

Article 13

Agricultural District

Section 13.01 Agricultural District

In an Agricultural District, no land or building shall be used, and no building structures shall be erected or converted for any use or under any conditions other than the following:

1. Principal Use and Buildings:

- a. General farming, including truck gardens, fruit farms, orchards, nurseries and ornamental tree farming. No business or industrial buildings or structures of a permanent nature shall be erected.
- b. Dairy, poultry and animal farms, when occupying an area of land at least twenty (20) acres, provided all buildings within which animals or poultry are kept, are at least six hundred forty (640) feet from the adjacent boundary lines.

2. Standards

- a. No possession or maintenance of any carcass of any dead animal, or the disposal of any animal in an unsanitary manner.
- b. No maintenance of any animal or animals, domestic or otherwise, in any public or private place or premise, in such a manner so as to create an unwholesome, unsightly, malodorous, obnoxious or offensive conditions to a person or community of ordinary sensibilities.
- c. No placing or leaving of any organic waste, matter or fertilizer other than manure, on the surface of any public or private grounds or premises where such matter or fertilizer shall produce or create any odor.
- d. No maintenance or keeping of any building, wall, or other structures which have been damaged by fire, decay, or otherwise, or which is in such a condition or is so situated as to endanger the safety of the public.

Article 14

Recreational District

Section 14.01 Recreational District

Recreational land is land which is primarily used for one or more of the following purposes: Fishing, Skating, Swimming, Picnic Areas including ball diamonds, horseshoe pits, swings and slides, and/or basketball courts. Outdoor privies permissible, providing they are at least fifty (50) feet from any water supply and at least thirty (30) feet from all property lines, with Health Department approval unless contrary to subdivision restrictions.

1. **Standards:** The Village of Sterling ordains:
 - a. No person shall use, be at, or congregate at any Village Park between the hours of 10:30 pm and 6:00 am
 - b. The Village of Sterling may designate other properties of the Village to be subject to this Ordinance in all respects by the posting of signs, thereon limiting the use thereof to the hours of use mentioned above.
 - c. The Village of Sterling may grant special permission to organizations for reasonable use beyond the hours mentioned herein upon request.
 - d. Violation of this Ordinance shall be a misdemeanor and carry a penalty of ninety (90) days in jail and/or a \$100.00 fine.

Article 15

School District

Section 15.01 School District

The portion of land north of State Street and West of MCRR to School Road is designated as School Property, owned by the State of Michigan, and has the following description:

T19N, R4E, SECTION 20, Point of SW $\frac{1}{4}$ beg 100 ft. W of where Wly R/W line of MCRR intersects E & W $\frac{1}{4}$ line to the N 135 ft., of Wly R/W of MCRR, NWly along street R/W to W Sec line, S to E & W $\frac{1}{4}$ line E of saide $\frac{1}{4}$ line to POB.

Except for the portion that is owned by Anthony Studs with the following description:

T19N, R4E, SECTION 20. Beginning where E & W $\frac{1}{4}$ line intersects W R/W of MCRR then W 100 ft., N 135 ft. to MCRR R/W SEly along R/W 177 ft. to POB.

Article 13 OTHER DISTRICTS

Section 13.01 REC: RECREATIONAL DISTRICT

Section 13.02 REC: AGRICULTURAL DISTRICT

Section 13.03 REC: SCHOOL DISTRICT

Article 14

SPECIAL LAND USE STANDARDS

The development and execution of this article is based upon the division of the Village into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, on the impact of those uses upon neighborhood land. These uses include uses entirely private in character, but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. *space*

Section 13.01 GENERAL PROVISIONS

1. **Initiation of Special Land Use:** Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest, which may become a freehold interest, and which is specifically enforceable, may file an application to use the land for one (1) or more of the special uses provided for in this section in the zoning district in which the land is located.
2. **Application of Special Land Use:** An application for special land use shall be filed with the Village on a form prescribed by the Village. The application shall be accompanied by any plans or data prescribed by the department and shall include as a minimum the requirements for site plan review. The application shall also include a statement in writing by the applicant and adequate evidence showing that the proposed special land use will conform to the standards set forth in this section. The application shall also be accompanied with a fee to cover the expense of public hearing. The fee to be determined by resolution of the Village Council shall be based upon the cost of processing the review.
3. A public hearing in accord with Act 110 of 2006 shall be held (see Section 3.02).
4. A written statement of findings and conclusions relative to special land uses specifying the basis for the decision and any conditions being imposed shall be made as a part of the record.

