

# Village of Oxford Zoning Ordinance

Village of Oxford, Michigan





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Village of Oxford, Michigan

**ORDINANCE NUMBER:** 324

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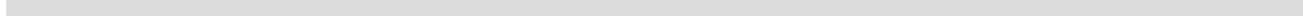
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Prepared by:



**MCKENNA**





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Use Standards  
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# Article 1: Purpose, Validity, and Scope

## SECTION 1.1 • PREAMBLE

An ordinance enacted under Act 110, of the State of Michigan Public Acts of 2006, as amended, to provide for the establishment in the Village of Oxford of districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for the establishment of a Zoning Board of Appeals; to provide for amendments, supplements, or changes hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this Ordinance.

## SECTION 1.2 • ENACTING CLAUSE

The legislative body of the Village of Oxford may regulate and restrict the use of land and structures; to meet the needs of the Village's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other use of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to ensure that new development contributes to traditional urban design regarding building form and aesthetics; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide the Village into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

## SECTION 1.3 • SHORT TITLE

This Ordinance shall be known and may be cited as "The Village of Oxford Zoning Ordinance". Within the following text it may be referred to as the "Ordinance".

## SECTION 1.4 • VALIDITY AND SEVERABILITY

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## SECTION 1.5 • ADOPTION AND EFFECTIVE DATE

**A. Repeal of Prior Ordinance.** The Zoning Ordinance adopted by the Village of Oxford Village Council on May 28, 1991, and all amendments thereto, is hereby repealed insofar as it conflicts with this Ordinance. The repeal of the ordinance and all amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

**B. Adoption and Effective Date.** This Ordinance, which specifically includes the Zoning District Map, is hereby ordered to be given immediate effect and be in force from and after the earliest date allowed by law, and this Ordinance is hereby ordered to be published, in the manner provided by law, in the Oxford Leader, on Thursday, the 3rd day of September, 2009.

This Ordinance was adopted by the Village Council of the Village of Oxford by authority of Act 110 of the Public Acts of Michigan, 2006, as amended, at a meeting thereof duly called and held on Tuesday, the 25th day of August, 2009 and ordered to be published in the manner provided by law.

## SECTION 1.6 • CONFLICTING PROVISIONS

Whenever any section of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the sections of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

In interpreting and applying the sections of this ordinance, they shall be held to be the minimum or maximum requirements for the promotion of the public safety, health, morals and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the sections of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall control.

Uses for enterprises or purposes that are contrary to federal, state, local laws or ordinances are hereby expressly prohibited.

This Ordinance amendment is to be given immediate effect to promote the health, safety and welfare of the community.

(Amended by ordinance No. 375)

1 Purpose

2 Definition

3 Zoning District and Uses

4 Use Standards

5 Planned Unit Development

6 Development Standards

7 General Provisions

8 Nonconformities

9 Administration & Enforcement



## **ARTICLE 1: PURPOSE**

### **SECTION 1.7 • VESTED RIGHT**

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

### **SECTION 1.8 • INTERPRETATION AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare.

It is not the intent of this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, which are not in conflict with the provisions of this Ordinance.

It is not the intent of this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or requires by such other ordinance or agreements, the provisions of this Ordinance shall control.

# Article 2: Definitions

## SECTION 2.1 • INTERPRETATION OF LANGUAGE

For the purpose of this Ordinance, the following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive and discretionary.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for”, “designed for” “intended for”, “maintained for”, or “occupied for”.
- G. The word “person” includes an individual, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either . . . or”, the conjunction shall be interpreted as follows:
  1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  2. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
  3. “Either . . . or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

## SECTION 2.2 • DEFINITIONS

For the purpose of this Ordinance the terms and words herein are defined as follows:

**ACCESSORY USE, BUILDING OR STRUCTURE:** A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

**ADJACENT:** See LOT, ADJACENT.

**ADULT USE:** Any commercial or recreational establishment which at all times excludes minors by virtue of age, including adult bookstores,

adult motion picture theatres, adult mini-motion picture theatres, adult drive-in theatres, adult massage parlors, adult modeling studios, and eating and drinking places with sexually-oriented entertainment. Also see Section 4.1.4.

