</u>
Commercial uses such as retail stores, personal services, amusement, and automotive service.	20,000 or fraction thereof	One (1) Space
	Each additional 20,000	One (1) Space
	Or fraction thereof	
Hotels, Offices	First 2,000,	None
	Next 50,000 or fraction thereof	One (1) Space
	Each additional 100,000 or fraction thereof	One (1) Space
Wholesale and storage, including building and contractor's yards.	First 20,000,	One (1) Space
	Each additional 20,000 or Fraction thereof	One (1) Space
Manufacturing Uses	First 20,000 or fraction thereof	One (1) Space
	Each additional 20,000 or faction thereof	One (1) Space
Funeral homes & mortuaries	First 5,000 or fraction thereof	One (1) Space
	Each additional 10,000 or fraction thereof	One (1) Space
Hospitals	First 10,000,	One (1) Space
	Next 100,000 or fraction thereof	One (1) Space
	Each additional 200,000 or Fraction thereof	One (1) Space

Schools, churches, clubs, and public assembly buildings. For each building One (1) Space

For similar uses not listed For each building 5,000 or over One (1) Space

7.2.4 Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley, and such space shall be so arranged to provide sufficient off-street maneuvering space, as well as adequate ingress and egress to and from a street or alley.

7.2.5 Site Requirements: Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and street. Where off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four (4) feet in height between the off-street loading space and said uses.

ARTICLE VIII: USES AUTHORIZED BY

SPECIAL USE PERMIT

ARTICLE VIII: USES AUTHORIZED BY SPECIAL USE PERMIT

8.1 General Standards and Requirements

8.1.1 Intent and Purpose: Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for

the investor or developer, but will, at the same time, promote the intent and purpose of this Zoning Ordinance and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. IN order to provide controllable and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the Planning Commission and the Village council have the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

The following Sections, together with previous references in other Articles of this Ordinance, designate specific uses that require a special use permit, and in addition, specify the procedures and standards which must be met before such a permit can be issued.

8.1.2 Permit Procedures: An application for a special use permit for any land or structure use permitted under this Article shall be submitted and processed under the following procedures:

1. Submission of Application: Any application shall be submitted through the Village Clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Village Council to cover costs of processing the application. No part of any fee shall be refundable.
2. Data Required: Every application shall be accompanied by the following information and data:
 1. The special form supplied by the Village Clerk, filled out in full by the applicant, including a statement of supporting evidence concerning the required findings specified in Section 8.1.3.
 2. Site plan, plot plan, or development plan, drawn to scale (preferably 1"= 100') of the total property involved showing the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
 3. Preliminary plans and specifications of the proposed development and for all construction.
3. Changes in the Site Plan: The site plan, as approved, shall become part of the record of approval, and subsequent actions relative to the activity authorized shall be consistent with the approved site plan unless a change conforming to this Ordinance received the mutual agreement of the landowner and the Planning Commission.
4. Approval of the Site Plan by Compliance: A site plan shall be approved if it contains the information required by this Section and is in compliance with the Zoning Ordinance and the conditions imposed thereunder, other applicable ordinances and the State and Federal Statutes.
5. Planning Commission Review: The application, along with all required data, shall be transmitted to the Planning Commission for review. After adequate review and study of the application, one (1) notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the Village of Morrice, and shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all person whom real property is assessed within 300 feet, except that the notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations,

one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distance spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

1. Indicate the property which is the subject of the special land use request.
2. Describe the nature of the special land use request.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special use.
6. **Discretionary Public Hearing:** At the initiative of the Planning Commission, or upon the request of the applicant for special land use authorization, or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval as provided in this Section shall be held before a decision on the special land use request, which is based on discretionary grounds, is made. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special land use request, which is based on discretionary grounds, shall not be made unless notification of the request for special land use approval or notification of a public hearing on a special land use request is given as required. Said notice shall indicate the place, time, and purpose of the hearing. Upon conclusion of the hearing procedures, the Planning Commission shall transmit a written recommendation within sixty (60) days to the Village council setting forth the reasons for the acceptance, denial, or modification of the special use permit application.
7. **Village Council:** Upon receipt of the Planning Commission's recommendation, the Village Council shall consider the Special Use Permit application at its next regular meeting. The Village Council shall approve or disapprove by filing a written statement of its findings and conclusions relative to the special land use, which specifies the basis for its decision and any conditions imposed. If the Village Council deems any changes, additions, or departures are advisable to the proposed conditions of the proposed permit, or if it is felt additional study is necessary, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Village Council. Only upon approval of the Village Council shall a Special Use Permit be issued by the Village clerk.
8. **Permit Expiration:** A special use permit issued under this Section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or the revocation of said permit. The Planning Commission shall review every special use permit and the associated land use prior to the expiration of the permit, and shall recommend continuance or discontinuance of said permit based on whether the activities, structures, and other site characteristics satisfactorily comply with the conditions stipulated in the special use permit. The determination of the Planning Commission shall be forwarded to the Village Council with a recommended action. After the first year review, the Council may extend the permit for periods of longer than one year.
9. **Permit Revocation:** The Village Council shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days.

10. Violation and Penalties: Failure to terminate the use for which the permit was granted within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance. The violation shall be reported to the Village Attorney who is hereby authorized to, and shall initiate procedures to eliminate such violations.

11. Reapplication: No application for a special use permit which has been denied wholly or in part by the Village Council shall be resubmitted until the expiration of the one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions.

8.1.3 Basis for Determination: Before making a recommendation on a special use permit application, the Planning Commission shall establish beyond a reasonable doubt that the following general standards, as well as the specific standards outlined in each applicable Section of this Article shall be satisfied.

1. General Standards: The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

1. Be harmonious with, and in accordance with the general principals and objectives of the Future Land Use Plan of the Village of Morrice.

2. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to the property in the immediate vicinity and to the community as a whole.

4. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.

5. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production or traffic, noise, smoke, fumes, glare, vibrations, or odors.

6. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.

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

2. Conditions and Safeguards: The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Ordinance will be observed. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of mutual consent of the Village Council and the landowner. The Village Clerk shall maintain a record of changes granted in conditions. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

3. Specific Requirements: The general standards and requirements of this Section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following Sections relate to particular uses, and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

8.2 Institutional Structures and Uses in Residential Business and Agricultural Districts

8.2.1 Authorization: In recognition of the many institutional type of nonresidential functions that have been found compatible and reasonably harmonious with residential uses, the Planning Commission and the Village Council may authorize the construction, Maintenance, and operation in residential, general business, or agricultural districts of certain institutional uses specified in this Section by the issuance of a special use permit. Such permit shall not be issued unless all the procedures and applicable requirements stated in Section 8.1 together with the additional requirements of this Section can be complied with.

8.2.2 Institutional Uses That May Be Permitted: The following land and structure uses may b permitted in residential or agricultural districts, PROVIDED that applicable stipulated conditions can be complied with:

1. Institutions for Human Care:
 1. Hospitals
 2. Sanitariums
 3. Nursing or convalescent homes
 4. Homes for the aged and faster care homes
 5. Philanthropic and eleemosynary institutions
 6. Clinics and professional offices for doctors, dentists, and optometrists
2. Religious Institutions:
 1. Churches or similar places of worship
 2. Convents
 3. Parsonages and parish houses
 4. Other housing for clergy
3. Educational and Social Institutions:
 1. Public and private elementary schools, high schools, and institutions for higher education, PROVIDED that none are operated for profit.
 2. Auditoriums and other places of assembly
 3. Centers for social activities, excluding schools or studies for music and dancing instruction, but including lodges and social facilities for fraternal or like organizations.

8.2.3 Institutions Specifically Prohibited: The following uses, but not limited to these enumerated shall not be permitted in any residential district, but may be allowed in an agricultural district.

1. Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients.
2. Camps or correctional institutions.

8.2.4 Site Location Principles: The following principles shall be utilized to evaluate the proposed location of any institutional use within a residential, general business, or agricultural district. These principles are alterable, depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the district in which such use is proposed to be located.

1. Any institutional structure or use should, preferably, be located at the edge of a residential or agricultural district abutting either a business or industrial district or adjacent to a public open space.
2. Motor vehicle entrance should be made on a major thoroughfare or as immediately accessible

from a major thoroughfare as to avoid the impact of traffic generated by the institutional use upon a residential area.

3. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

8.2.5 Site Development Requirements: A special use permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements. These requirements are not alterable except as noted.

1. Hospitals:

1. The proposed site shall be at least ten (10) acres in area.

2. The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the off-street parking area (for guests, employees, staff) shall be directly from the major thoroughfare.

3. All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.

4. No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.

5. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.

6. All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

7. Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1, and off-street loading in conformance with Article VII, Section 7.2.

2. Churches:

1. The proposed site shall be at least one (1) acre in size, plus one-half (½) acre per one hundred (100) seats in the main auditorium.

2. The proposed site shall be so located as to have at least one (1) property line on a major thoroughfare. All ingress and egress to the site shall be directly onto said thoroughfare or a marginal access service drive thereof.

