Recommended to the Village Council by the Planning Commission on October 6, 2026

STATE OF MICHIGAN, COUNTY OF OAKLAND

CASS LAKE VILLAGE

INTERIM ZONING ORDINANCE

Enacted October 13, 2026

Cass Lake Village ordains and enacts the following:

This Interim Zoning Ordinance is enacted under the terms and authority of the Michigan Zoning Enabling Act, and particularly MCL 125.3604.

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I. GENERAL PROVISIONS

TITLE.

This Interim Zoning Ordinance, shall be known and may be cited and referred to as the "Cass Lake Village Interim Zoning Ordinance" and shall be referred to throughout this Ordinance as the "Zoning Ordinance."

AUTHORITY; PURPOSE; INTENT.

This Zoning Ordinance is adopted pursuant to the authority conferred by MCL 125.3404 to achieve the purposes of interim zoning as permitted in the Michigan Zoning Enabling Act, MCL 125.3101, et seq,

SEVERABILITY.

It is hereby declared to be the intention of the Village Council that the several provisions of this Zoning Ordinance are separable, in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this Zoning Ordinance to be invalid, such judgment shall not affect any other provisions of this Zoning Ordinance not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Zoning Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

SCOPE OF REGULATIONS; VARIANCES; LOTS WITHOUT BUILDINGS; ACCESS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND.

(a) If a building permit for a building or structure has been issued in accordance with this Ordinance and all other applicable law prior to the effective date of this Zoning Ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued. Further, such building or structure may, upon completion, be occupied under a certificate of occupancy by the use for

which originally designated. Any subsequent text or map amendment shall not have the effect of prohibiting such previously issued valid permits.

(b) Where a variance has been granted pursuant to the provisions of this Zoning Ordinance, such approval shall become null and void unless work thereon is substantially under way within six months of the date of issuance unless extended by the approving body.

(d) A lot which is not combined on the assessment roll with another lot, resulting in a permitted building site, such lot shall not be occupied for a permitted use without a principal building.

MINIMUM LOT SIZE.

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Zoning Ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located.

Where two or more adjoining lots are under the same ownership, and one or both of such lots are individually smaller than the lot size requirements of the district in which they are located, such lots shall be considered one lot for the purposes of this section.

KEYHOLE LOTS.

Use of waterfront property for the purpose of providing access to the body of water for the benefit of non-waterfront property shall not be permitted in any zoning district. This prohibition shall not apply to property owned by the Village.

II. DEFINITIONS

- Accessory building, structure or use. An accessory building, structure or use is a building, structure or use which is:
  - A. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Zoning Ordinance;
  - B. Clearly incidental to, subordinate in purpose to, and serving the principal use;
  - C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use; and
  - D. Satellite discs and other antennas used for the reception or transmission of sight and/or sound signals, whether permanently or temporarily installed, shall be considered to be a permanent accessory building, structure or use.
- Alley. An alley is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.
- Basement. A basement is that portion of a building which has less than one-half of its average height, measured from the finished floor to the next finished floor, above the average finished grade. A basement is considered a living area. (See Figure 10 following the text of this chapter.)

- Block. A block is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines, or county lines.
- Block face. A block face is the portion of any block which fronts on the same street.
- Building. A building is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind and which is permanently affixed to the land.
- Building, detached. A building, detached, is a building surrounding by open space on the same lot.
- Height. Building heights is defined as a vertical distance measured from the average finished grade of the living area of a structure (excluding accessory structures) to the highest point of the roof surface if it is a flat roof, to the mean height level between eaves and the ridge of a gable, studio, hip, gambrel, or mansard roof, or seventy-five percent of the height if it is an "A" frame roof. (See Figures 1 and 2 following the text of this chapter.)
- Certificate, occupancy. A certificate, occupancy, refers to the written approval of the Building Department of the Village that authorizes a person or persons to occupy or use premises. The occupancy certificate may consist of a standardized independent form bearing the signature of the Enforcement Officer or it may be represented as a part of the building permit application.
- Council. The Council, also known as the Village Council, is the duly elected legislative body of Cass Lake Village.
- Deck, ground level. A ground level deck is a structure made of wood, concrete, stone, brick or other customarily used materials and not exceeding eighteen inches in height above the surrounding grade at any point along the perimeter, or in the interior, of the deck. Non-obscuring railings, which do not significantly restrict the passage of air and light, shall be allowed for these decks.
- Decks, raised. A structure made of wood, concrete, stone, brick or other suitable materials which exceeds eighteen inches in height above the surrounding grade at any point along the perimeter, or in the interior, of the structure.
- Dock, temporary. A temporary dock is any structure that extends out into the water from the adjacent land, is removable either in whole or in parts and meets the requirements as regulated by state law.
- Dumpster roll-off container or trailer. A dumpster, which is hauled away from a site, rather than being emptied on-site.
- Dwelling. A dwelling is a building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, but not including hotels and motels. (See Figure 3 following the text of this chapter.)
- Dwelling, single-family or one family. A dwelling, single-family or one-family, is a building containing only one dwelling unit and no other uses.
- Dwelling, single-family attached. A single-family attached dwelling is one which is joined to another dwelling at one or more sides by party walls. Each single-family attached dwelling must have a private entrance from the outdoors at or near grade level.
- Dwelling, single-family detached. A single-family detached dwelling is one which is entirely surrounded by open space on the same lot.

- Dwelling unit. A dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used, for living, sleeping, cooking and eating by one family as defined herein.
- Family. A family consists of up to two unrelated persons, or two or more persons related by blood, marriage, legal adoption, or guardianship, and occupying a single dwelling unit, or the functional equivalent of such a family.
- Fence. A barrier structure constructed of wood, metal, vinyl, or other material used to separate or screen a land use or parcel.
- Fence, landscape. Landscape fences are a row of trees, shrubs, hedgerows, landscaping berms, arbors, or the like which purpose, either immediately or over time, is to separate, confine, or restrict the passage of air and light and impede surrounding line of sight. The arrangement of plants in a landscape fence may be in a straight row, staggered, random or other arrangement, but the effect of a screen, enclosure, confinement or restriction is the same.
- Finished grade. The finished grade is the level of the finished surface of the ground adjacent to the exterior walls of the building or structure. The finished surface is measured within ten feet of the exterior walls of the building or structure (excluding garages and accessory structures).
- Floor area. A floor area (for determining off-street parking and loading requirements) shall mean the sum of the gross horizontal area of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as racks, or closets, and any floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or mechanical floor area.
- Foster care facilities, adult. A facility defined by state law. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Michigan adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.).
- Foster care family home, adult. A private residence with the state licensed capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks.
- Foster care small group home, adult. A facility with the approved capacity to receive twelve or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- Foster care large group home, adult. A facility with approved capacity to receive at least thirteen but not more than twenty adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- Frontage, zoning lot. Frontage, zoning lot, is the length of all the property lines of such zoning lot fronting on a street, measured between side lot lines.

- Garage, residential. A garage, residential, is any structure which is enclosed on all sides, including roof, which has doors to permit the access and egress of motor vehicles, which is designed and intended primarily to protect parked motor vehicles from the elements, and which is accessory to a residential structure. Such a garage may be either attached to or detached from the principal structure.
- Half story. A top floor area under a sloping roof having less than fifty percent of the floor area immediately below will be a considered a half story. A walkout basement will be considered a half story. On a two story building there is a limit of one-half story either above the top full story or below the first story, thus limiting the total building to two and one-half stories as in the building bulk limitations (See Figures 9 and 10 following the text of this chapter.)
- Home occupation. A home occupation is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises, no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes; and not more than two clients, customers, or business associates shall visit the premises at one time. A professional person may use his or her residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his or her profession. No accessory building shall be used for such home occupation. No barber shop, beauty shop, or similar activity or use shall be permitted as a home occupation.
- Landscape Fence. Landscape fences are a row of trees, shrubs, hedgerows, landscaping berms, arbors, or the like which purpose, either immediately or over time, is to enclose, confine, or restrict the passage of air and light and impede surrounding line of sight. The arrangement of plants in a landscape fence may be in a straight row, staggered, random or other arrangement, but the effect of a screen, enclosure, confinement or restriction is the same.
- Lot. A lot is a parcel of land which is either a “lot of record” or a “zoning lot.”
- Lot, corner. A lot, corner, is a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
- Lot coverage. The percentage of the lot occupied by main buildings, accessory structures (whether incorporated into a deck, in-ground or raised, or not), raised decks, raised patios, in-ground swimming pools, in-ground and above-ground spas and hot tubs, and similar permanent structures. For purpose of this definition, driveways are not calculated in lot coverage.
- Lot depth. Lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
- Lot, gross area. Lot, gross area, is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a lake or river.
- Lot, interior. A lot, interior, is a lot other than a corner lot.
- Lot width. Lot width is the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty feet of lot depth immediately in back of the front yard setback line.