Section 13.02 STANDARDS

1. No special land use shall be approved by the planning commission unless it shall find the following:
 - A. The establishment, maintenance, or operation of the special land use will not be detrimental to or endanger the public health, safety, or general welfare, or the natural environment.
 - B. The special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhood.
 - C. The establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - D. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.
 - E. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
 - F. The special land use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this or other ordinances of the Village.
2. **Conditions and Guarantees:** Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction,

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maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section. In all cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of changes granted in the conditions.

3. **Effect of Denial of a Special Land Use:** No application for a special land use, which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.
4. **Revocation:** In any case where a special land use has not been established within one (1) year after the date of granting authorization for the use, the special land use authorization shall automatically be null and void without further action by the Planning commission.
5. **Revoke Special Land Use:** A special land use can be revoked by the Planning Commission, under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.

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Section 13.03 SPECIAL LAND USE DESIGNATED

The following are those uses identified as special land uses and the provisions or conditions that must be met so as to be approved in whole or conditionally.

Section 13.04 ADULT FOSTER CARE FACILITIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. A state licensed adult foster care group home shall not be located within one thousand five hundred (1,500) feet of another similar state licensed facility.
- B. Does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

2. Special Performance Standards:

- A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. In the case of an adult foster care large group home, the driveway may not be used for this purpose.
- B. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
- C. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility and provide a load/unloading area of adequate dimensions for delivery vehicles servicing the facility.

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Section 13.05 PRIVATE LANDING STRIPS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Private landing strips shall be for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only and shall meet the following minimum standards:
 1. The landing strip shall be a minimum of one thousand two hundred (1,200) feet in length and shall be free of obstructions for a distance of fifty (50) feet to both sides of the landing strip, as measured from the centerline of the landing strip, and for a distance at each end of the landing strip to allow a clear approach slope of 20:1.
2. Such landing strips shall be situated on a parcel of at least twenty (20) acres in size.

2. Special Performance Standards:

- A. Approval of landing strips for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed landing strip.

Section 13.06 AUTOMOBILE SERVICE AND REPAIR STATIONS

1. The Following Site and Developmental Requirements Shall Apply:

- A. For facilities with new underground storage tanks, the site shall be not less than three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
- B. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
- C. No more than two (2) driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed fifty (50) feet and driveway widths shall not exceed thirty-five (35) feet. Driveways shall be separated by a minimum of twenty (20) feet of curbing.
- D. Curb openings shall be no closer than ten (10) feet to any adjoining lot line and shall be no closer than twenty (20) feet to an intersection, as measured from the right-of-way.
- E. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution. Measurement shall be the closest distance between exterior lot lines.
- F. All buildings shall be set back not less than forty (40) feet from all street right-of-way lines.
- G. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- H. The site shall be a minimum of fourteen thousand (14,000) square feet in area and have a minimum of one hundred forty (140) feet of frontage. On lots with two (2) streets, the street designated as the major access side of the site shall have not less than one hundred (100) feet of street frontage.

vi. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

2. Special Performance Standards:

- A. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- B. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
- C. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

Section 13.07 BED AND BREAKFAST

1. The following Site and Developmental Requirements Shall Apply:

- A. No bed and breakfast use shall be permitted within a platted subdivision or condominium development.
- B. One (1) off-street parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling.

2. Special Performance Standards:

- A. The bed and breakfast facility must be a single-family dwelling, which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation and by prearrangement. Meals may be served to overnight guests only. Meals shall not be served to the public at large.
- B. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
- C. The exterior appearance of the structure shall not be altered from its single-family character.
- D. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
- E. Retail sales are not permitted beyond those activities serving overnight patrons.
- F. No receptions, private parties, or activities for which a fee is paid shall be permitted.
- G. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
- H. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed or remodeled for rental purposes.
- I. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
- J. Lavatories and bathing facilities shall be available to all persons using the premises.
- K. No separate or additional kitchen facilities shall be provided for the guests.