3. No building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial eighty (80) feet an additional one (1) foot for each foot of additional height above the district height limitation.

4. No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.

5. All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

6. Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1.

3. For all other uses that may be permitted, except public utility transformer stations and substations, gas regulator stations, housing for religious personnel attached to a church or school function, or foster care homes.

1. The proposed site shall be at least two (2) acres in area.

2. No building shall be closer than fifty (50) feet to any property or street line. No building shall

be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial fifty (50) foot setback and additional one (1) foot for each foot of additional height above the district height limitations.

3. No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.

4. All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings shall blend appropriately with the surrounding area.

5. All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

6. Off-street parking shall be provided in accordance with the schedule outlined in Article VII, Section 7.1. No parking space shall be provided in the front yard and the parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials, not less than four (4) feet in height.

4. For public Utility Transformer Stations and Substations, Gas Regulator Stations, Housing for Religious Personnel Attached to a Church or School Function, and Radio, Television, and Microwave Transmission Towers:

1. Lot area and lot width shall be not less than that specified for the district in which the proposed use would be located.

2. Yard setback requirements shall be not less than that specified for the district in which the proposed use would be located.

3. No building shall be erected to a height greater than that permitted in the district in which the proposed use would be located.

4. Not more than thirty percent (30%) of the lot area may be covered by buildings.

5. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

6. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

7. All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

8. Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1.

5. For Adult Foster Care Homes providing residence and care to not more than six (6) ambulatory patients and eighteen (18) or older:

1. Lot area, lot width, yard, height, and setback requirements shall not be less than that specified for the district in which the proposed use would be located.

2. Not more than thirty percent (30%) of the lot area may be covered by buildings.

3. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

4. All signs shall be in accordance with the schedule outlined in Article VI, Section 6.7.3.

5. A minimum of three off-street parking spaces shall be provided for each foster care home.

6. Group Housing Development Requirements: Two (2) or more residential buildings of similar or different character may be built upon one (1) lot or parcel of land after a site plan has been submitted to and approved by the Village Council, and when the following site development requirements have been complied with:

1. Minimum Site Area: No group housing development shall be authorized with a gross site area of less than two (2) acres.

2. Minimum Lot Area: No group housing development shall be established on a lot or parcel having a width less than one hundred fifty (150) feet, provided, however, that for group housing the

density shall not exceed ten (10) dwelling units per acre.

3. Maximum Lot Coverage: Not more than thirty-five percent (35%) of the net area within property lines within a group housing project, including secondary buildings, shall be covered by buildings.

4. Yards and Other Open Spaces:

1. Between Buildings: The minimum horizontal distance between buildings (front to front, rear to rear) shall be fifty (50) feet for buildings one story in height. This distance shall be increased by no less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one end if it is increased by no less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one end if it is increased by a similar distance at the other and consistent modifications are permitted by the Village Planning Commission to accommodate plans which are not conventional in their outline or in their relation to other buildings.

2. Between Sides of Buildings: The horizontal distance between sides of buildings shall be twenty (20) feet or more for one or two story buildings. These distances shall be increased by not less than five (5) feet for every story added.

3. Closed Courts: No closed courts shall be permitted. However open areas or garden walls not over six (6) feet in height shall not be deemed enclosing features.

4. Yard Dimensions: For buildings up to thirty-five (35) feet in height, no building shall be closer than forty (40) feet to any public street, fifty (50) feet to any rear property line, and twenty (20) feet to an interior side property line.

5. Other Dimensions: No dwelling unit in a group housing development shall be closer to a private street or private access drive than twenty-five (25) feet, or shall be further from a street or private access drive than one hundred fifty (150) feet.

6. Usable Open Space: A minimum usable open space area of one-hundred (100) square feet per dwelling unit shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space so provided shall have a minimum total area of twelve hundred (1200) square feet and shall be unobstructed to the sky, and shall not be devoted to service driveways or off-street parking or loading spaces, but shall be usable for greenery, drying yards, recreational space, and other leisure activity normally carried on outdoors.

7. Signs: Shall be in accordance with requirements specified in Article XI, Section 6.2.3.

8. Off Street Parking Spaces: Shall be provided as specified in Article VII, Section 7.1.

9. Private Streets: Private streets or private access drives may be permitted within group housing developments, provided that the following minimum requirements are met:

1. All streets, roadways, or private drives will be paved to a minimum width of twenty-four (24) feet when parking is prohibited alongside the road. Additional widths for streets may be required by the Planning Commission based upon the particular density and building relationship of the proposed group housing development.

2. No dead-end street or roadway shall serve more than seventy-five (75) families as a means of vehicular access.

3. Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of seventy-five (75) feet shall be required for all turnarounds and additional widths may be required by the Village Planning Commission after consideration of vehicular needs of a particular group housing development proposal.

4. Satisfactory arrangements have been made with the Planning Commission regarding maintenance and repair of streets, roadways, or access drives.

8.3 Planned Unit Development

8.3.1 Authorization: Rapid and intensive urbanization in certain areas of Shiawassee County during the past decade has produced a need for an economical single-family living unit that is adaptable to urban densities, but that retains many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, garden apartments, and similar type of housing units with common property areas; cluster types of subdivisions in which housing units are arranged in cluster forms, and housing units developed with related recreational space such as golf courses, swimming pools, private parks, community centers and other recreational facilities.

It is the purpose of this Section to encourage more imaginative and livable housing environments within the R-M1 Residential Districts through a planned reduction or averaging of the individual lot area requirements for each zone district providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a landowner, or a group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for construction and occupancy of a planned unit development providing the standards, procedures, and requirements set forth in this Section can be complied with.

8.3.2 Objectives: The following objectives shall be considered in reviewing any application for a special use permit for planned unit development:

1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and other natural assets.
2. To encourage the provision of open space and the development of recreational facilities at a generally central location, and within reasonable distance of all living units.
3. To encourage developers to use more innovation in land use and variety in design, energy, and the providing of public services and utilities.
4. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
5. To encourage variety in physical development pattern of the Village by providing better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the community.

8.3.3 Qualifying Conditions: Any applications for a special use permit shall meet the following conditions to qualify for consideration as a planned unit development:

1. The planned unit development site shall be not less than ten (10) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.
2. The planned unit development site shall be located within the R-M1 Residential District.
3. Public water and sewer facilities shall be available or shall be provided as part of the site development.
4. The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.

5. For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the Village or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give the Village a covenant or interest therein so that there are assurances that the required open space shall remain open.

6. The propose planned unit development shall meet all of the general standards outlined in this Article, Section 8.1.3.

8.3.4 Multi-phased Projects: Final approvals may be granted on each phase of a multi-phased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

8.3.5 Uses That May Be Permitted: The following uses or land and structures may be permitted within planned unit developments:

1. All uses permitted by right, or by special use permit in the R-1B Residential Districts, subject to all the restrictions specified therefor.

2. Townhouses, row houses, garden apartments, or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, PROVIDED that there shall be no more than five (5) dwelling units in any contiguous group.

3. Recreation and open space, PROVIDED that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:

1. Private recreational facilities such as golf courses, swimming pools, or recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

2. Historic building sites or historical sites, parks, and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams, or areas of rough terrain which such areas have natural features worthy of scenic preservation.

4. Name Plates and Signs as provided in Article VI, Section 6.2.3.

5. Off-street Parking as provided in Article VII, Section 7.1.

6. Customary Accessory Uses as permitted in R-1B and R-M1 Residential Districts.

8.3.6 Lot Size Variation Procedure: The lot area for planned unit developments within R-1B Residential Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

1. Site Acreage Computation: Te gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

2. In Arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

1. Land utilized by public utilities as easements for major facilities such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of

such easements.

2. Lands within floodplains as specified in Article VI, Section 6.6.

3. Maximum Number of Lots and Dwelling Units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirement of the dwelling unit density type allowed in the R-M1 District.

1. The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be twenty percent (20%) for the R-M1 Residential District. These percentages shall apply regardless of the amount of land actually required for street right-of-way.

2. Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.

4. Permissive Minimum Lot Area: Notwithstanding other procedures set forth in this Section, lot sizes within planned unit developments shall not be varied or reduced in area below the following minimum standards:

1. One-family Detached Dwelling units: Six thousand three hundred (6,300) square feet of lot area within the R-M1 Residential District.

2. Two-family Dwellings: Six thousand (6,000) square feet of lot area within the R-1M Residential District.

3. Townhouses, Row Houses, or Other Similar Dwelling Types: Three thousand (3,000) square feet of lot area for each dwelling unit for the R-M1 Residential District.

5. Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:

1. Front Yard: Twenty-five (25) feet for all dwellings, PROVIDED that front yard requirements may be varied by the Planning Commission after consideration of common greens or other common open space if such space provides an average of twenty-five (25) feet of front yard area per dwelling unit.

2. Site Yard: Eight (8) feet on each side for all one- and two-family dwellings; none for townhouses or row houses, PROVIDED that there shall be a minimum of fifteen (15) feet between ends of contiguous groups of dwelling units.