- Lot, zoning. A lot, zoning, is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.
- Lot line, front. A front lot line shall be that boundary of a lot which is along an existing or dedicated street or, where no public street exists, is along a public right-of-way. On a corner lot, both street lines shall be deemed front lot lines. In the case of landlocked or partially landlocked land, the front lot line shall be that lot line that faces the access to the lot. For properties adjacent to Cass Lake or a water body connected thereto, the highwater line of said Lake or water bodies shall be considered a front lot line.
- Lot line, rear. A lot line, rear, shall be that boundary of a lot which is most distant from, and is or is most nearly parallel to, a front lot line.
- Lot line, side. A lot line, side, shall be any boundary of a lot which is not a front lot line or rear lot line.
- Lot of record. A lot of record is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Oakland County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this Zoning Ordinance, or permitted by the Village to be divided for specified purposes.
- Nursing home. A nursing home, as specified in the State of Michigan Public Health Ordinance, PA 368 of 1978, MCL 333.20101 to 333.22260, as amended, means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a State correctional facility. Nursing home does not include one or more of the following:
  A. A hospital.
  B. A veterans' facility created under Act 152 of the Public Acts of 1885, being sections 36.1 to 36.12 of the Michigan Compiled Laws.
  C. A hospice residence that is licensed under Act 368 of 1978.
  D. A hospice that is certified under 42 C.F.R. 418.100.
- Occupant load. The occupant load of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the Building Ordinance.
- Outdoor fireplace. An outdoor, solid-fuel or LP gas burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. An outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- Outdoor kitchen. An outdoor kitchen means a secondary cooking area located outside a home that is typically equipped with a counter, grill, refrigerator and/or sink.
- Pergola. A pergola is an accessory structure used in landscaping consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade.
- Play house. A play house is an enclosed or semi-enclosed structure similar to a shed or utility structure except that it is primarily used for children's leisure activities and not for habitation or storage. Play houses are to meet the size requirements outlined for sheds in Section 1280.02(b).

- Play structure. A play structure is a light metal, wood or synthetic frame structure that does not exceed ten feet in height and it is primarily used for children's leisure activities. The play structure has no enclosing sides and at the most has a light fiberglass or canvas roof. Swing sets, slides and climbers are typical examples of this type of structure.
- Portable on-demand storage structure (POD). Any portable container, portable storage unit or other portable structure that is used for the temporary storage of personal property for not longer than 60 days, which is located outside an enclosed building. The storage unit is delivered to a lot, unloaded from a truck, and left on the lot to be packed or unpacked by the occupant of the lot over a period of time, with a truck returning at a later date to remove the storage container. The term does not include normal sheds or membrane storage structures.
- Property lines. Property lines are the lines bounding a zoning lot, as defined herein.
- Public way, or Public Right-of-Way. A public way is any sidewalk, street, alley, highway, or other public thoroughfare.
- Recreation vehicle. Vehicular or tent-type structures, designed primarily as temporary living quarters for recreational, camping or travel use, which either have their own motive power or are mounted on or drawn by another vehicle which is self-propelled. Recreational vehicles shall include travel trailers, camping trailers, tent trailers, motor homes, truck campers, and similar vehicles.
- Rest home, nursing home, or convalescent home. A rest home, nursing home, or convalescent home shall be defined as specified in State of Michigan Act 139, Public Acts of 1956, as amended.
- Setback. A setback indicates the minimum distance maintained between a lot line and the nearest supporting member of any structure on the lot.
- Small domestic animals. Small domestic animals shall include dogs; cats; domestic rodents; birds, except fowl; fish; rabbits and similar animals, but not fowl, pigs, horses, cattle, goats, and similar animals. Determination of which animals not specifically mentioned in this definition as small domestic animals, or included in the definition, shall be made by the Zoning Board of Appeals.
- Story. A story is that portion of a building between any floor and the next floor above, or any portion of a building between the topmost floor and the roof, that has a floor area of at least fifty percent of the floor area immediately below it. A mezzanine is not to be considered a story. (See Figure 8 following the text of the chapter.) "Floor area" shall be defined as the area of the floor as determined to be habitable or usable, or potentially habitable or usable, as defined in the Building Code.
- Street. A street is a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.
- Structural alteration. A structural alteration is any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
- Structure. A structure is anything which is constructed or erected which requires permanent location on the ground or attachment to something having permanent location on the ground.

- Structure or building, nonconforming. A nonconforming building or structure is any building or structure, lawfully existing at the time of enactment of this Zoning Ordinance, which:
  A. Does not comply with all of the regulations of this Zoning Ordinance or of any amendment hereto governing bulk and site design for the zoning district in which such building or structure is located; or
  B. Is designed or intended for a nonconforming use.
- Structure, temporary shade. A temporary shade structure is an accessory structure that has a roof of any type of material that lacks a permanent foundation.
- Subdivision water-access lot. A subdivision water-access lot is a lakefront or canal-front parcel located in a subdivision which is deeded to subdivision parcel owners for the purpose of allowing access to the lake or other body of water, and to be utilized for recreational activities. These lots may be governed by the bylaws of subdivision, lake associations and deeds of the property itself.
- Trailer. A trailer means a movable or portable unit designed to be towed on its own chassis and which is used for recreational purposes.
- Use. The use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- Use, Nonconforming. A nonconforming use is any use of land, buildings, or structures, lawful at the time of enactment of this Zoning Ordinance, which does not comply with all of the regulations of this Zoning Ordinance or of any amendment hereto governing use of the zoning districts in which such use is located.
- Use, permitted by right. A use, permitted by right, is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards for the intended purpose.
- Use, principal. The use, principal, is the main use of land or buildings as distinguished from a subordinate or accessory use. A “principal use” may be a “permitted” use or a “special use,” as expressly authorized in this Ordinance.
- Use, Site Specific Use. A use which is not otherwise permitted under this Zoning Ordinance that is granted under the authority of the Village to authorize planned unit develop, MCL 125.3503, as provided for in the Section of this Zoning Ordinance authorizing Site Specific Use Authorization.
- Use, special land. A special land use is a use either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such “special land use” may or may not be granted, subject to the terms of this Zoning Ordinance.
- Vessel. A vessel means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- Walkout basement. A walkout basement is a basement that has direct access to the exterior. For this reason, a walkout basement is considered a half story.
- . A yard is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance. A “yard” extends along a lot line, and to a depth or width specified in the setback requirements for the zoning district in which such zoning lot is located.

- , front. A yard, front, is a yard extending along the full length of the front lot line or lines between the side lot lines. A front yard is any yard adjacent to a street or to Wolverine Lake or a water body attached thereto.
- Yard, interior side. A yard, interior side, is a yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
- Yard, rear. A yard, rear, is a yard extending along the full length of the rear lot line between the side lot lines.
- Yard, required. A yard, required, is a yard which is located between a front, side, or rear property line and the required front, side, or rear setback line.
- Yard, side. A yard, side, is a yard extending along a side lot line from the front yard setback to the rear yard setback.
- Yard, unrequired. A yard, unrequired, is a yard which is located between the front, side, or rear of the principal structure on a lot and the required front, side, or rear setback or rear setback line.
- Zoning Administrator. The Zoning Administrator shall be the person appointed and authorized by the Village Council to administer this Ordinance in the manner specified in this Zoning Ordinance.