Section 13.08 CEMETERIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. No more than five (5) percent of the site area may be occupied by buildings.
- B. All burial plots and all structures shall be set back no less than thirty (30) feet from any lot line or street right-of-way.

2. Special Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Arenac County Health Department and the State of Michigan.

Section 13.09 COMMERCIAL STABLES

1. The Following Site and Developmental Requirements Shall Apply:

- A. A minimum of five (5) acres must be provided for the first horse, and an additional one acre shall be provided for each additional horse.
- B. Stables shall provide off-street parking at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
- C. Stables may not be located in platted subdivisions or condominium subdivisions.

- D. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
- E. Stables and piles of manure or feed shall not be located nearer than one hundred fifty (150) feet to any lot line.
- F. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.
- G. Operations with 25 animals or more shall comply with Generally Accepted Agricultural and Management Practices (GAAMP) issued by the Michigan Department of Agriculture.

2. Special Performance Standards:

- A. All stables shall be operated in conformance with all applicable county, state, and federal regulations.
- B. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
- C. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
- D. Enclosed riding arenas associated with commercial stables shall not exceed fifteen thousand (15,000) square feet in gross floor area.
- E. No living quarters shall be located in any arena building.
- F. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary zoning permit has been secured.
- G. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

Section 13.10 COMMUNICATION TOWERS

1. The following Site and Developmental Requirements Shall Apply:

- A. A minimum lot area of two (2) acres.
- B. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
- C. The base of the tower and wire/cable supports shall be fenced with a minimum five (5) foot high woven fence to prevent unauthorized access.

2. Special Performance Standards:

- A. All structures shall be located at least two hundred (200) feet from any single-family dwelling.
- B. Towers and antennas shall be painted to minimize off-site visibility.
- C. The applicant shall provide verification that the plans of the tower construction, including the antenna mount and structure, have been reviewed and approved by a professional engineer and that the installation is in compliance with all Federal Aviation Administration and Federal Communications Commission standards and all other applicable building codes and statutes.
- D. There shall be no employees located on the site on a permanent basis.

- E. No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
- F. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
- G. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- H. Minimum spacing between tower locations shall be one-quarter (1/4) mile.
- I. Height of the tower shall not exceed two hundred (200) feet from grade.
- J. Towers shall not be artificially ^{lit}lighted unless required by the Federal Aviation Administration.
- K. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
- L. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform, or the permit will be subject to revocation by the Village Council. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- M. Any antenna or tower that is not operated for a continuous period in twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days or receipt of written notice from the Zoning Administrator.
- N. Co-location on an existing tower or structure shall take precedence over construction of a new tower. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternate technology that does not require the use of a tower or structure can accommodate the proposed antenna.

Section 13.11 SHOOTING RANGES

1. The following Site and Developmental Requirements Shall Apply:

- A. Minimum Lot Area shall be forty (40) acres.
- B. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet.

2. Special Performance Standards:

- A. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
- B. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any projectile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
- C. The operator shall have the local police chief review and comment on the site plan prior to submitting it to the Village Planning Commission.
- D. Rifle and pistol ranges shall have adequate backstops that meet the approval of Planning Commission.
- E. A five (5) foot high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms to assure that individuals will not unknowingly trespass on the property.

F. Hours of operation shall be between 8:00 am and dusk.

Section 13.12 NURSING HOMES

1. The following Site and Developmental Requirements Shall Apply:

- A. All ingress and egress for the site shall be from a paved minor or major thoroughfare.
- B. No building shall be closer than fifty (50) feet of a residential district or use.

2. Special Performance Standards:

- A. Parking areas shall not be located within fifty(50) feet of a residential district or use.
- B. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

Section 13.13 CHURCHES AND RELIGIOUS INSTITUTIONS

1. The Following Site and Developmental Requirements Shall Apply:

- A. All ingress and egress for the site shall be from a paved major or minor thoroughfare.
- B. No more than twenty-five (25) percent of the site shall be covered by buildings. No more than sixty (60) percent of the site shall be covered by impervious surface.
- C. No building shall be closer than fifty (50) feet from any lot line or right-of-way.
- D. 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 an additional one (1) foot for each one (1) foot of height above the district height limitation. A spire is excluded.