3. Rear Yard: Twenty-five (25) feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.

6. Maximum Permissive Building Height: Two and one-half (2-1/2) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet.

8.3.7 OPEN SPACE REQUIREMENTS: For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use, and enjoyment of present and future lot or homeowners within the development, or may be dedicated to the Village as park land for the use of the general public. The Planning Commission shall determine which of these options is most appropriate and shall recommend to the Village Council one of the following procedures as part of its

approval of a special use permit for a planned unit development:

1. That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a homeowner's association or other similar nonprofit organizations so that free simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER an open space easement for said land may be conveyed to the Village to assure that open space land shall remain open.
2. That open space land may be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extend of said land conforms to the Future Land Use Plan for the Village of Morrice, and PROVIDED FURTHER that the access to, and the characteristics of said land, are such that it will be readily available to and desirable for public use, development, and maintenance.
3. It is the intent of this section that in cases where option 8.3.7 (2) above is determined to be in the best interest of the Village that the owners or developers of the planed unit development shall not be compelled or required to improve the natural condition of said open space lands PROVIDED the owners have not in any way altered the natural condition of said open space lands during the course of the construction or occupation of the premises.

8.3.8 APPROVAL UPON COMPLIANCE: A request for approval of a land use or activity which is in compliance with the standards stated in Article VIII, and the conditions imposed thereunder, other applicable ordinance, and State and Federal Statutes shall be approved.

8.4 PRIVATE NONCOMMERCIAL RECREATION AREAS

8.4.1 AUTHORIZATION: As urban development utilizes more and more land area within the Village, there is created an increasing need and demand for recreational facilities to serve a concentration of urban dwellings. In order to accommodate such demand, and the encourage private development or recreational facilities within close proximity to the residences they serve, this section permits the construction of certain types of nonprofit, non commercial recreational facilities within the R-1B Residential Districts and the A-1 Agricultural Districts. These uses may be authorized by the issuance of a special use permit when all of the procedures and applicable requirements stated in Section 8.1 and the additional requirements of this Section can be complied with.

8.4.2 USES THAT MAY BE PERMITTED: Private community swimming pools, community recreation centers, tennis courts, and other noncommercial recreation facilities may be authorized, PROVIDED such facilities are to be constructed, maintained, and operated by an incorporated, nonprofit club or organization with a special limitation of members and PROVIDED FURTHER that such recreation facilities shall be operated for the exclusive use of organization members and their guests.

8.4.3 SITE DEVELOPMENT REQUIREMENTS: The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

1. Minimum Site Size: One (1) acre with a minimum width of one hundred fifty (150) feet.
2. Site Location: In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the

proposed site is located, the site shall be located on a major thoroughfare and all ingress and egress for the site shall be provided directly from said thoroughfare.

3. Yards: Front, side, and rear yards shall be at least thirty (30) feet, except on those sides adjacent to nonresidential districts wherein it shall be ten (10) feet. All yards shall be appropriately landscaped in trees, shrubs, and grass. No structures or parking area shall be permitted in said yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

4. Off-Street Parking shall be provided in conformance with the schedule outlined in Article VII, Section 7.1. Prior to the issuance of a special use permit for any use permitted in this Section, a certified copy of the bylaws of the nonprofit organization shall be filed with the Morrice Village Council in order to establish the membership involved for computing the off-street parking requirements. Whenever a parking plan is so laid out as to beam automobile lights into any residential district, a solid wall or open structure wood screen fence four (4) feet in height shall be constructed along that side of the parking area. Shrubs or trees may be used in combination with said structural screen or walls.

5. Swimming Pools: Whenever an enclosed 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.

6. Lighting: No lighting shall have a visible source of illumination unless such lighting is necessary to carry on particular recreation pursuits. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.

8.5 DAY NURSERY

8.5.1 Authorization: In order to facilitate the care of preschool children within a desirable home environment, this Section provides for the inclusion of nursery schools and child care centers within the R-1B Medium Density Residential and R-M1 Multiple-Family Residential Districts and in churches within any one district. This use may be authorized by the issuance of a special use permit when all of the procedures and applicable requirements stated in Section 8.1, and the additional requirements of this Section can be complied with.

8.5.2 Uses That May Be Permitted: Nursery schools, day nurseries, and child care center (not including dormitories) may be authorized, PROVIDED that there shall not be more than one (1) dwelling unit used for residential purposes on the site.

8.5.3 Site Development Requirements: The following Requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with.

1. Minimum Site Size: Eight thousand seven hundred (8,700) square feet with sixty-six (66) foot lot width, PROVIDED that no more than four (4) children shall be kept on the premises in addition to the children of the faster family. For each child not a member of the family in excess of four (4), there shall be provided two hundred (200) square feet of lot are in addition to the base figure of eight thousand seven hundred (8,700) square feet.

2. Yards: Front, side, and rear yards shall conform to the requirements of Article V, Section 5.9 for R-1B District.

3. Maximum Building Height and maximum lot coverage shall be no greater than that permitted in the R-1B District.

4. Off-Street Parking shall be provided in conformance with the Multiple Dwelling requirements

of Article VII, Section 7.1

5. Signs as provided in Article VI, Section 6.2.3.

6. Play Areas: There shall be provided on the site of a usable outdoor play area at the rate of seventy-five (75) square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screen from any adjoining residential land by suitable plant material.

8.6 FUNERAL HOMES AND MORTUARIES

8.6.1 Authorization: Because funeral homes and mortuaries perform special and necessary services to urban populations, and in recognition of the unique locational and site development characteristics of these functions, such uses of land may be authorized by special use permit within the R-M1 Multiple-Family Residential Districts when all of the procedures and applicable requirements stated in Section 8.1 and the additional requirements of this Section can be complied with.

8.6.2 Uses That May Be Permitted: Funeral homes, undertaking parlors, and mortuaries, PROVIDED that the conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.

8.6.3 Site Development Requirements: The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

1. Minimum Site Size: One (1) acre site with a minimum width of one hundred fifty (150) feet.
2. Site Location: The proposed site shall front upon a major thoroughfare. All ingress and egress points to the site shall be directly from said thoroughfare.
3. Yards: Front, side, and rear yards shall be at least fifty (50) feet, except on those sides adjacent to nonresidential districts wherein it shall be twenty (20) feet. All yards shall be appropriately landscaped in trees, shrubs, and grass. No structures or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified in Article VII, Section 7.1.11 (7), and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
4. Site Coverage: No more than thirty percent (30%) of the gross site area shall be covered by buildings, including accessory buildings.
5. Maximum Building Height: No building shall be erected to a height greater than that permitted in the R-M1 District.
6. Appearance: All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.
7. Signs as provided in Article VI, Section 6.2.3.
8. Off-Street Parking shall be provided in conformance with the schedule outlined in Article VII, Section 7.1. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by an open structure, wood fence, or solid masonry wall at least four (4) feet in height. Shrubs or trees may be used in combination with said structural screens or walls.

8.7 MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS, AND TRAVEL TRAILER PARKS

8.7.1 Mobile Home Parks, provided there is compliance with the following standards:

1. Compliance with the Mobile Home Commission rules established for the Mobile Home Commission Act, P.A. 419 of 1976, as amended. Some of these standards are repeated below; the italicized standards are locally determined development requirements.
2. Mobile home; required distances from other structures; site length, and site dimensions.
 1. *The mobile home park shall be developed with sites having five thousand five hundred (5,500) square feet per mobile home unit being served. This five thousand five hundred (5,500) square feet may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site from five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirement be less than that required under R 125.1046, Rule 946 of the Michigan Administrative Code.*
 2. A Mobile home shall be a minimum of:
 1. Twenty (20) feet from any part of a attached structure of another mobile home and used for living purposes.
 2. Ten (10) feet from any detached structure and on-site parking on an adjacent mobile home site.
 3. Fifty (50) feet from a permanent building.
 3. Internal roads; general requirements; local conditions.
 1. An internal road is subject to approval by the department and shall comply with the following general requirements:
 1. Internal roads shall be surfaced in accordance with AASHTO standards.
 2. The road shall have access to public thoroughfare or be connected to a public thoroughfare by a permanent easement, recorded prior to approval by the department. Sole access by an alley is prohibited.
 3. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 4. An adequate safe-sight distance shall be provided at intersections.
 5. An offset at an intersection and an intersection of more than two (2) streets is prohibited.
 6. An intersection of roads shall be clearly marked with appropriate traffic signs.
 7. A road shall be named and so identified by street signs located at all road intersections.
 8. A name for an internal road shall be approved by the municipality.
 9. A road shall have a driving surface of not less than the following:
 1. One-way with no parking. 20 feet.
 2. Two way with no parking. 22 feet.
 3. At access points where general traffic enters or leaves the park, the widths shall be sufficient to permit free movement from or to the stream of traffic on the public roads.
 2. Local conditions such as heavy snowfall may dictate the need for wider roads to provide for free flow or vehicular and pedestrian traffic, parking and to facilitate removal without blocking access to the mobile home site.
4. Severe weather warnings; shelters:
 1. Immediately upon occupancy, each mobile home park tenant shall be provided by the park management written information pertaining to the severe weather warning systems used by local government, if provided, which shall contain, but is not limited to, the following:
 1. Signals used to alert the mobile home park population to impending severe weather.
 2. In areas where local government has designated shelters, a mobile home park management shall, in writing, provide each tenant with the location of the approved shelter designated by local government to serve the mobile home park.