III. ADMINISTRATION.

A. ZONING ADMINISTRATOR.

The Zoning Administrator shall be duly appointed by the Village Council and shall enforce this Zoning Ordinance and any amendments, and in furtherance of such authority shall:

(a) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Zoning Ordinance;

(b) Issue violation notices requiring compliance within thirty days, and advising suspected violators of the right of appeal;

(e) Require, along with the Building Department, all construction or work of any type to be stopped when such work is not in compliance with this Zoning Ordinance; and may revoke any permit which was unlawfully issued, or take action on any permit wherein work is not in compliance with this Zoning Ordinance, and take further action in the event such work has not been corrected within thirty days of notification of such defects;

(f) Have possession of permanent and current records of this Zoning Ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefor;

(g) Assist in providing public information relative to this Zoning Ordinance;

(h) Forward to the Planning Commission all applications for special land uses and for amendments to this Zoning Ordinance that are initially filed with the Zoning Administrator's Office;

(i) Forward to the Zoning Board of Appeals applications for appeals, variances, non-listed uses, or other matters on which the Board of Appeals is required to pass under this Zoning Ordinance;

(j) Enforce all orders of the Zoning Board of Appeals.

B. PLANNING COMMISSION

(a) Establishment. The Planning Commission, as established under the provisions of Act 33, of the Public Acts of 2008, as amended, is the Planning Commission referred to in this Zoning Ordinance. Membership, functions and duties of the Planning Commission shall be as provided by law, this Zoning Ordinance, and as supplemented by Resolution of the Village Council.

(b) Duties. The Planning Commission shall discharge the following duties under this Zoning Ordinance:

(1) Review all applications for amendments to this Zoning Ordinance (text or map), hold public hearings, and report findings and recommendations to the Village Council in the manner prescribed by law;

(2) Receive from the Zoning Administrator recommendations as related to the effectiveness of this Zoning Ordinance and report the Commission's conclusions and recommendations to the Village Council not less frequently than once a year;

(3) Hear and decide on special land uses, site-plan review, and other matters upon which it is required to pass under this Zoning Ordinance.

C. BUILDING PERMITS.

(a) Zoning Compliance. Except as hereinafter provided, no building permit shall be issued by any officer, department, or employee unless the Zoning Administrator or his or her duly appointed representative has examined the application for such permit and has determined that the proposed building or structure complies with all the provisions of this Zoning Ordinance, and that all required Planning Commission and Zoning Board of Appeals approvals have been obtained. Any permit or certificate issued in conflict with the provisions of this Zoning Ordinance, shall be null and void.

(b) Plans and Drawings; Certification. Every application for a building permit shall be accompanied by:

(1) A plot plan, in duplicate, of the piece or parcel of land, lot or lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land. For special land uses and for other buildings and structures requiring site plan approval, the complete drawings upon which site plan approval was based shall be submitted.

(2) If reasonably requested by the Zoning Administrator for making decisions, the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required for the proper enforcement of this Zoning Ordinance, The Zoning Administrator may, in those cases wherein his or her judgment it is necessary on a technical issue, require certification by a registered professional engineer, or registered architect for single-family residential structures in order to determine compliance.

D. VARIANCES.

(a) Purpose. The Zoning Board of Appeals may, in passing on appeals, grant a non-use variance or modify the regulations of this Zoning Ordinance only in the specific instances where the Board makes findings of fact in accordance with the standards prescribed by law and this Zoning Ordinance. Non-use variances may be granted only when the Board finds that there are practical difficulties in the way of carrying out the strict letter of this Zoning Ordinance, and when the cause for the variance has not been self-created, the spirit of this Zoning Ordinance shall be observed, public safety secured and substantial justice done. The Zoning Board of Appeals shall not be authorized to grant a use variance.

(b) Hearing. The hearing for a variance shall be governed in the same manner as specified for appeals to the Zoning Board of Appeals below.

(c) Considerations for Variances. The Zoning Board of Appeals shall consider the following in the deliberation of a variance application:

(1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular practical difficulty will result to the owner if the strict letter of the regulations are carried out. Inconveniences or increased development costs shall not be deemed sufficient under the terms of this section.

(2) The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable generally, or to other property within the same zoning classification.

(3) The purpose of the variance is not based exclusively upon a desire to increase financial gain.

(4) The alleged difficulty is caused by this Zoning Ordinance and has not been created by any persons presently or previously having an interest in the property.

(5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(d) Conditions. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be authorized by law and necessary to comply with the standards established in this section and the objectives of this Zoning Ordinance.

(e) Compliance With State Laws; Time Limit. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless a building permit is obtained within such period and material construction has been undertaken within such period in accordance with the building permit.

E. APPEALS.

(a) Scope of Appeals. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of the Building Inspector.

An appeal from any decision or action of the Building Inspector shall be taken not later than thirty days after the start of construction or alterations or a change in use authorized by any permit or certificate issued by the Building Inspector, or within 30 days after the decision or the action complained of, by filing with the Zoning Administrator and the Village Clerk a notice of appeal specifying the grounds relied on. The Zoning Administrator shall transmit to the Board all of the papers constituting a record upon which the action appealed from was taken.

An appeal from a decision or action of the Planning Commission pertaining to site-plan review shall be taken within thirty days after the decision or action complained of, by filing with the Zoning Administrator, the Zoning Board of Appeals a notice specifying the grounds relied on.

Decisions or actions of the Zoning Administrator in refusing to certify a plan shall be subject to appeal.

(b) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of the appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a court of record on application, on notice of the Zoning Administrator and on due cause shown.

(c) Public Hearing. The Zoning Board of Appeals shall hold a public hearing on all appeals and variance applications. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to any persons to whom any real property within 300 feet of the premises in question shall be assessed. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. If a tenant's name is not known, the term “occupant” may be used.

(d) Decisions of the Zoning Board of Appeals. The Zoning Board of Appeals shall reach its decision within ninety days from the date of the public hearing on the appeal. The decision of the Board shall not become final until the expiration of 21 days from the date of the 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.

(e) Disposition of Appeals. The Zoning Board of Appeals may affirm or may reverse, wholly or in part, or modify the order, requirement, decision, or determination of the Zoning Administrator or the Planning Commission. To that end, the Board shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken. The Zoning Administrator shall maintain records of all actions of the Board relative to appeals.

F. SITE PLAN REVIEW.

Single-family detached and two-family residential structures shall not require site plan review and approval from the Planning Commission before issuance of a building permit. Site plan review shall be carried out by the Planning Commission in accordance with the provisions of law for non-residential buildings and structures, and site plan review shall be conducted as part of special land use approval consideration.

G. SPECIAL LAND USES.

1. **In General.** Special land use approval shall be obtained from the Planning Commission before issuance of a building permit for any special land use. Special land-use approval shall be reviewed by the Planning Commission in accordance with this Zoning Ordinance and applicable law.

2. **Special Land Use Procedure and Standards**

PROCEDURES

(a) Application; Submission to Village Clerk. An application for the approval of a special land use may be made by an owner of an interest in the land on which the use is to be located, to the Village Clerk accompanied by the necessary fees and documents as provided herein.

(b) Application Forms and Documentation. The application for site design approval shall be made on such forms as shall be prescribed by the Planning Commission and provided by the Village Clerk, and shall be accompanied by the necessary fees and documents as provided herein.

(c) Referral of Application to Planning Commission. The application for approval of a special land use and the zone application, if any, shall be referred to the Planning Commission at its next regularly scheduled meeting which takes place seven calendar days or more after the initial submission of the application to the Village Clerk. The Commission shall review and communicate its recommendation on the zone change application in accordance with procedures prescribed by applicable statute.