2. Special Performance Standards:

- A. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
- B. No day care center, private school, or other use requiring a special approval shall be allowed without a separately approved Zoning Permit for each use.

Section 13.14 DRIVE-IN ESTABLISHMENTS

1. The Following Site and Developmental Requirements Shall Apply:

- A. All buildings shall be set back a minimum distance of sixty (60) feet from all streets' right of way lines.

2. Special Performance Standards:

- A. The outdoor space used for parking and vehicular stacking shall be hard surfaced.
- B. No drive shall be closer than seventy-five (75) feet to any other drive and the maximum number of driveways permitted is two (2).

Section 13.15 GROUP HOME DAY CARE FACILITIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 - 1. Another licensed group day care home.
 - 2. An adult foster care large group home licensed by the State of Michigan.

3. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people, which is licensed by the State of Michigan.
4. A ~~community~~ correction center, resident home, halfway house, or other similar facility, ~~which houses~~ an inmate population under the jurisdiction of the Department of Corrections.

2. Special Performance Standards:

- A. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
- B. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling, nor should the front yard be the location of play equipment, except on a corner lot.
- C. One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
- D. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
- E. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

Section 13.16 VETERINARIAN CLINICS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Buildings where animals are kept shall not be located nearer than one hundred (100) feet to any adjacent lot line in a residential zoning district, or to any adjacent building used by the general public.

2. Special Performance Standards:

- A. Uses permitted include medical treatment and examinations, retail sales, and boarding during medical treatment.
- B. All principal use activities shall be conducted within a totally enclosed main building. There shall ~~be~~ no storage or boarding of animals outside of the fully enclosed building.
- C. Animals receiving exercise shall be restrained by a leash and under the direct control and handling of staff personnel.
- D. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

Section 13.17 MINI STORAGE FACILITIES

1. The following Site and Developmental Requirements Shall Apply:

- A. The facility shall have direct access to a paved major thoroughfare.
- B. The minimum lot or parcel size for mini storage facilities shall be two (2) acres and the minimum frontage shall be two hundred (200) feet.
- C. One (1) parking space shall be provided for each twenty (20) rental units with the buildings and one (1) parking space shall be provided for each employee.
- D. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty-five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
- E. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

2. Special Performance Standards:

- A. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
- B. Not more than three thousand six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.
- C. Storage spaces shall not contain more than four hundred (400) square feet each.
- D. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation, which requires the regular delivery or pick-up of goods in trucks in excess of a gross vehicle weight rating of ten thousand (10,000) pounds.
- E. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
- F. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
- G. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

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Section 13.19 PRIVATE SCHOOLS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Ingress and egress to the site shall be only from a paved major thoroughfare.
- B. The minimum lot or parcel size shall be two (2) acres.
- C. Service area and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
- D. Parking areas shall not be located within fifty (50) feet of a residential district or use.
- E. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
- F. No parking shall be allowed within the minimum front yard setback of fifty (50) feet.
- G. All principal buildings, including multiple family dwellings, shall be no closer than seventy-five (75) feet from any lot line or right-of-way.

Section 13.20 MOTELS AND HOTELS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Ingress and egress shall be only from a paved major or minor thoroughfare.
- B. The minimum lot or parcel area shall be one (1) acre and the minimum lot width and frontage shall be two hundred (200) feet.
- C. Units shall be rental units and shall not constitute permanent residential accommodations nor shall such units be converted to other than rental units unless such units meet the following requirements.
 - 1. Units shall meet the requirements of the Residential District.
 - 2. All units shall meet the requirements of all Village ordinances and county and state requirements for dwelling construction and occupancy.

Section 13.21 MULTIPLE FAMILY DEVELOPMENT

1. The Following Site and Developmental Requirements Shall Apply:

- A. Multiple family dwelling units shall be permitted at a density no greater than ten (10) units per acre.
- B. All developments for multiple family dwellings shall have direct access to a paved minor or major thoroughfare.
- C. The minimum lot or parcel area shall be two (2) acres and the minimum lot width and frontage shall be two hundred (200) feet.
- D. All dwellings shall be set back a minimum of fifty (50) feet from all lot lines.