**ALLEY:** A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as wall, partitions, stairways, columns, beams, girders; any change in the width or number of exits; any substantial changes in the roof or exterior walls; any change in the location of a building; any change in the number of off-street parking or loading area or means of egress and ingress to the site; or any change which may be referred to herein as “altered” or “reconstructed” or “change of use”.

**ANIMAL HOSPITAL:** See CLINIC, VETERINARY.

**APARTMENT:** See DWELLING, MULTIPLE FAMILY.

**ARCADE:** Any establishment which provided on its premises four or more machines which upon the insertion of a coin or slug may be operated for use as a game, contest, or amusement of any description, not including musical devices.

**ARCHITECTURAL FEATURES:** Architectural features of a building including cornices, eaves, gutters, sills, lintels, bay windows, chimneys and decorative ornaments.

**AUTOMOBILE:** Unless specifically indicated otherwise, “automobile” shall mean any vehicle including cars, trucks, vans, motorcycles, and the like.

**AUTOMOBILE FILLING STATION:** A place used for the retail sale and dispensing of fuel or lubricants, either full or self service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

**AUTOMOBILE REPAIR:** Major or minor repair of automobiles defined as follows:

- A. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- B. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding

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or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

**AUTOMOBILE REPAIR GARAGE:** A premise primarily used for general automobile repair wholly within enclosed buildings, including engine or transmission building; rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair, overall vehicle painting or rustproofing; and other related activities.

**AUTOMOBILE SERVICE STATION:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water coolants and other operating commodities for motor vehicles or which may include retail sale of tires, batteries, and similar accessories and the making of minor repairs to vehicles or parts thereof totally enclosed within a building and that do not normally require storing such vehicles on the premises overnight. Automotive Service Station shall not include bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, high-volume of motor vehicle washing or sales of new or used cars, trucks, motorcycles or other land vehicles.

**AUTOMOBILE WASH ESTABLISHMENT:** An activity or building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**BASEMENT:** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

**BED-N-BREAKFAST INN:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only and for overnight guests only.

**BEDROOM:** Any private room in a dwelling unit suitable for regular use for sleeping purposes. Bedrooms include rooms designated on development floor plans as dens, studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom but which in the judgement of the Village Planning Commission would normally be usable for sleeping purposes shall be considered a bedroom.

**BERM:** See LANDSCAPING.

**BIKEWAY:** Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Village or other agency with right-of-way

jurisdiction, as applicable.

**BILLBOARD:** Any non-accessory advertising sign, device, design, words, letters, number or trademark which makes anything known to the general public and may be the principal use of the lot or parcel on which it is located. Billboards are prohibited throughout the Village of Oxford.

**BLOCK:** The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Village, or any other barrier to the continuity of development.

**BOARD OF APPEALS:** The Village of Oxford Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

**BOARDING HOUSE:** A building, other than a hotel, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

**BUILDABLE AREA:** The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

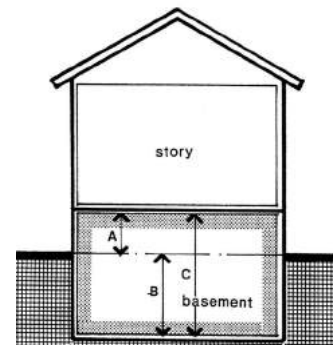
**BUILDING:** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall include tents, awnings, and carports; and also semi-trailers, vehicles, mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

**BUILDING, ACCESSORY:** See ACCESSORY USE, BUILDING, OR STRUCTURE.

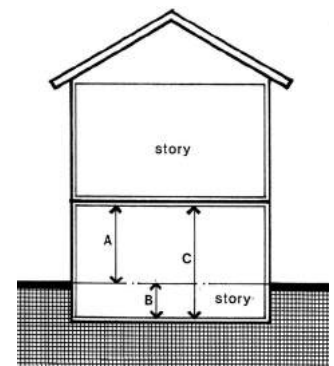
**BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and exterior walls having only window and normal entrance or exit doors.

**BUILDING, DETACHED:** A principal building surrounded by open space.

**BUILDING HEIGHT:** The vertical distance measured from the mean



"A" is less than "B"  
"C" is a basement



"A" is greater than 5 feet  
"C" is a story

*Basement Measurement*

average ground level at the front building line to the highest point of the roof surface in the case of a flat roof; to the deck line of mansard roofs; to the mean height level between the eaves and ridge of gable, hip and gambrel roofs.