(d) Public Hearing. The Commission shall hear any person wishing to express an opinion on the application and review the application at its next regular meeting, following the Commission's formal receipt of the application from the Clerk, provided such date provides adequate time to notify property owners and post a notice of public hearing, as required below:

(1) The Village Clerk shall publish a notice of such public hearing for a special land use in a newspaper of general circulation in the Village and shall send a notice of such public hearing by mail or personal delivery to the owners of property for which approval is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.

(2) The notice shall be given not less than fifteen days before the application will be considered at the public hearing.

(3) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four 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.

(4) The notice shall do all of the following:

A. Describe the nature of the special land use request.

B. Indicate the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

C. State when and where the public hearing on the special land use request will be considered.

D. Indicate when and where written comments will be received concerning the request.

(f) Planning Commission Review and Determination. The Planning Commission shall review the application for special land use approval, including a site plan, together with any professional reports thereon and the comments of all interested parties, and shall make the final determination on the application. Such determination shall be based solely on the requirements and standards of this Zoning Code. The decision on a special use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. Approval, approval with conditions, or disapproval, shall be made by resolution setting forth the Planning Commission's findings regarding the pertinent requirements and standards.

STANDARDS

A special land use application shall be reviewed by the Planning Commission based on the following standards, as well as any standards which have been established that are specific to the use::

(a) Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and the Master Plan for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with the surrounding uses and/or the orderly development of the surrounding neighborhood and/or vicinity in accordance with this Ordinance and the Master Plan.

(b) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

(c) The proposed special land use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration, and further shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.

(d) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not

interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

(e) The proposed use shall relate harmoniously with the physical, historic, and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

(f) The proposed use is in general agreement with the Master Plan designation for the area where the use is to be built.

(g) The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.

(h) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

(i) The proposed special land use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.

(j) The proposed special land use shall not unreasonably burden the capacity of public services and/or facilities.

Conditions May be Attached to Special Land Use Approval.

(a) The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by state law and this section that it deems necessary to fulfill the spirit and purpose of this section. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(b) The conditions imposed with respect to the approval of a land use or activity shall be written in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner.

H. FEES.

(a) Any application for an amendment to the text of this Zoning Ordinance, or for appeals, variances, special land-use approval, site-plan review and approval shall be accompanied by a fee as established by resolution of the Village Council. There shall be no fee, however, in the case of applications filed in the public interest by the Village.

(b) The Village Council shall establish by resolution a set of fees for all other relevant purposes.

I. BULK REGULATIONS; DIVISIONS; OPEN SPACE; YARDS

CONTINUED CONFORMITY WITH BULK REGULATIONS.

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building, shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

DIVISION OF ZONING LOTS.

No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

LOCATION OF REQUIRED OPEN SPACE.

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

1268.05 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.

The following shall not be considered to be obstructions when located in the required yards specified:

(a) In All Yards. Open terraces not over three feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys that are integrated into a wall of the principal building projecting twenty-four inches or less into the yard; approved free-standing signs; flagpoles; window unit air-conditioners projecting not more than eighteen inches into the required yard; and fences or walls subject to applicable height restrictions.

(b) In Front Yards. One-story bay windows projecting three feet or less into the yards; and overhanging eaves and gutters projecting three feet or less into the yard.

(c) In Rear Yards. Open off-street parking spaces; balconies; breezeways and open porches; one-story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard; and central air conditioning equipment not more than three feet in height.

(d) In Side Yards. Overhanging eaves and gutters projecting eighteen inches or less into the yard (if this does not result in a drainage issue on neighboring property). The construction of raised patios, ground level decks and terraces, walkways or other structures should be limited to a height of no greater than eight inches above the existing grade. If said grade drops from the side of the structure the construction should follow the terrain and should be stepped in a manner to achieve the same elevation change. All construction shall be installed in a manner that does not create a drainage problem for properties. Retaining walls should be constructed to Village design standards.

Permitted obstructions and detached accessory structures shall not, in the aggregate, occupy more than twenty-five percent of any required yard.

EXISTING SPECIAL LAND USES.

Where a use is classified as a special land use under this Zoning Ordinance, and exists as a conditional, special, or permitted use on the date of the adoption of this Zoning Ordinance, it

shall be considered to be a legal special land use if it has been materially constructed on the property.

INTERPRETATION OF USE LISTS.

Land uses (permitted or conditional) which, though not contained by name in a zoning district list of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses, may be permitted if approved by both the Zoning Board of Appeals and the Planning Commission. The non-listed uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision.

KEYHOLE LOTS.

Use of waterfront property for the purpose of providing access to such body of water for non-riparian property shall not be permitted in any zoning district.

J. NONCONFORMING BUILDINGS, STRUCTURES AND USES

STATEMENT OF PURPOSE.

The purpose of this chapter is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be permitted to continue.

A nonconforming use is use is a property use that was not prohibited by the zoning ordinance when the use was established, and was completely legal, but as a result of a change made to the zoning ordinance, the use is no longer allowed. Local governments cannot make zoning laws retroactive. If the use was established before the new rule passed, the owner has a vested right to continue the use. However, one of the goals of zoning is the eventual elimination of nonconforming uses, so that growth and development sought by ordinances can be achieved. Generally speaking, therefore, while the established use may be continued, a nonconforming use may not be expanded. The policy of the law is against the extension or enlargement of nonconforming uses.

AUTHORITY TO CONTINUE NONCONFORMING BUILDINGS, STRUCTURES AND USES.

Accordingly, any nonconforming building, structure or use in the Village which existed lawfully at the time of the adoption of this Zoning Ordinance, and which remains nonconforming, such building, structure or use is deemed "nonconforming" upon the adoption of this Zoning Ordinance, and may be continued subject to the regulations which follow.

REPAIRS AND ALTERATIONS.

(a) Building or Structure Designed or Intended for a Nonconforming Use. Repairs and alterations may be made to a nonconforming building or structure, provided that no change of use or structural alterations may be made to the building or structure.

(b) Building or Structure. Repairs, normal maintenance and alterations to preserve a nonconforming building or structure consistent with the State Construction Code, shall be

permitted, provided the maintenance, repairs, alterations conform to the regulations of the district in which the building or structure is located.

RELOCATION OF BUILDING OR STRUCTURE.

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, are made to conform to all of the regulations of the district in which it is to be located.

RESTORATION OF DAMAGED BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR A NONCONFORMING USE.

A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God, to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 100 percent of the assessed valuation of the entire building at the time of the casualty, shall not be restored unless said building or structure, and its use, shall conform to all of the regulations of the district in which it is located. In the event such damage or destruction is less than 100 percent of the assessed valuation of the entire building, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of partial destruction and is diligently prosecuted to completion. If the restoration is not started within one year of said calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

DISCONTINUANCE OF A NONCONFORMING USE.

If the nonconforming use of a building, structure, or premises is discontinued for a continuous period of six months, the nonconforming status shall be presumed to be abandoned, and it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located.

EXPANSION OF A NONCONFORMING USE.

Building or Structure Designed or Intended for a Permitted Use. The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.

CHANGE OF A NONCONFORMING USE.

Building or Structure Designed or Intended for a Nonconforming Use. The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use allowed in the same district in which the nonconforming use which presently occupies the building or structure is allowed, or to a use permitted in a more restrictive district. In other words, a nonconforming use may become less nonconforming.

K. PENALTY.

Any person who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction, and for payment of a civil fine as specified in this Zoning Ordinance plus costs and other sanctions, for each infraction. Repeat offenses within two years shall be subject to

increased fines. In addition, any violation of the terms of this Zoning Ordinance shall be and the same is hereby declared to be a nuisance per se and the Village, by and through its proper officers and agents, shall have the authority and power by proper court procedure to maintain and conduct legal action for the abatement of such violation.