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2. Performance Standards:

- A. All streets and driveways in the development shall be constructed and maintained with an all-weather road surface.
- B. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
- C. The distance between any two (2) residential structures, which occupy the same lot, shall be not less than thirty (30) feet, if both walls facing each other contain widows or other openings, and not less than twenty (20) feet for all other situations.
- D. There shall be provided easily accessible and usable open space in the development in an amount of ten (10) percent of the site area or five hundred (500) square feet per four (4) dwelling units, whichever is greater. Open space shall not include streets, roadways, or parking.
- E. All group off-street parking facilities shall be adequately lighted during hours of darkness.
- F. All interior project streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Ingress and egress to parking areas from a public street shall be not less than thirty (30) feet in width.
- G. Only the following land and/or building uses shall be permitted.
 - 1. Multiple family dwellings as defined in this Ordinance.
 - 2. One (1) office space for conducting the business of the development.
 - 3. Utility areas for laundry facilities and auxiliary storage for tenants.
 - 4. Recreation area such as community buildings, playgrounds, and open space for occupants.

Section 13.22 OPEN AIR BUSINESSES

1. The Following Site and Developmental Requirements Shall Apply:

- A. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
- B. Ingress and egress to the facility shall be only from a major thoroughfare and shall be at a distance of at least sixty (60) feet from the intersection of two (2) streets, as measured from the right-of-way of the intersecting street.

2. Special Performance Standards:

- A. In the case of automobile sales:
 - 1. No vehicles, which are unlicensed and/or inoperative, shall be stored on the premises.
 - 2. All repair, assembly, disassembly, or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
 - 3. There shall be no test-driving of vehicles on local residential streets. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.
- B. Storage or display of goods and materials shall not occur in the required yard setbacks.

- C. Christmas tree sales associated with nurseries need not comply with the requirements of Section 18.06(B)(3).
- D. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands, and drainage ways.
- E. Outdoor Cafes: Cafes occupying public sidewalks, or a public space may be permitted subject to the following:
 - 1. A site drawing showing a detailed plan of the outdoor café must be submitted to and approved by the Planning Commission.
 - 2. Plans for setting up the outdoor café must be approved to provide for the free passage of pedestrians along the sidewalks and by the police department to provide for traffic and pedestrian safety.
 - 3. The outdoor cafe must be part of the licensed restaurant and meet all the requirements of the department of health.
 - 4. Liability insurance and property damage coverage naming the Village, as an insured party, in an amount approved by the Village, must be provided before an outdoor café may be set up on any public space.
 - 5. Approval of the Village Council is required for the use of any public area or facility.

Section 13.23 PUBLIC FACILITIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. No building or outdoor storage area shall be closer than fifty (50) feet to any property or street right-of-way line.
- B. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
- C. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
- D. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

2. Special Performance Standards:

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

Section 13.24 JUNKYARDS

1. The Following Site and Developmental Requirements Shall Apply:

- A. A solid fence, wall, or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property: Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
- B. No portion of the enclosed area shall be located within two hundred (200) feet of residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.

- C. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to a minor thoroughfare if the Commission finds that such access point will further minimize impacts on other properties.
- D. The minimum lot or parcel size for junkyards shall be ten (10) acres and the minimum frontage of 330 feet.
- E. All enclosed areas shall be set back at least one hundred (100) feet from any lot line. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
- F. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- G. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 23.04 of this Ordinance.

space

2. Special Performance Standards:

- A. All activities shall be confined within the enclosed area including any storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- B. 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.
- C. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- D. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or ~~low~~ non-operational vehicles.
- E. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

Section 13.26 OUTDOOR COMMERCIAL RECREATION

1. The Following Site and Developmental Requirements Shall Apply:

- A. The site shall be located on a paved minor or major thoroughfare.
- B. Minimum site area shall be:
 - 1. Three (3) acres for flea markets, batting cages, skateboard parks and mini golf.
 - 2. Ten (10) acres for amphitheater, amusement parks, driving range, and campgrounds. Minimum lot width shall be six hundred (600) feet.
 - 3. Eighty (80) acres for a nine (9) hole course; one hundred sixty (160) acres for an eighteen (18) hole course.
 - 4. Twenty (20) acres for drive-in theaters, air gun and survival games, fairgrounds, recreational vehicle parks, travel trailer parks, go-cart racing, automobile and motorcycle tracks, and campgrounds, including youth camps, religious retreats, and hunting camps. Minimum lot width shall be six hundred (600) feet.