Chimneys, spires, antenna, turrets, and similar projections other than signs shall not be included in calculating building height.

**BUILDING LINE:** A line parallel to the front lot line that separates all parts of a building from the open spaces adjacent thereto on the same lot. For the purposes of this Ordinance, a minimum building line is the same as a required setback line.

**BUILDING OFFICIAL:** The person or persons designated by the Village to administer and enforce the applicable construction codes.

**BUILDING, PRINCIPAL:** A building or group of buildings in which is conducted the main or principal use of the lot on which the building is situated. (See "BUILDING, ACCESSORY" and "USE, PRINCIPAL".)

**BUILDING, TEMPORARY:** A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on construction site.

**BUMPER BLOCKS:** Concrete or cement cast units located at one end of each parking space, designed to protect buildings, walls, fences, sidewalks or landscaping from damage by vehicles. Asphalt bumper blocks may not be used in the Village of Oxford.

**CARETAKER LIVING QUARTERS:** An independent residential dwelling unit designed for and occupied by one or two persons, of which at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

**CEMETERY:** Land used for the burial of the dead including columbariums, crematories, and mausoleums.

**CHILD CARE CENTER:** An establishment where three (3) or more children, not related by bonds of consanguinity or fostership to the family residing on the same premises, are cared for in return for remuneration. Such child care centers need not have a resident family on the premises. A child care center may also sometimes be referred to as a NURSERY, DAY NURSERY, DAY CARE CENTER, or NURSERY SCHOOL.

**CLINIC, VETERINARY:** A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages

enclosed within the walls of the clinic building.

**CLINIC, MEDICAL:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**CLUB, HEALTH:** Any establishment providing physical culture or health services, including health clubs, racquetball or tennis clubs, reducing salons, or tanning salons.

**CLUB OR LODGE, PRIVATE:** A non-profit association of persons who are bona fide members paying dues which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this Ordinance.

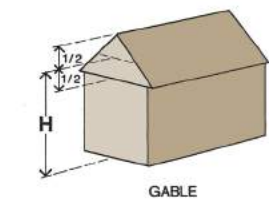
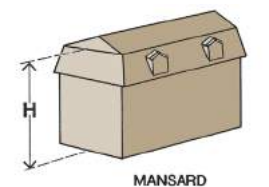
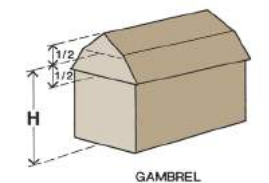
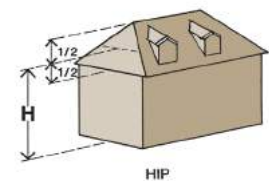
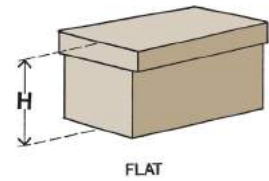
**COLLECTOR STREET:** See STREET, COLLECTOR.

**COMMERCIAL, VEHICLE:** A truck or motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of 9 feet. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

**COMPREHENSIVE PLAN:** See MASTER PLAN.

**CONDITIONAL USE:** A use which is subject to conditional special approval by the Village Planning Commission. A conditional use may be granted only when there is a specific provision in this Ordinance. A conditional use is not considered to be a nonconforming use and is distinct from a Special Land Use. See SPECIAL LAND USE.

**CONDOMINIUM:** Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular dwelling unit in such building. Condominiums shall be



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subject to the regulations set forth in Michigan Public Act 59 of 1978, as amended.

**CONVALESCENT HOME:** See NURSING HOME.

**CO-OP (COOPERATIVE) HOUSING:** A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

**CORNER LOT:** See LOT, CORNER.

**CUL-DE-SAC:** See STREET, CUL-DE-SAC.

**CURB CUT:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

**DAY CARE CENTER:** See CHILD CARE CENTER.

**DECK:** An open, horizontal platform attached to the rear or side of the principal residential structure and that is used for outdoor leisure or recreational activities. The platform shall not be enclosed by a roof or walls or other screened or framed enclosure.