3. The location of the park-owned shelter, if any.
2. Shelter areas may be in conjunction with permanent buildings such as community or recreational buildings or park office.

5. On-site vehicle parking: If on-site vehicle parking is provided, it shall be in compliance with the following:

1. Each mobile home site shall have two parking places either in tandem or side-by-side. If in tandem, the width shall not be less than ten (10) feet, and the combined length shall not be less than forty (40) feet. If side-by-side, the combined width of the two (2) parking spaces shall not be less than twenty (20) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge.
2. A parking space shall be hard surfaced and constructed in compliance with Act No. 8 of the Public Acts of 1973, being 125.1361 et. Seq. Of the Michigan Compiled Laws.
3. No parking shall be permitted on any street or access way.
4. The on-site parking of recreation vehicles such as campers, trailers, boats, and the like shall be prohibited.
5. An area may be designated within the park for the defined purpose of parking for recreation vehicles such as campers, trailers, boats, and the like.

6. Park offices and recreational buildings:

1. Park offices shall be required in all mobile home parks.
2. Recreational and community buildings, if provided, shall be located in permanent enclosed facilities.

8.7.2 Mobile Home Subdivisions, provided there is a compliance with the following standards:

1. Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear, and side yards as specified below:
 1. Minimum lot area:
 1. On-site sewage disposal 20,000 square feet.
 2. Sanitary sewer service 10,000 square feet.
 2. Minimum Lot Width, as measured along a street upon which the lot principally fronts:
 1. Interior lot 100 feet.
 2. Corner lot 110 feet.

NOTE: For lots on curvilinear streets with nonparallel lot lines, the lot width shall be measured at the front building line of the dwelling.

3. Minimum Yard Setback of Buildings for Recorded Platted Areas (unplatted areas are required to increase the front yard setback by (10) feet):
 1. Front yard, as measured from the road right-of-way forty (40) feet.
 2. Side yard, as measured from side property line ten (10) feet.
 3. Rear yard, as measured from rear property line sixty (60) feet.
 4. Minimum Requirement Floor Area per unit building or structure, as measured at ground level seven hundred fifty (750) square feet.
 5. Maximum Total Lot Area coverage including all accessory buildings as percent of total lot size twenty-five percent (25%).
 6. Maximum Height of buildings thirty-five (35) feet.

NOTE: Accessory buildings shall not exceed a height of fifteen (15) feet.

The dimensional requirements may be modified by the provisions of: Section 8.3, Planned Unit

Developments; Section 6.4 and 6.5, Supplementary Regulations, and Article 14, the Board of Appeals.

7. Minimum Site Area: A mobile home subdivision shall require a total site of at least five (5) acres before sub dividing.
8. Entrance and Exit Drives shall be no closer than two hundred (200) feet from the intersection of any two (2) public streets.
9. Such uses as specified in Section 5.2.2 and Section 5.2.3 of the Ordinance shall be allowed in an approved mobile home subdivision provided there is compliance with the conditions or requirements stated or referred to in Section 5.2.2 and 5.2.3/

8.7.3 Travel Trailer Parks: Travel trailer parks for the accommodation only of travel trailers, self-propelled homes, or vehicles designed with or without tents or tent trailers and operated on a seasonal basis between May 1 and December 1 may be allowed by special use permit in the A-1 Agricultural District.

Said travel trailer park shall be subject to the requirements of the Michigan Department of Health.

1. No travel trailer park shall be located except with direct access to a major thoroughfare, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
2. The minimum lot area per park shall be three (3) acres, with a maximum of twenty (20) acres.
3. Spaces in travel trailer parks may be used by travel trailers provided they meet any additional laws and ordinances by the State of Michigan and Shiawassee County, and shall be rented by the day or week only, and an occupant of such space shall remain in the same trailer park for a period of not more than thirty (30) days.
4. Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structure customarily incidental to the operation of a travel trailer park are permitted as accessory uses in any district in which parks are allowed, PROVIDED that:
 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 2. Such establishments shall be restricted in their use to occupants of the park.
 3. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
 5. No space shall be so located that any par intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any freeway, expressway, or within twenty-five (25) feet of the right-of-way of any local street.
6. In addition to meeting the above requirements, the travel trailer park site plan shall be subject to the review and approval of the Shiawassee County Health Department.
7. Travel trailer parks shall be permitted in existing or proposed mobile home parks subject to the provisions provided therein.

8.8 GASOLINE SERVICE STATIONS

8.8.1 Authorization: Facilities to serve motor vehicles are of considerable importance within urbanizing areas where the basic mode of transportation is by private automobile. The continued growth of a motor vehicle registrations and of total miles traveled annually has stimulated additional needs for retailing gasoline and associated products. To meet the demands of location and space for this type of retail facility station function into the pattern of other commercial and retail activities serving the

community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic safety, and compatibility with surrounding uses of land, this Ordinance requires conformance to the standards set forth in this Section before a building permit may be issued for a gasoline service station as a permitted use within various commercial districts. Moreover, gasoline service stations may be permitted in the B-1 General Business district only upon the issuance of a special use permit which complies with the requirements of this Section and with general standards set forth in Section 8.1.

8.8.2 Objectives: It is the intent of this Section to exercise a measure of control over service station buildings and their sites and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this Section are to:

1. Promote the type of development which will be compatible with other land use activities located in areas where service stations will be constructed.
2. Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.
3. Minimize the traffic congestion and safety hazards which are inherent in service station activity.

8.8.3 Uses That May Be Permitted: Gasoline service stations as defined in Article VIII, Section 8.8, including the servicing of motor vehicles under two and one-half (2-1/2) tons rated capacity, such as minor adjustments to motor vehicles, sales and installation of automotive accessories, and other servicing of motor vehicles, PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning, or other mechanical or physical modifications to motor vehicles is specifically prohibited.

8.8.4 Site Development Requirements: The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:

1. Minimum Site Size: Fifteen thousand (15,000) square feet with a minimum width of one hundred thirty-two (132) feet.
2. Site Location: The proposed site shall have at least one (1) property line on a major thoroughfare, PROVIDED that where gasoline service stations are proposed as part of a planned shopping center development as outlined in Article VIII, Section 8.10, the gasoline service station site, or sites, shall be located at the boundary of the center where it can be away from patterns of pedestrian circulation and have direct, unencumbered access to traffic areas.
3. Building Setback: The service station building, or buildings, shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district unless separated therefrom by a street or alley.
 1. No installations except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.
 2. Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
4. Access Drives: No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare, nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35) feet in width at the property line.
 1. If the service station site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but not less than fifty (50) feet.
 2. No driveway or curb cut for a driveway shall be located within ten (1) feet of an adjoining

property line, as extended to the curb or pavement, or within twenty (20) feet of any exterior (corner) lot lines as extended.

3. Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way line and the curb or edge of the pavement.

5. Curbing and Paving: A raised curb of at least six (6) inches in height shall be erected along all of the street property lines except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.

6. Fencing: A solid fence or wall four (4) feet in height shall be erected along all property lines abutting any lot within a residential district.

7. Signs: As provided in Article VI, Section 6.2.3, PROVIDED that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.

8. Off-Street Parking shall be provided in conformance with the schedule outlined in Article VII, Section 7.1.

9. Lighting: Exterior lighting shall be so arranged so that the source of illumination is deflected away from adjacent properties and is situated so as to no pose a problem for traffic.

8.9 CUSTOMARY HOME OCCUPATIONS

8.9.1 Authorization: It is the intent of this Section to provide the Village Council and Planning Commission with a framework or regulatory standards to be utilized as a basis for approving or disapproving special uses which may be permitted by issuance of a special use permit. Customary home occupations may be permitted in any Residential or Agricultural District upon issuance of a special use permit.

8.9.2 Uses That May Be Permitted: Customary home occupations may be carried on in residential structures under the following conditions:

1. The home occupation in an accessory building of a nursery/greenhouse, florist shop, ceramic shop, and/or gift shop conducted on the real portion of a premises on a lot of 1 acre or more in size shall be permissible and subject to such conditions as may be required on the Special Use Permit.

2. Profession office for occupancy by not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar recognized professional practitioner with no employee, PROVIDED that no more than one-half ($\frac{1}{2}$) of the floor area of any one (1) story of the dwelling is devoted to such use; that all activities shall be carried on indoors; and that no structural provisions shall be inherent in the design of the structure and no structural changes shall be made for the accommodations of any professional office.

3. There shall be no external evidence of such occupations or uses except a small announcement or identification sign in accordance with Article VI, Section 6.2.3.

4. Such occupations or uses are intended to provide flexibility in the application of this Ordinance, but such permission shall not be granted if the essential character of a lot or structure within a Residential District, in terms of appearance will be changed in the slightest degree by the occurrence of such occupations or activities.