- C. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.
- D. Front, side, and rear yards shall be at least ~~eighty~~ (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
- E. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within sixty (60) feet adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- F. The entire periphery of racetracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively, and inconspicuously.

2. Special Performance Standards for All Outdoor Commercial Recreation Facilities:

- A. The applicant shall provide evidence of compliance with all appropriate federal, state, county, and local permits as appropriate.
- B. Facilities shall provide off-street parking and passenger loading areas.
- C. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
- D. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
- E. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- F. No temporary sanitary facility or trash receptacle shall be located within two hundred twenty (220) feet of an existing dwelling.
- G. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
- H. Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 am to 12:00 am (midnight) and may be prohibited on legal holidays.

3. Special Performance Standards for Drive-in Theaters:

- A. Drive-in theater screens shall be so located as to be out of view from any major thoroughfare.

4. Special Performance Standards for Camping Facilities:

- A. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
- B. A common use area shall be provided in the parcel at a rate of five hundred (500) square feet per campsite.
- C. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
- D. At least one (1) public telephone shall be provided in the facility.
- E. No more than one (1) permanent dwelling shall be allowed in a campground, which shall only be Occupied by the owner, manager, or an employee.

F. Each campsite shall have a picnic table and designated place for fires.

5. Special Performance Standards for Golf Courses and Country Clubs:

- A. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
- B. The clubhouse design is to be of a residential character.
- C. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the ^{golf} ~~fold~~ course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
- D. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs may be lighted but not be internally.
- E. Additional parking is required for accessory uses that may be allowed.
- F. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
- G. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line, provided that where topographic conditions are such that buildings would screen from view. The Planning Commission may modify this requirement.
- H. Access shall be so designed as to provide all ingress and egress directly onto or from a major or minor thoroughfare.
- I. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
- J. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
- K. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.
- L. Water quality protective measures are required as follows:
1. Maintenance of erosion control barriers during construction and until all ground cover is established.
 2. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
 3. At any time, widespread or non-spot application of herbicide, insecticide, fungicide, or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
 4. All chemical applications must be by a Michigan Department of Agriculture Licensed applicator.

5. Chemicals shall meet the requirements of the Federal insecticide, Fungicide, and rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives. *Keep*
Great Lakes Energy Eagle add

Section 13.27 EXTRACTION OPERATIONS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Minimum lot area of five (5) acres.
- B. Notwithstanding any other minimum yard sizes required by this Ordinance, extraction activities shall be set back the following minimum distance.
 - 1. One hundred (100) feet from the right-of-way of any public street, private road, or highway.
 - 2. One hundred (150) feet from abutting residentially zoned property.
 - 3. One hundred (100) feet from commercial or industrial zoned abutting property.
- C. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width.

2. Special Performance Standards:

- A. The extraction shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
- B. No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Department of Environmental Quality permit. *-Egle*
- C. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence.
- D. Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or artifactual materials are discovered.
- E. All extractions shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.
- F. The extraction operations shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
- G. All pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimizations and by the proper use of berms, walls, and natural planting screens.
- H. Truck or heavy vehicles traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
- I. Public streets within one thousand five hundred (1,500) feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
- J. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of one hundred fifty (150) feet from all lot lines.
- K. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating or if the excavating activity will damage the reclaimed areas. No extraction work can extend more than five (5) acres in areas until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway. Excavated

areas shall be reclaimed pursuant to a phasing plan approved by the Planning Commission and shall comply with the following standards.