V. ESTABLISHMENT OF DISTRICTS.

For the purposes of this Zoning Ordinance, Cass Lake Village is hereby divided into the following zoning districts:

RESIDENTIAL DISTRICTS

- A Single-Family Residential District (R)
- Site Specific Use (SSU)
- Park Land District (PL)
- Beach District (BD)
- Marina District (MD)

A. MAPS; DISTRICT BOUNDARIES.

(a) The location and boundaries of the districts established by this Zoning Ordinance are set forth on the Zoning Map entitled, "Cass Lake Village Zoning District Map," which is incorporated herein, made a part of this Zoning Ordinance. The Map, together with everything shown thereon, with all amendments, shall be as much a part of this Zoning Ordinance as though fully set forth and described herein.

(b) The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

(1) District boundary lines are the centerlines of highways, streets, alleys, and easements; right-of-way lines; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.

(2) Where a district boundary line divides a lot in single ownership on the effective date of this Zoning Ordinance, the Board of Appeals, after due hearing, may extend the regulations for either portion of such lot.

B. ESSENTIAL SERVICES EXEMPTED.

The creation, construction, alteration, or maintenance by public utilities or Village departments or commissions, of overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or Village department or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this Zoning Ordinance, provided, that the installation shall conform to applicable Federal regulations, and those of other authorities having

jurisdiction. However, the following essential services shall be subject to site plan approval provisions if they are to be located in any Residential District:

(a) Electrical substations
(b) Gas regulator stations
(c) Major transmission lines
(d) Radio, television, microwave transmission and relay towers
(e) Communication exchange and transmission equipment buildings
(f) Water pumping stations
(h) Water and drainage system works, reservoirs, pumping and filtration plants

C. SINGLE FAMILY RESIDENTIAL DISTRICT

PURPOSE.

The purpose of the Single-Family Residential Districts is to provide for development of already platted areas with new or renovated housing which is compatible with residential development densities as provided in this Zoning Ordinance. Use restrictions for the Single-Family Residential Districts are intended to protect such areas from the encroachment of incompatible uses and to preserve existing neighborhood character.

PERMITTED USES.

The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this chapter:

(a) Single-family detached dwellings.**
(b) Foster care family home, adult, licensed by the State.
(c) Parks and playgrounds approved by the Planning Commission.

**A single-family detached dwelling shall not be leased or rented for a period less than 6 months.

PUBLIC WATER SYSTEM CONNECTION

All single-family dwellings shall be connected to the public water system, and shall not be permitted to be provided with water for domestic use by an on-site well, provided however that a dwelling which has a pre-existing connection to an on-site well may be continued as a non-conforming use.

PUBLIC SANITARY SEWER CONNECTION

All single-family dwellings shall be connected to the public sanitary sewer system, and shall not be permitted to be served for sanitary sewage disposal purposes by an on-site system,

SPECIAL LAND USES.

The following uses shall be permitted subject to the lot area, yard, and setback requirements set forth in this chapter and upon a special land-use approval as provided for in this Zoning Ordinance.

(a) Child-care centers, nursery schools, and day nurseries.
(b) Public service uses and buildings, as follows:
  (1) Fire stations
  (2) Police stations
  (3) DPW, including facilities for public water system

(e) Essential services requiring approval, as specified above.

(f) Off-street parking for immediately adjacent non-residential uses.

(g) An individual home manufactured off-site and assembled on the property, and located on a parcel of land or lot zoned for single-family residential use, which shall conform to the following standards:

(1) It shall comply with all pertinent Building and Fire Codes for single-family dwellings, including, but not limited to, the Michigan Construction Code.

(2) It shall be firmly and permanently attached to a solid foundation or basement not less in area than the perimeter area of the dwelling. The foundation and/or basement shall be constructed in accordance with the Michigan Construction Code.

(3) It shall not have any exposed wheels, towing mechanism, or undercarriage.

(4) It shall be connected to a public sewer and water supply, if available, or to private facilities approved by the Oakland County Health Department.

(5) It shall be aesthetically comparable in design and appearance to conventionally-constructed homes in the zoning district in which it is located. It shall be the responsibility of the Planning Commission to determine whether this standard is met. The Planning Commission shall make a determination that this standard has been met if it finds that all of the following conditions exist:

A. The proposed home will have a combination of roof overhang and pitch comparable to the overhang and pitch of conventionally constructed homes typically found in the zoning district in which it is to be located.

B. The proposed home will have steps and/or porches which will provide access to exterior doors, which are permanently attached to the ground and to the home structure, and which are comparable to steps and/or porches of conventionally constructed homes typically found in the zoning district in which it is to be located.

C. The proposed home will be covered with a siding material which is in color, texture, malleability, direction of joints, and method of fastening to the structure comparable to siding of conventionally-constructed homes typically found in the zoning district in which it is to be located.

D. The proposed home will have the glass on its windows recessed at least one and one-half inches behind the exterior surface of its siding.

E. The proposed home will have front and rear or front and side exterior doors if such a combination of doors is found in a majority of homes in the zoning district in which it is to be located.

F. The proposed home will have a one-car garage or a two-car garage if such garage is found in a majority of the homes in the immediate area of the zoning district in which it is to be located.

(6) The Planning Commission may approve a home as aesthetically comparable in design and appearance to conventionally constructed homes in the district in which it is to be located even if all of the above conditions do not exist, provided it finds that the home and/or its site has other design features which make it aesthetically comparable to conventionally constructed homes in the district.

(h) Parks and playgrounds used as canal or lake access sites for the launching, docking, or mooring of vessels,

(i) Single family attached dwelling.

(j) Unspecified Uses

D. SITE SPECIFIC RELIEF AUTHORIZATION

a. Intent and Purpose. It is the intent of this authorization to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the legislative body that (1) the applicant's property cannot be used for the purposes permitted in the zoning district, (2) the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

   If and when a property owner meets such four-part threshold burden of proof, it is not intended that a use may then be approved without limitations. Rather, this section is intended to authorize administrative relief, permitted under MCL 125.3503, to the minimum extent necessary to allow reasonable and appropriate use of property on the particular site, taking into consideration the objective of achieving compatibility and high-quality development.

b. Application Requirements. An application for Site Specific Relief Authorization under this section shall include the name, address, and phone number of the owner of the property, as well as the applicant, a description of the property, a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
   1. Applicant's property cannot be used for the purposes permitted in the zoning district.
   2. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
   3. Applicant's suggested use would not alter the essential character of the area.
   4. Applicant's problem has not been self-created.
   5. At the end of each statement (1 through 4), the applicant shall identify all persons who will appear at the hearing with respect to each of the facts, and, separately, identify all persons who will appear at the hearing relative to each respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise)

c. Pre-Hearing Conference
   1. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.
   2. The purposes of the pre-hearing conference shall be to:
      a) Review the procedure for the hearing and identify all persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the applicant.
      b) Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
      c) Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals.

d) Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.

c) The Village President, in consultation with such Village Experts deemed by the President to be appropriate, shall determine who should be present at the pre-hearing conference based upon the application submitted, provided, however, a member of the Planning Commission and a member of the Zoning Board of Appeals, as selected by each of these respected bodies for such purpose, shall be invited to attend the conference. The determination on who else to invite, e.g., Village Planner, Village Engineer, Village Attorney, shall be made taking into consideration the issues likely to arise at the conference.

d) The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.

d. Hearing Procedure

1. The applicant shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four factors set forth in paragraph b, subsections 1 thru 4, above.
2. Prior to the hearing before the Village Council (or hearing officer appointed by the Council, who shall provide findings and a recommendation to the Council), the application shall be referred to the Planning Commission for study and recommendation on the proposed use and the plan for such use.
3. Manner of Presentation at the hearing:
   a) The Village Council (or hearing officer appointed by the Council, who shall provide findings and a recommendation to the Council), shall conduct a public hearing, utilizing the procedures below.
   b) Village representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre hearing conference, either through witnesses or affidavits, however, the chairperson of the Village Council or hearing officer, if any, may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Village Council may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the Village Council or hearing officer, if any, to ask questions of such witnesses.
   c) At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.