5. The home occupation of a nursery/greenhouse, florist shop, ceramic shop, and/or gift show conducted wholly on the premises of a lot or at least one (1) acre or more in size, subject to such conditions as are imposed under the Site Plan Review process of Article VIII.

8.10 PLANNED SHOPPING CENTERS

8.10.1 Authorization: In order to provide for and encourage the development of grouped retail sales and service establishments at logical and sound locations within the Village planned shopping centers may be allowed by special use permit in B-1 General Business Districts. The unique and changing characteristics of this type of business activity calls for standards and procedures which cannot be adequately covered by any one of the customary business district classifications. This use may be authorized by the issuance of a special use permit when all the procedures and applicable requirements stated in Section 8.1 and additional requirements of this Section can be complied with.

8.10.2 Site Development Requirements: The owner or owners of a tract of land which comprises five (5) acres or more may submit to the Planning Commission a request for a special use permit. The site requested shall be located upon a major thoroughfare to permit adequate ingress and egress. Such request shall also be accompanied by the following evidence and supporting data, without which an application shall not be accepted by the Planning Commission.

1. A Market Analysis by a recognized, reputable market analyst, setting forth conclusively economic justifications and need for the establishment of a center of type and size proposed by the applicant. This analysis shall be based upon, but not limited to such factors as the trade area of the community and travel time from various parts thereof to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities, and other data and analyses which relate to the need for and feasible success and stability of the proposed center.

The purposed of this requirement is to protect the Village from the over-development of retail sales and service establishments which could prove highly injurious to the community welfare.

2. A Site Plan defining the areas to be developed for buildings; the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; and the location of walls, landscaped areas, terraces, and other open spaces; the provision of spaces for loading, unloading, and servicing; the location, size, and number of signs; and the treatment proposed for required transition strip areas to protect abutting land uses and zoning districts.

3. A Traffic Survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets and also indicating the anticipated points of origin, direction, and amount of traffic flow to and from the proposed center.

4. A List of Proposed Uses to be included in the proposed center with the area of each to be devoted to retail space.

5. A Statement of Financial Responsibility to assure construction of the planned shopping center in accordance with the site plan and the requirements of this Section.

8.11 MISCELLANEOUS SPECIAL USES

8.11.1 Authorization: Because of particular functional and other inherent characteristics, certain land and structure uses have a high potential of being injurious to surrounding properties by depreciating the quality and value of such property. Many of these uses may also be injurious to the Village as a whole unless they are controlled by minimum standards of construction and operation. It is the intent of this Section to provide a framework of regulatory standards which can be utilized by the Planning Commission and Village Council as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a special use permit within the particular zone districts cited.

8.11.2 Special Uses That May Be Permitted: The following land and structure uses may be permitted within the particular zone districts cited, PROVIDED that requirements specified in Section 8.1 and the applicable specified conditions established herein can be complied with:

1. Public or Private Dumps, Incinerators, and Sanitary Fills within any agricultural or industrial zone district.
2. Junk Yards within any industrial or agricultural zone district.
3. Sewage Treatment and Disposal Installations within any industrial or agricultural zone district.
4. Drive-in Theaters, Racetracks, Temporary and Transient Amusement Enterprises, Golf Driving Ranges and Miniature Golf Courses within B-1 General Business Districts or any agricultural or industrial zone district.
5. Special Open Space Uses such as public beaches, bathhouses, private resorts, recreational camps, and other open space uses operated for profit within any agricultural zone district.
6. Institutions for the Mentally Retarded and Physically Handicapped, Drug and Alcoholic Patients, and Camps or Correctional Institutions within any agricultural zone district.
7. Sand or Gravel Pits, Quarries within any agricultural zone district.
8. Raising and Keeping of Animals within any agricultural district.
9. Conversion of One-Family Dwellings within any residential district.
10. Advertising Structures within any agricultural district.

8.11.3 Site Development Requirements: A special use permit shall not be issued for the occupancy or use of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements.

Without limiting the powers of the Village Council in an other Section of this Ordinance, the Village Council shall have the authority to revoke any special use permit when, after thirty (30) days warning, the operators or any use permitted under this Section fail to comply with any of the requirements stipulated. In addition, the Planning Commission, as part of its approval of a particular special use permit, may recommend to the Village Council any additional corrections and safeguards that are deemed necessary for the protection of the public welfare.

1. Incinerators and Sanitary Landfills:
 1. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.
 2. All active uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
 3. All ears within any single development shall be rehabilitated progressively as they are worked out of abandoned so that they shall be in condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
 4. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public street, to minimize traffic hazards, and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise) upon adjacent properties.
 5. All permitted installations shall be maintained in a neat, orderly condition as to prevent injury to any single property, and individual or to the Village in general.
2. Junk Yards:
 1. All uses shall be established and maintained in accordance with all applicable State of Michigan

statutes, If any of the requirements of this subsection are less than those in applicable State Statutes, the State requirements shall prevail.

2. The site shall be a minimum of one (1) acre in size.

3. A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.

4. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside of the fenced-in area.

5. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of plant materials will be determined by the Village Council after receiving a recommendation from the Planning Commission.

6. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

7. Whenever the installation abuts upon property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens to effectively minimize the appearance of the installation and to help confine odors therein.

3. Sewage Treatment and Disposal Installations:

1. All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes. If any of the requirements of this subsection are less than those in applicable State Statutes, the State requirements shall prevail.

2. Any use shall comply with all regulations for M-1 Industrial Districts, Article V, Section 5.7.

3. All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.

4. All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials, and structural screens shall be placed to minimize the appearance and odors of the installation. The Planning Commission shall approve all treatment of transition strips.

4. Drive-in Theaters, Racetracks, Temporary and Transient Amusement Enterprises, Golf Driving Ranges, and Miniature Golf Courses:

1. All sites shall be located on a major thoroughfare. All traffic ingress or egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.

2. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) street(s) or highway(s). Miniature golf and driving ranges shall have a one hundred (100) foot requirement.

3. All vehicles shall have clear vertical and horizontal sight-distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.

4. Acceleration and deceleration lanes should be provided, where possible at points of ingress and egress to the site. Left turns at entrances and exits should be prohibited on the major thoroughfare where possible.

5. Whenever any use that may be permitted in this subsection abuts property within a residential, business, or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences and the residential or agricultural

property. Grass, plant materials, and structural screen of a type approved by the Planning Commission shall be placed within said transition strip. Golf driving ranges and miniature courses shall have a minimum transition strip of fifty (50) feet when adjacent to a residential, agricultural, or business district.

6. A minimum yard of one hundred (100) feet shall separate all uses, operations, and structures permitted herein, including fences, from any public, street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

7. Golf driving ranges shall provide such safety screening as deemed reasonable and necessary by the Planning commission to protect the safety and welfare of adjacent areas.

8. Racetracks and drive-in theaters shall be enclosed for their full periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly, attractively, and inconspicuously.

9. Drive-in theater ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity theater. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty percent (30%) of the vehicular capacity of the theater.

10. Drive-in theater picture screens shall not be permitted to face any public street and shall be located as to be out of the view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65) feet in height.

11. For drive-in theaters, no more than two (2) advertising signs not exceeding in aggregate more than five hundred (500) square feet shall be permitted. Said signs shall only advertise the said business and shall be so located as not to obstruct traffic or vision upon any public street. In no event is any one (1) sign to exceed two hundred fifty (250) square feet.

5. Special Open Space Uses:

1. The proposed site shall have at least two (2) acres in area.

2. The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare.

3. All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass, and structural screen of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.

4. No more than twenty-five percent (25%) of the gross site shall be covered by buildings.

6. Institutions for the Mentally Retarded and Physically Handicapped, Drug or Alcoholic Patients, and Camps or Correctional Institutions:

1. The proposed site shall be at least forty (40) acres in area.

2. The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare.

3. All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.

4. No more than twenty five percent (25%) of the gross site shall be covered by buildings.

5. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry

wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.

6. All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

7. Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1, and off-street loading in conformance with Article VII, Section 7.2.

7. Sand or Gravel Pits, Quarries: The excavation of peat, muck, gravel, clay, shale, or other natural mineral deposits including the quarrying of rock minerals, but except crude oil, may be authorized only in agricultural districts by the Planning Commission by the issuance of a special permit upon completion of procedures and with the imposition of the conditions and safeguards outlined below.

1. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.

2. Top soil shall not be stripped, excavated or otherwise removed on any premises for sale or for any other use than on the premises on which the top soil was originally located, except when as a product of an authorized excavation of other soils as provided in this Section. This provision shall not be construed, however, to prohibit sod farm operations.

3. In addition to the plan required in Section 8.1, the applicant shall submit plans and proposals for the reuse of the property after completion of excavation. At a minimum, such plans are to provide rehabilitation of the excavated area so that the proposed site, when rehabilitated, shall be in a condition of being lacking in hazards and be inconspicuous and blend into the natural ground form of the area. Such plans shall include a contour plan.

4. The applicant shall file with the Village Council a performance bond in such amounts the Village Council shall deem sufficient to insure completion of the work following excavation pursuant to the conditions as set forth in Section 8.1 in this subsection.