1. Vegetation shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 2. When extraction operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3.1 (horizontal-vertical).
 3. A layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level in accordance with the approved reclamation plan.
 4. Extraction, which has created or extended lakes, ponds, or other bodies of water, shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall be approved by that agency.
 5. Where extraction operations result in a body of water, the owner or operator shall place appropriate "Keep Out - Danger" signs around said premises not more than one hundred fifty (150) feet apart.
 6. Backfill and grading materials shall not be noxious, flammable, or toxic.
 7. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
 8. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goal. Said structures shall be accurately depicted upon the approved reclamation plan.
 9. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries, and wildlife specialists in the Michigan Department of Natural Resources.
- L. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to one hundred (100) percent of the estimated reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Excavation activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
- M. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
- N. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 am to 7:00 pm and shall be prohibited on legal holidays and Sundays. The zoning administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.
- 3. Additional Materials to be Submitted for Special Land Use Review:** In addition to the data Requirements of Section 6.03, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

A. Name and address of surface owner and/or mineral right owner of land from which extraction activities will take place.

B. Name, address, and telephone number of operator (person, firm or corporation who will beconducting the actual extraction.

C. Location, size, and legal description of the total site area to be excavated. Include legendshowing a north point, scale, and date.

D. Location, width and grade of all easements or rights-of way on or abutting the area subject to extraction.

E. A statement from the applicant identifying all other federal, state, and local permits required, if any.

F. Proof of liability insurance from the operator.

G. Notification of any deed restrictions on the property.

H. Provisions for buffer zone, landscaping, and screening.

Space

I. A description of the proposed method of extraction, including:

1. The area and amount of material to be excavated in cubic yards.
2. Proposed side slopes and depths for all portions of the excavated area.
3. Proposed drainage system, settling ponds and retention ponds, as appropriate.
4. The time, duration, phasing and proposed work schedule of the total project.
5. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriated.
6. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.

J. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.

K. A detailed reclamation plan, drain to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:

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1. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in extraction.
2. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
3. Landscape plan for the portion of the property disturbed by extraction and associated Activities, including an inventory of plant/tree species to be used.
4. A reuse plan for the site once extraction is complete.

Use up

L. Site plan and associated background reports shall document the method of compliance with the performance standards of this section.

4. **Other Conditions:** The conditions of any Zoning permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.

- A. When an operator disposes of his interest in extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator, or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Zoning permit may be transferred.
 - B. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
 - C. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission shall solicit comment from the Village Council on any modifications.
 - D. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events.
 - 1. The completion of the extraction.
 - 2. The Village determines that no substantial work has occurred on the site for more than one (1) year.
 - 3. The Village has received notification from the owner that operations are complete.
 - 4. A zoning permit for the extraction has expired.
5. **Existing Extraction Areas:** All extraction activities existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities, which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Village issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

Section 13.28 PRIVATE STABLES

A. The Following Site and Development Requirements Shall Apply:

- A. The minimum lot size shall be five (5) acres for the first horse, and an additional two (2) acres of lot area shall be provided for each horse thereafter.
- B. Animals shall be stabled, confined or tethered in a front yard.
- C. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any adjacent property line.
- D. The applicant shall, within six (6) months of approval of stabling horses, construct a utility building of sufficient size to house said animal(s). The building must have a concrete floor of a minimum four (4) inches thick for sanitation purposes and be located a minimum of sixty (60) feet from any lot line.
- E. Operations with 25 animals or more shall comply with Generally Accepted Agricultural and Management Practices (GAAMP) issued by the Michigan Department of Agriculture.

B. Special Performance Standards:

- A. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises. Manure piles shall be stored, removed, and/or applied to the soil in accordance with Michigan Department of Agriculture and County Health Department regulations.

- B. Foals born on parcels where horses are presently kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the acreage limitation, but in no case shall there be more than (1) horse and one (1) foal per ~~four (4)~~ ^{five (5)} acres.
- C. The applicant must produce for the Planning Commission a petition with the signatures of one hundred (100) percent of adjoining property owners and sixty (60) percent of the property owners within three hundred (300) feet showing support for the request for a private stable.
- D. Private stables shall only house horses owned by the occupant of the dwelling unit.
- E. No living quarters shall be located in any stable.
- F. A permit for a private stable shall terminate after one (1) year from the time the private stable stops operating as such. No private stable, which discontinues operating, as a stable for more than one (1) year shall review such stabling activities until a new permit is issued.

^{13.29}
Section ~~16.30~~ PET SHOP AND SALES

1. The Following Site and Development Requirements Shall Apply:

- A. All pets shall be located and cared for in a totally enclosed building.
- B. Off-street parking as required for retail stores, Section 21.03.B.17 shall apply.