d) When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the Village in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the Village Council for consideration as it relates to the specific application presented.

e) If testimony or evidence has been offered by or on behalf of interested persons and/or the Village, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and Village representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal presentation.

f) At the hearing, the Village Council, or hearing officer, if any, may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the Village, or other rules found to be necessary or appropriate by the Council. When questions of procedure arise during the hearing, the Village President, or hearing officer, if any, may solicit the recommendation of the representatives of both the applicant and the Township.

g) If a hearing is not completed at a given meeting within the time period allowed by the Township Board, the Village shall adjourn the hearing to a date certain for continuation.

e. Decision of the Village Council

1. The Village Council may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
2. At the conclusion of the hearing, the Village Council may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
3. If the Township Board determines to grant site specific relief under this section, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law.
4. If the Village Council adopts a final motion to grant site specific relief under this section, such motion may be made as a tentative grant of relief, subject to review and recommendation by the planning commission, planning consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. Such further review shall include the requirement of a detailed site plan. If a motion authorizing such a tentative grant of relief is made, the City Council, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

5. If the Village Council adopts a motion to grant site specific relief under this section, the relief granted shall be in the form of a site-specific plan and use, subject to all specifications, terms and conditions included on the plan and in the decision.

f) Effect of Approval:

1. Approval of site-specific relief under this section shall apply only to the specific plan and use granted, and shall be subject to all specifications, terms and conditions included on the plan and in the decision granting the approval. An approval under this section shall not be final until such time as the Applicant records an Affidavit at the office of the Register of Deeds in connection with the property. Such Affidavit shall be in a form approved by the Township Attorney and include or incorporate the minutes of the approval, conditions, and site plan, with all of the documentation referenced being filed with the Village Clerk.
2. An approval under this section shall be effective for a period of one year following the grant of approval, and shall thereafter be void unless actual and material structural improvements have been commenced on the property pursuant to building permit.
3. If the Village Council approves an application, the Planning Department shall place a notation on the zoning map providing notice that site specific relief has been approved on the property.

E. ACCESSORY BUILDINGS, STRUCTURES AND USES.

1. In General **

The following structures and uses shall be permitted as accessory to a permitted use or an approved special land use subject to the lot, area, yard and setback requirements set forth in this Zoning Ordinance.

(a) Clubhouses and meeting place structures on the grounds within or outside the Village.
(b) Garages and carports.
(c) Greenhouses and conservatories, private (noncommercial).
(d) Pavilions, restrooms, snack bars, and similar buildings accessory to parks and playgrounds.
(e) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
(f) Tennis courts, private.
(g) Tool houses, sheds, and other similar buildings for the storage of domestic supplies, provided they are located no closer than ten feet from any other structure.

**The Village reserves the right to exclude certain lots from conforming status if and to the extent blight conditions would exist.

2. Regulations

TIME OF CONSTRUCTION.

An accessory building or structure shall not be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

TYPE, SIZE AND QUANTITY PERMITTED.

Detached accessory buildings and structures shall be limited to the following general types, and limited to the following size and quantity when located on a single zoning lot zoned and/or used for residential purposes:

(a) Buildings for single-family residential units:

1. One garage, carport that is securely anchored to the ground, and one shed or one other utility structure situated in the rear yard for the storage of domestic tools, recreational equipment or other supplies which shall not exceed ten feet in height nor exceed 200 square feet in area with no single side wall dimension exceeding sixteen feet in length, shall be permitted.

2. A larger storage building may be permitted, in the discretion of the Planning Commission, as a special land use in order to ensure that the building does not block the air, light, and views of neighboring properties.

(b) Structures.

(1) One of the following: swimming pool and one spa, hot tub, or similar facility. Spas/hot tubs physically integrated into the side walls of an in-ground swimming pool are considered one facility.

(2) One of the following:

A. A playhouse, gazebo, cabana, pergola or other similar structure, as determined by the Zoning Administrator, which shall not exceed ten feet in height nor exceed one hundred square feet in area.

B. An outdoor kitchen, which shall not exceed one hundred square feet in area.

C. An outdoor fireplace or pizza oven, which chimney shall not exceed ten feet in height, nor the hearth exceed sixty-four square feet in area. The area dimension is measured by using the height of the fireplace at its tallest point of the chimney and the width of the fireplace at its widest point, including any integrated wall, wood storage area, or other attachments. Permanently installed outdoor fireplaces for recreational fire purposes shall not be installed within ten feet of any structure or combustible material. It shall also not be installed within ten feet of any side property line.

(3) One greenhouse or one conservatory which shall not exceed ten feet in height nor exceed 120 square feet in area.

(4) Basketball courts or other play surfaces in a driveway or rear yard where activities can be accommodated solely within unrequired side yards and/or rear yards. If fencing is required in excess of six feet in height, the location, use and height of the fencing for such play surfaces shall be reviewed and approved by the Planning Commission.

(5) Satellite dishes, antennas or other equipment for the receipt or transmission of audio-visual communication signals. Such equipment shall be subject to height, size and placement restrictions that will not interfere with the visual enjoyment of the lake by adjacent property owners nor the physical safety of adjacent property owners when the equipment is operable or when it may be destroyed or fall due to natural causes.

(6) Any accessory structure other than that described above requires approval of a non-use variance to ensure that neighboring properties are not disturbed.

1280.03 GENERAL REGULATIONS.

The following general regulations shall apply to all detached accessory buildings and structures:

(a) Detached accessory buildings and structures in Single-Family Detached Residential Districts shall be subject to the review and approval of the Zoning Administrator, who shall seek the review and recommendation of the Planning Commission on this subject if the proposed accessory building does not appear to be in harmony with the principal building on the lot, or neighboring property use, as determined in paragraph (b)(1) below.

(b) The erection of an accessory building or structure shall be subject to the following conditions:

(1) The appearance of the building shall be in harmony with the principal use of the property. The following standards shall be used in this evaluation:

A. The architectural style, type of construction and building materials of the accessory building shall be similar to and harmonious with the principal building on the lot as determined by the Village.

B. For residential districts, the exterior materials used in the accessory building are typically used for the same purposes in residential construction, or have a similar appearance as materials typically used in residential construction.

(2) The building and/or structure shall be kept in good repair, it shall not become a physical hazard, health or safety problem, and it shall not become a likely visual nuisance, eyesore, or vexation to adjacent property owners or to the general public.

(3) The placement of the building or structure shall not unreasonably impair the views of surrounding property owners.

1280.04 PLACEMENT REGULATIONS.

Accessory buildings and structures are subject to the placement and setback requirements outlined in each zoning district, and residential detached accessory buildings and structures are also subject to the following placement regulations:

(a) Accessory buildings shall not be located in any required or non-required front yard (i.e., not permitted between the house and the street).

(b) Accessory buildings and structures in rear yards not exceeding eighteen inches in height above the surrounding grade shall be setback from a canal by a minimum of five feet. Accessory buildings and structures exceeding eighteen inches in height above the surrounding grade shall be setback from a canal by a minimum of twenty feet. Notwithstanding the previous setback requirements, the following accessory structures may be located anywhere in a required or non-required yard: a ground-level deck, a play structure.

(c) Accessory buildings shall also meet the following requirements:

(1) The general regulations of this section and other requirements of this Zoning Ordinance.

(2) The setback regulations for the Single-Family Detached Residential Districts.

(3) The total area of all accessory buildings or structures shall not occupy more than twenty-five percent of the area of the required yard in which they are located.

(d) When an accessory building is closer than ten feet to a principal building, additional fire separation construction requirements will be necessary.

(e) When the rear lot line of a corner lot is the same as the side lot line of an adjoining lot in a Residential District, no accessory building shall be closer to the rear lot line than the required side yard setback of such adjoining lot nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot.

(f) When the rear lot line of a corner lot is the same as the rear lot line of any other lot, no accessory building shall be closer to the side street lot line than the setback of the principal building on either of the lots.