5. No fixed machinery shall be erected or maintained within fifty (50) feet of any property or street line.

6. All uses shall be enclosed by a fence, adequate to prevent trespass, four (4) feet or more in height, for the entire periphery of the excavation area. The top of the slope of the excavation shall not be closer than fifty (5) feet from the property line.

7. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.

8. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

9. No building shall be erected on the premises, except as may be permitted elsewhere in this Ordinance, or except as temporary shelter for machinery and filed office subject to approval by the Planning Commission.

10. The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.

11. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, and individual, or to the Village in general.

12. Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling of excavated materials on the site.

13. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer or arable top soil, or a quality approved by the Village Council, shall be spread over

the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with and approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

14. All areas within any single development shall be rehabilitated as they are worked out or abandoned so that they shall comply with the rehabilitation plan as approved by the issuance of the Special Use Permit provided in (2) of this subsection.

15. Any extension of quarrying operations beyond the property lines actually quarried at the effective date of this Ordinance shall be considered as a new operation and shall require a Special Use Permit.

16. All existing pits at the effective date of this Ordinance shall be inspected by the Zoning Administrator to determine the nature and extent of nonconformity. Said uses found to be nonconforming shall be so recorded and newly-excavated areas shall conform to the provisions of this Ordinance and rehabilitation of the presently operated nonconforming pit shall be made conforming as required through the issuance of a Special Use Permit within one (1) year of issuance of a Special Use Permit.

8. Raising and Keeping of Animals: The raising and keeping of small animals such as poultry and rabbits and the raising and keeping of livestock such as cattle, hogs, horses, goats, and ponies may be conducted on a lot of not less than ten (10) acres in any agricultural district, PROVIDED that all killing and dressing of poultry and animals processed upon the premises shall, for the use of consumption by the occupants of the premises, and PROVIDED FURTHER that said animal be listed by number and kind on the Special Use Permit, and that reasonable efforts be undertaken by the animal's keepers to reduce the odor, sounds, and movement of the animals to undisturbing levels at the lot boundaries which might negatively impact adjacent properties and uses. Limits on the number and type of animal activity may be established by the Village Council to protect the character of the predominant uses in the area, and the use and enjoyment of adjacent properties by neighboring residents.

9. Conversion of One-Family Dwellings: The conversion of one-family dwelling to two- and three-family dwellings shall be permitted when all of the following conditions can be met:

1. It can be demonstrated that larger houses in older residential areas of the Village have been or can be converted from one-family to two- and three-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

2. That such an expanded capacity is a clear necessity to satisfy this particular housing demand.

3. That adequate off-street parking space can be provided in accordance with standards stated in Article VII, Section 7.1.

4. That undue traffic congestion will not result.

5. That the imposition on existing sanitary facilities will not be excessive.

6. That such use will not unduly injure the character or value of the existing neighborhood.

7. That the floor are per dwelling unit is not less than the following minimums: three hundred fifty (350) square feet for one room; five hundred fifty (550) square feet for two rooms; seven hundred fifty (750) square feet for three rooms, and average of two hundred (200) square feet for each room in excess of three rooms.

10. Advertising Structures, Billboards, or Signboards:

1. Advertising structures, outdoor signs and other advertising displays, PROVIDED no billboards, advertising signboards, or advertising structures shall be erected or maintained that are more than two hundred fifty (250) square feet in area. All such signs shall be four (4) feet or more clear above the ground. If not attached to the wall of a building for their entire length, signs must be lighted, for safety purposes, on all sides during all hours of darkness. The illumination of such signs for purposes other than for public safety shall be subject to approval by the Zoning Administrator to insure that the light

intensity, color, and movement will not likely be so distracting to motor vehicle operators as to constitute a traffic safety hazard. Signs must be at least forty (40) feet from a lot or public right-of-way line. Along interstate highways and State trunk lines, said setback shall be a minimum of fifty (50) feet from the said highway right-of-way line. These signs shall not be restricted to providing advertisement relative to the principal premises use.

8.12 Adult Entertainment Establishments

8.12.1 Authorization: Facilities that serve or provide adult entertainment services shall be permitted in the Industrial Zoning District only, upon the issuance of a Special Use Permit which complies with the requirements of this Section and with the general standards set forth in Section 8.1.

8.12.2 Objectives: It is the intent of this Section to exercise a measure of control over adult entertainment buildings and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet these service needs. The objectives of the regulations set forth in this Section are to:

8.12.2.1. Promote the type of development which will be compatible with other land use activities located in areas where adult entertainment facilities will be constructed; and

8.12.2.2. Control those aspects of an adult entertainment facility's design, site layout, and operations which may, unless regulated, be damaging to surrounding use of land; and

8.12.2.3. Minimize traffic congestion, crime, and safety hazards, which are inherent in and around adult entertainment establishments.

8.12.3 Uses that may be permitted: Adult entertainment facilities as defined by Article VIII, Section

8.12.4, shall include places involving public indecency, adult only bookstores, adult only motion picture theaters, adult entertainment centers, massage parlors, rap parlors, and/or saunas.

8.12.4 Definitions: Whenever used in this section, the following words or phrases shall have the meanings ascribed to them:

8.12.4.1. Adult only bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

8.12.4.2. Adults only motion picture theater: An enclosed building, or drive-in style structure, used regularly or routinely for presenting programs, material distinguished or characterized by an emphasis on matter depicting, describing or relating nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined below, for observation by patrons therein.

8.12.4.3. Massage parlor: An establishment or place primarily in the business of providing massage services.

8.12.4.4. Nudity: The showing of the human male or female genitals, public area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

8.12.4.5. Rap parlor: An establishment or place primarily in the business of providing non-professional conversation or similar services for adults.

8.12.4.6. Sauna: An establishment or place primarily in the business of providing (1) a steam bath; and (2) massage services.

8.12.4.7. Sexual conduct: Acts of masturbation, homosexuality, sexual intercourse, or physical

contact with a person's unclothed genitals, public area, buttocks, or if such person be a female, her breast.

8.12.4.8. Sexual excitement: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

8.12.4.9. Sadomasochistic abuse: Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

8.12.4.10. Adult entertainment center: An enclosed building or a part of an enclosed building, no portion of which enclosed building is license to sell liquor, which contains one or more coin operated mechanisms which, when activated, permit a customer to view a live person unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of any such activity.

8.12.4.11. Public indecency: A person who knowingly or intentionally, in a public place (1) engages in sexual intercourse; (2) engages in deviate sexual conduct; (3) appears in a state of nudity; or (4) fondles the genitals of himself or another person.

8.12.5 Location restrictions

8.12.5.1. Adults only bookstore, adults only motion picture theater, and adult entertainment center: No adults only bookstore, adults only motion picture theater, or any other adult entertainment facility shall be operated or maintained except within the Industrial Zoning district. However, none of the above uses shall be permitted on any property with its main public entrance on Main Street.

8.12.5.2. All regulated uses: No adult entertainment facility shall be operated or maintained within one thousand (1,000) feet of a residentially zoned district, and within thirty-six hundred (3,600) feet of a church, public library, and/or educational facility which serves persons age seventeen (17) or younger, an elementary school or a high school, or within twelve hundred (1,200) feet of a state-licensed day care facility established prior to September 1, 2006. Only one of the above-regulated uses shall be allowed per block face. Provided, further, that no adult entertainment center shall be permitted to locate except within the Industrial Zoning District after August 1, 2006.

8.12.5.3. Measurement: The distance limitations in subsection 8.12.5.2 shall be measured in a straight line from the main public entrance of said premises, or from the lot lines of properties in residentially zoned districts.

8.12.5.4. Amortization of non-conforming uses: Establishments existing as of September 1, 2006 in violation of subsection 8.12 shall be permitted as a non-conforming use. As to those establishments which have a non-conforming use status, the provisions of Section 8.12 shall apply to any expansion of said establishment.

8.12.5.5. Sign requirements for all uses: All regulated uses shall comply with the following sign requirements in addition to those in Section 6.2.3:

8.12.5.5.1. All signs shall be flat wall signs:

8.12.5.5.2. The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street;

8.12.5.5.3. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building; and

8.12.5.5.4. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance of adults only.

8.12.6 Additional Requirements: In addition to the requirements contained in this section above, a

permit for an adult entertainment establishment may only be allowed if:

8.12.6.1. The applicant submits clear and convincing evidence that such a use will not create any negative secondary effects. “negative secondary effects” including, but are not limited to, an increase in traffic, an increase in criminal activity near the proposed use, and a decline in neighboring property values.

8.12.6.2. The applicant submits clear and convincing evidence that adult entertainment establishments are not already generally available to residents of the Village in the greater regional community. The “greater regional community” consists of that area within a thirty-five (35) mile radius of the proposed use. Generally available means that one or more adult entertainment establishments exist in the designated areas.

8.12.6.3. The applicant submits clear and convincing evidence that denial of a permit would constitute a clearly unconstitutional prior restraint on the applicant's free speech by establishing that there exists, in fact, a demand for services within the Village not met by those services provided in the greater regional community, as defined above.