2. Special Performance Standards:

- A. No continuous noise level higher than forty-five (45) decibels shall be allowed that is discernable outside the building.
- B. All odiferous refuse shall be kept in sealed containers and shall be disposed of in a timely manner.

^{13.30}
Section ~~16.31~~ ACCESSORY DWELLING UNIT

1. Accessory Dwelling Unit Permit Required

- A. An accessory dwelling unit, also known as "granny flat", requires a Special Land Use Permit obtained under the provisions of **Article 7 Procedures for Special Land Uses** of this Ordinance.

2. Development Standard

- ← A. Notwithstanding any other provision of this code, an accessory dwelling unit is allowed on single-family residentially zoned lots in the Village subject to the following standards.

Reg #

- i. All construction must conform to the height, setback, lot coverage, parking, and other requirements for residential construction in the zone in which the accessory dwelling unit is located in this Ordinance.
- ii. No more than one accessory dwelling unit is permitted on a lot.
- iii. The property owner must occupy either the principal structure or the accessory dwelling unit.
- iv. A minimum parcel size of seven thousand two hundred (7,200) square feet is required to permit an accessory dwelling unit.
- v. The accessory dwelling unit must have a minimum living area of four hundred fifty (450) square feet and must not exceed forty (40) % of the size of the principal structure.
- vi. Parking requirements of accessory dwelling unit:

- ^o1. Must include an additional two (2) parking spaces.
- ^{ic}2. Parking spaces shall adhere to applicable provisions in this Ordinance, SEE Article 21 Off-Street Parking and Loading of this Ordinance.

- B. Accessory dwelling units are prohibited on multi-family zoned lots.
- C. The accessory dwelling unit must comply with all applicable building, health and safety, and other Village codes and ordinances.
- D. The following design criteria applies to accessory dwelling units:
1. May include a separate entrance and shall contain living, sleeping, bathroom, and principal kitchen facilities as per the definition of "dwelling unit" as defined in this Zoning Ordinance in **Definitions: Section 2.02** of this Ordinance.
 2. If a separate exterior entrance exists for an attached accessory dwelling unit then it shall be from the side or rear of the principal structure.
 3. Shall not have separate utility services.
 4. Shall not have a separate address or house number.
 5. Shall be coordinated as to scale, building form, height, exterior materials, color, and landscaping of the principal structure.
 6. Shall not create or increase a nonconforming use or structure.
- E. The number of occupants of the accessory dwelling unit is limited to two (2), of which one occupant must be "family" as defined by this Zoning Ordinance in **Definitions: Section 2.02** of this Ordinance.
- F. The property owner requesting a special use permit for an accessory dwelling unit shall execute and record a deed restriction to be reviewed and approved by the Village Attorney. The separate sale or rental of the accessory dwelling unit is prohibited.
- G. A special use permit for an accessory dwelling unit must ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capacities of public services and facilities affected by the land uses, in accordance with **Article 7 Procedures for Special Land Uses** of this Ordinance.

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Section 13.33 HOME OCCUPATIONS NOT PERMITTED BY RIGHT

Home occupations not specifically permitted by right or specifically prohibited per section 11.01 may be Permitted in all residential districts as a special land use under the following procedures and conditions and subject further to all conditions specified in Section 11.01.2.E of this Ordinance.



- A. The exterior appearance of the structure shall not be altered or the occupations with the residence conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
- B. No more than one person other than members of the immediate family occupying the dwelling shall be employed by the home occupation.
- C. The occupations shall occupy no more than twenty-five (25) percent of the floor area of the dwelling, or fifty (50) percent of a detached garage.
- D. There shall be no outside storage of any kind related to any home occupation.
- E. The use may not increase vehicular traffic flow and off-street parking as set forth in the off-street parking regulations in Article 21 of this Ordinance.
- F. Mechanical or electrical equipment employed by the home occupations shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
- G. Only one (1) nameplate shall be allowed. In accordance with the sign regulations at one hundred forty-four (144) square inches. It may display the name of the home occupations, for example, John Doe, Realtor, and must be attached to the principal building.
- H. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- I. Use of any vehicle other than a passenger vehicle in connection with a home occupation shall be parked within a garage.