(g) When an accessory building is attached to the principal building, the accessory buildings must meet all of the setback requirements of the principal building.

TEMPORARY ACCESSORY USES.

The following temporary accessory uses may be permitted on single-family detached residential parcels subject to the following:

(a) The temporary storage of one boat or related vessel, trailer, dock and materials customarily incidental to the usage of the water, is permitted in the rear yard, and in a required or unrequired side yard provided the property is maintained in a manner to enhance the area. Temporary storage of one boat and one trailer on the street-side front yard is also permitted. Temporary storage of the materials listed above in any yard must be setback a minimum of five feet from any dwelling and located on the property. This authorization shall not apply if the use would result in a blight condition which, in a contested case, shall be determined by the Zoning Board of Appeals.

(b) Occupancy while building permanent residence. The Village President or his or her designee shall have the authority to issue an on-site temporary trailer use permit for a period of no longer than six months during the construction of a principal dwelling on the same site, or for additional periods of time no longer than six months each. Prior to such a permit being issued a performance or cash bond in the amount of two thousand dollars ($2,000.00) shall be provided by the petitioner to assure the prompt and orderly removal of the trailer and site improvements at the expiration of any such permit issued, and also to guarantee that the trailer is of neat appearance when in use.

(c) Any type of temporary shade structure, such as canopies, pergolas, or similar structures, whether set upon or attached to the ground, or set upon or attached to a deck, patio, outdoor furniture, outdoor structure of any kind, or other surface, shall meet the same setback requirements as any permanent accessory structure.

(1) Temporary shade structure used to shield people for special events, such as weddings or graduations, may be erected within a non-required rear yard for no more than seven consecutive days. Temporary shade structures for such events may be erected in a required rear or waterfront yard for no more than seven consecutive days after obtaining a Certificate of Zoning Compliance from the Zoning Administrator.

SWIMMING POOLS, SPAS, HOT TUBS, AND SIMILAR FACILITIES.

It is hereby determined that outdoor swimming pools, spas, hot tubs, and similar facilities may endanger the public safety unless carefully regulated and supervised.

(a) Permit Application; Fee; Plot Plan. Applications for a permit shall show the name of the owner, the location of the proposed swimming pool, spa, hot tub, or similar facility, the manner in which its use shall be supervised, the safety precautions to be made to protect those making use thereof, or who might be endangered thereby, and information showing the size, depth and capacity of such swimming pool, spa, hot tub, or similar facility, and shall be accompanied by such other information necessary for the protection of the public health and safety as may be required by the Village Zoning Administrator. There shall also be filed with the Village Zoning Administrator a plot plan of the property showing the location of such swimming pool, spa, hot tub, or similar facility thereon and a detailed plan for such swimming pool, spa, hot tub, or similar facility which shall contain such information as to the type, height, and location of the fence surrounding said swimming pool, spa, hot tub, or similar facility, and the number of gates therein. Applicants for permits shall submit the established fee with their applications, with the

fee to be used to defray any expense incurred by the Village in the inspection, enforcement and administration of this chapter.

(c) Location, Height and Area Requirements. No outdoor swimming pool, spa, hot tub, or similar facility shall be built, constructed or assembled on any lot or parcel of land which is less than 4,000 square feet in area.

(1) Location.

A. In non-waterfront yards, no swimming pool, spa, hot tub, or similar facility, and the decks, walks and the appurtenances thereto, shall be located nearer than ten feet from the side or rear property line of the lot or parcel upon which it is situated or nearer to any street on which the lot or parcel abuts than a distance of ten feet greater than the building setback.

B. In waterfront yards, placement of swimming pools shall meet all state and county regulations in addition to Village requirements. Spas, hot tubs, and similar facilities shall locate the closest wall of the hot tub a maximum of 15 feet from the house, but in no instance shall the facility be located closer to the water's edge than 20 feet. Spas, hot tubs, and similar facilities shall not be located nearer than ten feet from the side property line.

C. Pumps, filtering systems, and equipment storage shall be located not less than 20 feet from any property line and less than five feet from the building setback line. Location must be in waterfront yard for lake front homes.

(2) Area limitations.

A. The area of a swimming pool, related decks, walks and other appurtenances, shall not exceed 10% of the area of the lot or parcel on which the swimming pool is located. The area of decks, walks and appurtenances is included in lot coverage calculations.

B. The maximum dimensions for a spa, hot tub, or similar facility shall not exceed eight-feet wide by eight-feet long by 39-inches in height.

(3) Height limitations. Fences, lights, diving boards, slides or other accessories shall not project more than four feet in height or impede a neighbor's view.

(4) Only in-ground (vs. above ground) swimming pools are permitted in waterfront yards.

(d) Barriers. All barriers for swimming pools, spas, hot tubs, and similar facilities must conform to State and Village requirements for enclosure, and conform to requirements for Fences, Arbors and Trellises.

(e) Public Health Measures. Any outdoor swimming pool, spa, hot tub, or similar facility shall not be used unless adequate public health measures are periodically taken to ensure that the use thereof will not cause the spread of disease. The water of all swimming pools, spas, hot tubs and similar facilities shall be maintained according to the current standards set by the State Department of Public Health and the Oakland County Department of Health to protect the public health in the use of such swimming pools, spas, hot tubs and similar facilities are hereby adopted and made a part of this chapter.

F. LOT SIZE REQUIREMENTS.

(a) Permitted Uses.

USE	*MINIMUM LOT AREA (sq. ft)*	MINIMUM LOT WIDTH (ft.)
(R) Single-Family Detached Dwellings	For purposes of this interim zoning ordinance (only) all existing lots** shall deemed to have the minimum required	For purposes of this interim zoning ordinance (only) all existing lots** shall deemed to have the minimum required

	area, and existing setbacks shall be deemed to be the minimum required setbacks	width, and existing setbacks shall be deemed to be the minimum required setbacks
® Single-Family Detached Dwellings - Vacant Lots	For vacant lots, the minimum lot area is 7,000 square feet	Calculation of the minimum lot width for vacant lots, a lot shall be considered to consist of all commonly owned lots which have been combined for tax or development purposes. ****

**The Village reserves the right to exclude certain lots from conforming status if and to the extent blight conditions exist which, in a contested case, shall be determined by the Zoning Board of Appeals.
****Two or more commonly owned lots may be authorized to be divided by action of the Zoning Board of Appeals, after recommendation of the Planning Commission, provided that, if the division is for building purposes, the resulting building sites shall be compatible with surrounding properties.

(b) Proposed New Special Land Uses.

USE	***MINIMUM LOT AREA (sq. ft)***[1]	***MINIMUM LOT WIDTH (ft.)***[2]
	MINIMUM LOT AREA (sq. ft)	***MINIMUM LOT WIDTH (ft.)***[2]
Churches	80,000	200
Educational Facilities	80,000	200
Public Service Uses and Buildings	40,000	145
Public Utility Uses	20,000	100
(R) Single-Family Attached Dwellings (Per Unit)	7,000	By site design approval

(c) Accessory Uses. Accessory uses may be established on the same lot as the principal use provided that such lots meet the lot size requirements set forth in this chapter, except that additional lot area shall be provided for the following accessory uses as specified. Cross Reference: Accessory Use provision of this Zoning Ordinance

G. SETBACK FROM PROPERTY LINES.

(a) Permitted Uses.