**DISTRIBUTION CENTER:** A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business. See also WAREHOUSE.

**DISTRICT:** A portion of the Village of Oxford within which, on a uniform basis, certain uses of land and/or building are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**DRIVE-THRU SERVICE:** The term "Drive-Thru Service" shall mean a business activity so developed that its retail or service character provides a driveway approach and waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**DRIVEWAY:** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

**DUMPSTER:** A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

**DWELLING:** A building or portion thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family, excluding hotels, motels, and tourists homes. In no case shall a travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

**DWELLING, MANUFACTURED:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and

B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and

C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

Also refer to DWELLING, ONE FAMILY OR SINGLE FAMILY.

**DWELLING, MOBILE HOME:** A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance. A mobile home is a type of manufactured housing. Also see DWELLING, ONE FAMILY OR SINGLE FAMILY.

**DWELLING, MULTIPLE-FAMILY:** A building designed for and occupied by three (3) or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwellings units include the following:

A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often have a central heating system and other central utility connections and common yard space.

B. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

**DWELLING, ONE-FAMILY OR SINGLE-FAMILY:** A detached building containing not more than one dwelling unit designed for residential use, provided:

A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.

B. It has a minimum width across front, side and rear elevations of 24 feet and complies in all respects with the Village building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by Village building code, then and in that event, such federal or state standard or regulation shall apply; further provided that the provisions of this section shall not have the effect of making one family dwellings, which exist as of the effective date of this Ordinance, non-conforming.

C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Village building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family dwellings. In the event



## ARTICLE 2: DEFINITIONS

that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required.

- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.
- E. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction equal to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- F. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling: has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- G. The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of thirty (30) days from the receipt of notice of said Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of single family "dwelling" as well as the character, design and appearance of one or more residential dwellings to the extent of less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Village.
- H. The dwelling contains no additions or rooms or other areas which are not constructed with a quality of workmanship equal to the original structure, including permanent attachments to the principal structure and construction of foundations as required herein.
- I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR-3280, amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- J. The foregoing standard shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Village pertaining to such parks.
- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

**DWELLING, TWO-FAMILY OR DUPLEX:** A detached building, designed exclusively to be occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

**DWELLING UNIT:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

**DWELLING UNIT, SINGLE-FAMILY ATTACHED OR TOWNHOUSE:** A Townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, and typically with its own basement, utility connections, and front and rear yards. Townhouses are also commonly known as row houses.

**DRIVE-IN THEATER:** An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term "drive-in theater" as used herein shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

**DUPLEX:** See DWELLING, TWO FAMILY OR DUPLEX.

**EARTH-SHELTERED HOME:** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

**EASEMENT:** Any private or dedicated public way that provides a means of access to property. The term "easement" may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

**EFFICIENCY UNIT:** See DWELLING, MULTIPLE FAMILY.

**ERECTED:** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES:** The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or Village-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal

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## ARTICLE 2: DEFINITIONS

departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities.

**EXCAVATION:** The removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening, farming, and general ground care.

**FAMILY:**

- A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than one additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, non-transient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**FAMILY DAY CARE HOME:** See STATE LICENSED RESIDENTIAL FACILITY.

**FARM:** All of the contiguous neighboring or associated land operated as a single unit for agricultural production by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; also including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries. For the purposes of this Ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, riding or boarding stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, or gravel or sand pits, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.

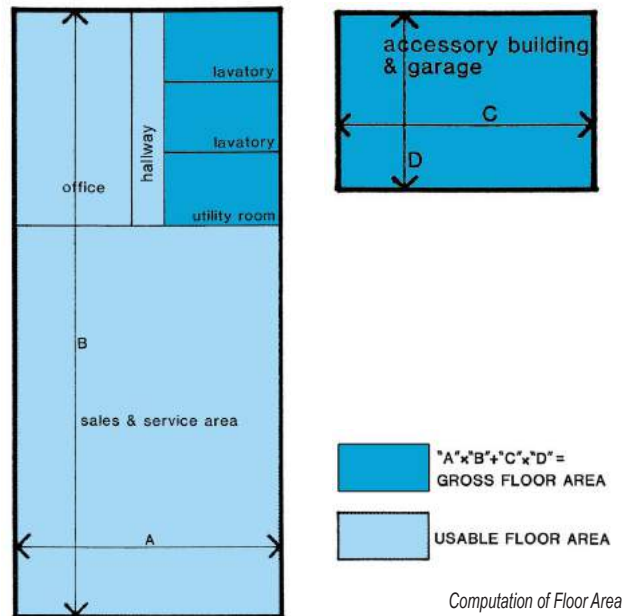
A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or sales, contractor yards or any other activities other than those incidental to the bona fide farm.