8.12.7 Site Development Requirements: The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

8.12.7.1. Minimum site size: Fifteen thousand (15,000) square feet with a minimum width of one hundred thirty-two (132) feet.

8.12.7.2. Site location: The proposed site shall have at least one (1) property line on a major thoroughfare.

8.12.7.3. Building setback: Any adult entertainment facility or building shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district unless separate therefrom by a street or alley.

8.12.7.3.1. No installations, except walls or fencing and permitted sign, lighting, and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.

8.12.7.4. Access drives: No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare, nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35) feet in width at the property line.

8.12.7.4.1. If the adult entertainment facility fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than fifty (50) feet.

8.12.7.4.2. No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line, as extended to the curb or pavement, or within twenty (2) feet of any exterior (corner) lot lines as extended.

8.12.7.4.3. Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way line and the curb or edge of the pavement.

8.12.7.5. Curbing and paving: A raised curb of at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire parking area shall be paved with a permanent surface of concrete or asphalt.

8.12.7.6. Fencing: A solid fence or wall eight (8) feet in height shall be erected along all property lines abutting any lot within a residential district.

8.12.7.7. Signs: As provided in Article VIII, Section 8.12.5.5, and this section, provided that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.

8.12.7.8. Off-street parking: Shall be provided in conformance with the schedule outlined in Article VII, Section 7.1.8.

8.12.7.9. Lighting: Exterior lighting shall be so arranged so that the source of illumination is deflected away from adjacent properties and is so situated so as to not pose a problem for traffic.

8.13 Residential Uses in B-1 Districts

8.13.1 Authorization: Because the B-1 District contains several old homes that are in transition from residential uses to business uses. Therefore, one family residential uses will be permitted when all of the procedures and applicable requirements of Section 8.1 and the additional requirements of this Section are complied with.

8.13.2 Uses permitted: One family dwelling units located in existing residential homes operating as a legal non-conforming use within the B-1 Zoning District.

8.13.3 Site development requirements: One family residential uses in existing legal non-conforming uses in the B-1 Zoning District shall require the following development requirements:

8.13.3.1. Please see Section 5.11 regarding Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements, and Section 5.2.5, One-Family Dwelling Regulations.

ARTICLE IX: AMENDMENTS

ARTICLE IX: AMENDMENTS

9.1 THE VILLAGE COUNCIL MAY AMEND

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Districts Map of the Village of Morrice may be amended, supplemented, or changed by the Village Council in accordance with the State of Michigan Act 2-7 of the Public Acts of 1921, as amended.

9.2 INITIATION OF AMENDMENTS

Proposals for amendments, supplements, or changes may be initiated by the Village Council on its own motion, by the Planning Commission, by petition of one (1) or more owner of property to be affected by the proposed amendment.

9.3 AMENDMENT PROCEDURE

9.3.1 Petition To Village Council: Each petition by one (1) or more owners for an amendment shall be submitted by application to the Village Clerk on a standard form provided. A fee, as established by the Village Council, shall be paid at the time of application to cover costs of necessary advertising for public hearing, for the use of a standard amendment sign, the investigation of the amendment request. No part of such fee shall be returnable to a petitioner. No fee shall be charged if the Village or any official body of the Village is the moving party.

9.3.2 Referral to the Planning Commission: The village Council shall refer every proposed amendment, supplement, or change to the Planning Commission for the holding of a public hearing thereon and for review and recommended action.

9.3.3 Planning Commission Recommendation: The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Future Land Use Plan for the Village of Morrice. The Planning Commission may recommend any additions or modification to the original amendment proposal. The Planning Commission shall transmit a written recommendation within sixty (60) days to the Village council setting forth the reasons for the acceptance, denial, or modification of the amendment proposal.

9.3.4 Action By The Village Council: The Planning Commission shall then transmit its recommendations concerning the proposed amendment to the Village Council, and if the Village Council shall deem any amendments, changes, additions, or departures are advisable to the proposed text or district boundaries recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Village Council. After receiving the report, and before any amendments shall become effective, the Village Council shall conduct a public hearing on the proposed amendment. Thereafter, the Village Council may adopt the amendment with or without any changes or may refer the same again to the Planning Commission for further report.

9.3.5 Public Hearing Procedure and Notice Thereof: All Village of Morrice zoning matters requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

9.3.5.1. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator, or his/her designee, shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Morrice, and mailed or delivered as provided in this Section.

9.3.5.2. Content: All mail, personal, and newspaper notices for the public hearing shall:

9.3.5.2.1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.

9.3.5.2.2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

9.3.5.2.3. When and where the request will be considered: Indicate the date, time, and place of the public hearing(s).

9.3.5.2.4. Written comments: The public may file written comments prior to the public hearing with the Clerk of the Village at the Village Hall during normal business hours. Additionally, the public may appear at the public hearing in person or by counsel to provide oral comment and/or

documentation regarding the zoning application for development approval that requires this public hearing.

9.3.5.2.5. Handicap access: The Village Hall is fully handicap accessible for those persons requiring same, and the Village will make all reasonable accommodations necessary to assist any handicap person who wishes to appear at a public hearing to comment.

9.3.5.3. Person and Mailed Notice

9.3.5.3.1. General: When the provisions of this Ordinance or state law require that person or mailed notice be provided, notice shall be provided to:

9.3.5.3.1.1. The owners of property for which approval is being considered, and the applicant if different than the owner(s) of the property.

9.3.5.3.1.2. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Morrice. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

9.3.5.3.1.3. All neighborhood organizations, public utility companies, railroads, and other persons which have requested to receive notice pursuant to Section 2, Registration to Receive Notice by Mail.

9.3.5.3.1.4. Other governmental units which have jurisdiction or infrastructure agencies within one mile of the property involved in the application.

9.3.5.3.2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United State mail (first class postage prepaid, properly addressed). The Zoning Administrator, and/or his/her designee, shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

9.3.5.4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable notice of a public hearing shall be provided as follows:

9.3.5.4.1. For a public hearing on an application for a re-zoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

NOTE for interpretation: This means it must be published in a newspaper of general circulation and for those receiving personal notice, received by mail, or person notice, not less than fifteen (15) days before the hearing.

9.3.5.4.2. For any other public hearing required by this Ordinance: not less than fifteen (15) days before the date of the application will be considered.

9.3.5.5. Registration to Receive Notice by Mail

9.3.5.5.1. General: Any neighborhood organization, public utility company, railroad, or any other person may register with the zoning Administrator, and/or his/her designee, to receive written notice of all applications for development approval pursuant to Section 1.3.1.2, Person and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator, and/or his/her designee, shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by Resolution of the

legislative body.

9.3.5.5.2. Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

9.3.6 Effect of Protest To Proposed Amendment: In case a protest against any proposed amendment to this Ordinance be presented in writing to the Village Clerk prior to the public hearing thereon, duly signed by the owners of twenty percent (20%) of the area of land included in the proposed change, or by the owners of twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. Publicly-owned land shall be excluded in calculating the twenty percent (20%) and area requirement.

9.3.7 Resubmittal: No application for a rezoning, which has been denied by the Village Council, shall be resubmitted for a period of one (1) year from the date of the last denial except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the _____ to be valid.

9.3.8 Publication of Notice of Ordinance Amendments: Following adoption to subsequent amendments to this Ordinance by the Village of Morrice, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected or the text of the amendment.

2. The effective date of the amended Ordinance.

3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

The filing and publication requirements in this Section relating to City and Village Zoning Ordinances supercede charter provisions relating to the filing and publication of City and Village Ordinances.

9.3.9 Comprehensive Review of Zoning Ordinance: The Planning Commission shall, from time to time at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Village Council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public, health, safety, and general welfare.

ARTICLE X:
DEFINITIONS

ARTICLE X: DEFINITIONS

10.1 Rules Applying To The Text

For the purpose of this Ordinance certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense; and the singular include the plural, unless the context clearly indicates the contrary.
2. The word “person” includes a corporation or firm, as well as an individual.
3. The word “building” includes the word “structure”
4. The word “lot” includes the word “plot”, “tract”, or “parcel”
5. The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
6. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed” to be used or occupied.
7. Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

10.2 Definitions

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Building: A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use, including satellite dish antennas.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Adult Foster Care Family Home: A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home license shall be a member of the household and an occupant of the residence. Said home shall conform and qualify for license under Public Act 116 of the Public Acts of 1973, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, and under Public Act 218 of 1979 of the Michigan Compiled Laws.

Advertising Structure: A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

Alley: Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations: Any modification, addition, or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building; any enlargement of a building whether by extending a side or by increasing in height, or moving from one location to another.

Apartments: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple dwelling intended or designed for use as a residence by a single-family.

Apartment, Garden: A group of two (2) or more multiple dwelling buildings not over two (2) stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.

Apartment House: (See “Dwelling, multiple-Family”)

Auto Court: (See “Motel”)

Basement: A story having part, but not more than one-half ($\frac{1}{2}$) of its height below finished grade. A basement shall be counted as a story for the purposed of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

Board: The Village of Morrice Board of Appeals of Village Zoning Board of Appeals.