	PROPERTY LINES, AREA, AND SETBACKS
	FOR PURPOSES OF THIS INTERIM ZONING ORDINANCE (ONLY) ALL EXISTING HOME FOOTPRINTS SHALL DEEMED TO HAVE THE MINIMUM REQUIRED AREA, AND EXISTING SETBACKS SHALL BE DEEM TO BE THE MINIMUM REQUIRED

	SETBACKS **FOR VACANT LOTS, SINGLE FAMILY DETACHED RESIDENTIAL YARD SETBACKS SHALL BE AS FOLLOWS: *Front Yard: 25 feet **** *Rear Yard: 35 feet **** *Side Yard: 5 feet on each side* ***THE LAKE-SIDE OR CANAL-SIDE MINIMUM SETBACK FOR NEW HOMES OR ADDITIONS ON THE LAKE-SIDE OR CANAL-SIDE SHALL BE EQUAL TO THE AVERAGE OF THE TWO HOMES ON EACH SIDE OF THE PROPOSED NEW HOME OR ADDITION.***

**The Village reserves the right to exclude certain lots from conforming status if and to the extent blight conditions exist which, in a contested case, shall be determined by the Zoning Board of Appeals.
***For lake or canal lots, the front yard shall be adjacent to the street/road, and the rear yard shall be adjacent to the water.

(b) Special Land Uses.

	PROPERTY LINES AND SETBACKS		
USE	***FRONT MINIMUM (ft.)***	***EACH SIDE (ft.)***	***REAR MINIMUM (ft.)***

	PROPERTY LINES		
USE	***FRONT MINIMUM (ft.)***	***EACH SIDE (ft.)***	***REAR MINIMUM (ft.)***
Churches	25	50	50
Nonresidential Buildings	25	50	50
Screened Outdoor Storage Areas	25	25	25
(R) A Single-Family Attached Dwellings	25	25	25

(c) Accessory Uses**.**

	PROPERTY LINES			
USE	***FRONT MINIMUM (ft.)***[1]	***EACH SIDE (ft.)***	***REAR MINIMUM (ft.)***	LAKEFRONT MINIMUM (ft.)[2]
Accessory to Single-Family Dwellings **	25	5	5	5 feet for accessory buildings or structu feet for accessory buildings or structure exceeding eighteen inches in height abo surrounding grade;

				20 feet for accessory buildings or str exceed eighteen inches in height abo surrounding grade.
Accessory to Other Non-Residential Buildings and Structures	50	50	50	50

[1]Setback indicated is a minimum which shall be increased if necessary to equal the average setback of all othe on the block face.
[2]Section 1280.04(b) excludes certain accessory structures from these setback requirements in the lakefront yar

**The Village reserves the right to exclude certain lots from conforming status if and to the extent blight conditions exist which, in a contested case, shall be determined by the Zoning Board of Appeals.

H. BUILDING BULK LIMITATIONS.

USE	*MAXIMUM BUILDING HEIGHT*		Maximum Lot Coverage (Percent)	*MINIMUM[2] F*
	Stories	*Feet*		*Story[1, 6] Units*

USE	*MAXIMUM BUILDING HEIGHT*		Maximum Lot Coverage (Percent)	*MINIMUM[2] FL*
	Stories	*Feet*		*Story[1, 6] Units*
Houses of Worship	2½	30	40	None
(R) Single-Family Attached and Detached Buildings	2½	35	40	1,200
Residential Accessory Buildings and Structures	NA	14[4]	NA[1]	1,100 [5, 7]
Nonresidential Buildings	2½	30	40	

[1] The maximum lot coverage for residential accessory buildings and structures shall be included, within the per primary use.

[2] In computing floor areas, basement or attached garage areas shall not be counted.

[3] Includes two-story, bi-level, and tri-level units.

[4]The maximum height of a residential accessory building shall not exceed that of the primary structure of fourt

[5]The total square footage of all residential accessory buildings and structures (except in-ground swimming poo courts, and play surfaces) cannot exceed the total ground floor living area of the primary structure or 1,100 squ

[6] Attached garages cannot exceed the total ground floor living area of the primary structure or 900 square feet,

[7] Any individual detached accessory building cannot exceed 750 square feet with a maximum of two detached per lot.

I. PL PARK LAND DISTRICT

PURPOSE.

This District is designed to reflect the belief that the quality of the environment is contingent upon the preservation of park space within the Village for the benefit of the citizenry as a whole.

PERMITTED PRINCIPAL USES.

The following uses are principal permitted uses in the PL Park Land District:

(a) Outdoor recreational uses, such as playgrounds, playfields, boating areas, fishing sites, camping sites, and parks.

(b) Natural open space, such as: conservation lands, wildlife sanctuaries, forest preserves, and developed open space, such as arboreta and botanical and zoological gardens.

(c) Cultural services, such as museums and art galleries.

PERMITTED ACCESSORY USES.

The following uses are permitted accessory uses in the PL Park land District:

(a) Any use customarily incidental to the permitted principal uses.

(b) Signs

(c) Off-street parking

J. BEACH DISTRICT (BD)

To be determined and inserted

K. MARINA DISTRICT (MD)

To be determined and inserted

L. OFF-STREET PARKING

OFF-STREET PARKING REGULATIONS.

The off-street parking and loading provisions of this Zoning Ordinance shall apply as follows:

(a) For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located.

PERMISSIVE PARKING FACILITIES.

Nothing in this Zoning Ordinance shall be deemed to prevent the voluntary establishment of off-street parking facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

SUBMISSION OF PLOT PLAN.

Any application for a building permit, or for an occupancy certificate where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities, as well as all structures, to be provided in compliance with this Zoning Ordinance.

1278.06 OFF-STREET PARKING

(a) General Requirements.

(1) Location. All parking spaces required to serve buildings or uses erected or established after the effective date of this Zoning Ordinance shall be located on the same zoning lot as the building or use served. Parking spaces for handicapped persons shall be located on the same zoning lot as the use served. Off-street parking spaces, open to the sky, may be located in any yard in a Residential District. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.

(2) Size. Each required off-street parking space shall be at least eight feet in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven feet.

(4) Access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movement.

(5) Design and maintenance.

A. Surfacing. All open off-street parking areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds. A two-inch blacktop on a four-inch base or five inches of Portland cement will meet this requirement, except where special soil-bearing problems exist.

B. Screening and landscaping. All open vehicle parking areas shall be screened and landscaped as required in.

OFF-STREET PARKING TABLE (PARKING CLASSES)	
OFF-STREET PARKING TABLE (PARKING CLASSES)	
RESIDENTIAL	
Residential Units	2 parking spaces for each dwelling unit.
Senior Citizen Housing	1.2 parking spaces for each dwelling unit plus 1 parking space for each employee. Should units revert to general occupancy, then parking spaces shall be provided as indicated in No. 2 above.
Homes for the Aged, Nursing Facilities, Convalescent Homes, Convents, Children's Homes, and Orphanages	1 parking space for each 4 beds plus 1 space for each employee on the premises, based on the largest number of employees on the premises at one time.
Day Care Center, Child Care Centers, Nursery School, School of Special Education, and Schools for the Mentally and Physically Disadvantaged.	1 parking space for each teacher, administrator, or other employee in addition to the requirements of the auditorium. The number of teachers, administrators, and other employees shall be based on the design capability of the facility. If there is no auditorium or assembly hall, then 2 spaces per classroom shall be provided in addition to those for each teacher, administrator, or employee.

M. RECREATIONAL MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES PROHIBITED

For purposes of this interim Zoning Ordinance, any and all types of a "marihuana establishments," as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act (the "MRTMA"), are completely prohibited in the Village and may not be established or operated in any zoning district, by any means, including by way of a variance. Any and all types of "marihuana facilities" as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act ("MMFLA"), are completely prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance, with the exception of a Registered Primary Caregiver, as provided in this Ordinance.

V. ZONING BOARD OF APPEALS

A. CREATION OF BOARD

A zoning board of appeals is created, and shall have the powers and duties as provided by law and as specified in this Zoning Ordinance.

B. COMPOSITION OF BOARD OF APPEALS

The Village Council shall act as the zoning board of appeals

This Ordinance shall be effective immediately upon publication.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was duly adopted by the Village Council of Cass Lake Village, Oakland County, Michigan, at a meeting of the Council duly called and held on the 13th day of October, 2026.

CASS LAKE VILLAGE

_____

Marc Edelstein, Clerk

Date of Publication : _____

INTERIM ZONING MAP