Boarding House: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building, and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Building Front line of: The line or face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building Lines: A line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located.

Building Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Cellar: A story having more than one-half (½) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.

Certificate of Occupancy: A statement signed by the Zoning Administrator setting forth either that a building or structure complies with the Zoning Ordinance or that a building structure or parcel of land may lawfully be employed for specified uses, or both.

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentist, or similar professions.

Clubs: An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandising, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

Common Land: A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Court: An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such buildings.

Court, Closed: A court enclosed on all sides by exterior walls of a building, or enclosed on all sides by a combination of exterior building walls and freestanding walls.

Court, Outer: A court enclosed on not more than three (3) sides by exterior walls of a building or by a combination of exterior walls and freestanding walls with one side or end open to a street, alley, or yard.

Coverage: That percent of the plot or lot covered by the building area.

Convalescent or Nursing Home: A convalescent or nursing home is a home for the care of children who are not members of the family, or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein three (3) or more person are cared for. Said home shall conform and qualify for license under Section 1122, Federal Public Law 92-603, and the State Department of Public Health Policies, Criteria, and Guidelines.

Density: The number of dwelling units residing upon or to be developed upon a net acre of land.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yards requirements, and height limitations.

Dormitory: A building or portion thereof used for housing purposes under the supervision of a college, university, or other institutions.

Dwelling: An building or portion thereof which is designed or used exclusively for residential purposes.

Dwelling, Single-Family: A building, structure, mobile home or prefabricated, premanufactured or precut structure designed exclusively for, and occupied exclusively by one (1) family.

Dwelling, Two-Family: A detached or semi-detached building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling, Multiple-Family: A building or portion thereof used or designed to contain separate living units for three (3) or more families, but which may have joint services or facilities, or both.

Dwelling, Row House or Townhouse: Three (3) or more one-family dwelling units each having access on the first floor to the ground, and with common walls separating the dwelling units.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one (1) family and having cooking facilities.

Erecting: The building, construction, alteration, moving upon, or any physical activity upon a premises or lot.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, telephone transmission, or distribution system including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions.

Family: An individual or two (2) or more persons related by blood, marriage, or adoption, or a group not to exceed two (2) persons not related by blood or marriage, occupying a premises and living as a single, nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use. The usual domestic servants residing on the premises shall be considered as part of the family.

Farm: Any parcel of land containing at least ten (10) acres which is used for grain in the raising of agricultural crops such as grains and under special conditions and livestock. It includes necessary storage of equipment used. It excludes the raising of fur-bearing animals, riding academies. Livery or boarding stables, and dog kennels.

Floodplain: Floodplain means the area of land adjoining the channel of a river, stream watercourse, lake, or other body of water which has been or may be covered by floodwater.

Floor Area: Sum of the gross horizontal areas of the floors of a building or dwelling unit, measured from the exterior faces of the exterior walls or from the centerline of walls separating dwelling units.

Garage, Parking: A structure or series of structures for the temporary storage or parking of motor vehicles having no public shop or service connected therewith.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers, snowmobiles, and similar

vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: Any area of land including any structure or structures thereon that is used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, dry cleaning, spraying (but not including paint), or otherwise cleaning or servicing such motor vehicles.

Grade, Finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto.

Group Housing: A residential development involving the ultimate construction of a group of dwelling units including a combination of one-family, two-family, or multiple-family dwellings on a lot, parcel, or tract of land, or on a combination of lots under one ownership and containing common services or facilities.

Guest Unit: A room or group of rooms occupied, arranged, or designed for occupancy by one (1) or more guests for compensation.

Home Occupations: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not involve any alteration of the structure or change the character thereof. Home occupations shall satisfy the following conditions:

1. The nonresidential use shall only be incidental to the primary residential use.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which created visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.
3. The home occupation shall not employ persons other than those members of the immediate family residing on the premises.
4. The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted.
5. There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one announcement sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
7. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance, but such permission is not intended to allow the essential residential character of residential districts in terms of use and appearance to be changed by the occurrence of nonresidential activities.

Home occupations will be allowed as an accessory use in all residential districts.

Hotel: A building in which the rooms are occupied or designed as temporary abiding places for

individuals who are lodged with or without, and in which there are more than ten (10) sleeping rooms served only by a general kitchen and dining facility located within the building.

Junk Yard: Any land or building over two hundred (200) square feet in area used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap, or discarded materials or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery, or parts thereof.

Kennel: An lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of three (3) dogs, cats, and/or other household pets over the age of six (6) months.

Lodging House: A building in which three (3) or more rooms are rented and in which no table board is furnished, but not exceeding five (5) person.

Line, Street: The dividing line between a street right-of-way and a lot.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance, PROVIDED THAT the owner of any number of contiguous lots may have as many of said contiguous lots considered a single lot for the purpose of this Ordinance as he elects, and in such case, the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof.

Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.

Lot Depth Of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot, Line: The lines bounding a lot as herein described.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds in Shiawassee County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds in Shiawassee County.

Lot, Width of: The width measured along the front lot lines or street lines.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic with its secondary use or function the provision of access to abutting property, an which has been classified as such upon the Future Land Use Plan of the Village of Morrice.

Minor or Local Street: A public way, the principal use or function of which is to give access to abutting properties.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual

sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term “motel” shall include buildings designated as “auto courts”, “tourist courts”, “motor courts”, “motel hotel”, and similar appellations which are designed for integrated units or individual rooms under common ownership.

Mobile Home: (See “trailer Coach”).

Nonconforming Use: A building, structure, or use of land lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the regulations of the district or zone in which it is located.

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Plan, Future Land Use: An adopted statement of policy by the Planning Commission relative to the agreed-upon desirable physical pattern of future community development, consisting of a series of maps, charts, and written material that represents a sound conception of how the community should grow in order to be about the very best community living conditions.

Planned Unit Development: A land area which has both individual building sites and common property such as a park, and which is a separate neighborhood or community unit.

Planning Commission: Village of Morrice Planning Commission.

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

Public Utility: Any person, firm, corporation, municipal department, or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation, or water.

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or other artificial apparatus which are necessary to or form the basis for said use.

Recreation, Public: Any recreational space or structure owned by the public or any space and structure or combination thereof privately owned and publicly used consisting primarily of the utilization of natural physical features as the basis for said use (structures and artificial apparatus being secondary to the primary outdoor use).

Right-Of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities.

Rooming House: A building where lodging is provided for compensation.

Secondary Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Future Land Use Plan for the Village of Morrice.

Setback: The minimum horizontal distance between a structure, excluding steps and unenclosed porches and the front street or right-of-way line or lot line.

Signs: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any public way and used as an outdoor display.

Site, Net Area: The total areas within the property lines of a project or development, excluding streets.

Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a fully story.

Story, Height Of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

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

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

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

Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Swimming Pool: The term "Swimming Pool" shall mean any structure or container located wither above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

Trailer Coach or Mobile Home: An structure used or designed for sleeping, living, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, or similar support, and which has been or reasonably can be, transported or drawn by motive power.

Trailer Park or Mobile Home Park: Any lot, site, parcel, or tract of land under the control or management of any person upon which two (2) or more trailer coaches are park or which is offered to

the public for that purpose, regardless of whether a charge is made therefor or not, and including any building, structure, tent, vehicle, or enclosure used or intended to be used as part of the equipment of such mobile home park.

Travel Trailer: A recreational vehicle designed to be used for temporary residence purposes and commonly known as a travel trailer or recreational vehicle.

Travel Trailer Park: There are two basic types of travel trailer parks: Overnight and Destination.

1. **Overnight Park:** Has elaborate facilities and is usually located along or near a main highway where trailers stay overnight on the way to some other destination.
2. **Destination Park:** Is located at or near a scenic or historic area or near fishing, hunting, boating, skiing, or other recreational facilities and has sufficient washroom and restroom facilities to meet the demands, plus providing tot lot recreational facilities such as swings or slides.

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

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Village council: Village Council of Morrice.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the centerline of the alley, if there be an alley, and the rear line of the building.

Yard, Side: An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

Zoning Administrator: Appointed officer of the Village Council to effect proper administration of this Ordinance.

Zoning Permit: Permit required for any change in use of land or structure in accordance with the provisions of this Ordinance.

ARTICLE XI:
SEVERABILITY

ARTICLE XII:
REPEALS:

ARTICLE XIII:
EFFECTIVE DATE

ARTICLE XI: SEVERABILITY

This Ordinance and the various parts, sections, subsections, and clauses and articles thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, clause, or article is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, clause, or article is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance grading permit, zoning compliance permit, certificate of occupancy, site plan approval or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision hereof, and to protect the public health, safety, and welfare, and that the Officer or Board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

ARTICLE XII: REPEALS

The Zoning Ordinance originally enacted by the Village of Morrice on _____ and all amendments and extension thereof are hereby repealed. Parts of other ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

ARTICLE XIII: EFFECTIVE DATE

This Ordinance shall become effective the _____ day of _____.

EXHIBIT A