**FENCE:** A fence is a permanent or temporary unroofed barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance, confining within, or marking a boundary.

**FILL, FILLING:** The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

**FLOOR AREA:** The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a structure used for parking of motor vehicles shall not be computed in the floor area.

- A. **Gross Floor Area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.
- B. **Residential Floor Area.** The sum of the horizontal areas of each story of the dwelling, as measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or porches.
- C. **Usable Floor Area (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities.



**FOSTER CARE HOME:** See STATE LICENSED RESIDENTIAL FACILITY.

**FOSTER CHILD:** A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

**FRATERNAL ORGANIZATION:** See CLUB.

## ARTICLE 2: DEFINITIONS

**FRONT LOT LINE:** See LOT LINE, FRONT.

**FRONT YARD:** See YARD, FRONT.

**GARAGE, PRIVATE:** An accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

**GARAGE, PUBLIC:** Any building or premise, other than junkyard, where more than one motor vehicle is stored for compensation.

**GARAGE, REPAIR:** See AUTOMOBILE REPAIR GARAGE.

**GAS STATION:** See AUTOMOBILE FILLING STATION and AUTOMOBILE SERVICE STATION.

**GOLF COURSE OR COUNTRY CLUB:** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

**GOLF DRIVING RANGE:** An area or parcel of land which includes golf tee areas and associated facilities, the purpose of which is to practice golf shots.

**GRADE:** A grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**GREENBELT:** See LANDSCAPING.

**GROUP HOMES:** See STATE LICENSED RESIDENTIAL FACILITY.

**GYM OR GYMNASIUM:** A room or building equipped for gymnastics, exercise, or sport.

**HAZARDOUS SUBSTANCES:** Any chemical or other material which, by virtue of its inherent properties and not solely by the manner in which it is used, has the potential to be injurious to the public health, safety, and welfare even in small quantities. Uses and facilities which use, store or generate hazardous substances in quantities greater than one hundred (100) kilograms per month, or twenty-five (25) gallons per month, whichever is less, shall be subject to site plan requirements.

**HEIGHT, BUILDING:** See BUILDING HEIGHT.

**HIGHWAY:** See STREET.

**HOME OCCUPATION:** Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that day-care centers, tea-rooms, veterinarian's office, tourist homes, animal hospitals,

kennels, millinery shops, barbershops and beauty shops, among others, shall not be deemed to be home occupations.

**HOSPITAL:** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**HOSPITAL, VETERINARY:** See CLINIC, VETERINARY.

**HOTEL:** A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, and in which provision is not made for cooking in the individual units. Hotels customarily provide services such as desk service, maid service, laundering of linens, etc.

**INGRESS AND EGRESS:** As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk or entrance-way which allows pedestrians to enter or leave a parcel of property, a building, or another location.

**JUNK:** Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

**JUNKYARD:** An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

**KENNEL:** Any lot or premises on which three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, grooming or as pets; and may offer provisions for minor medical treatment including animal shelters.

**LABORATORY:** A place devoted to experimental, routine or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

**LAKE:** Any body of water, natural or artificial, defined as "inland lake or stream" in the Inland Lake and Stream Act of 1972, P.A. 1972, No. 346, as amended.

**LAKE LOT:** See LOT, LAKE.

**LANDFILL:** Any disposal area, tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

**LANDSCAPING:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape

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design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping- related terms are defined as follows:

- A. Berm:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.
- B. Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
- C. Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- D. Hedge:** A row of closely planted shrubs or low-growing trees which form a continuous visual screen, boundary, or fence.
- E. Screen or Screening:** A wall, wood fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- F. Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- G. Sod:** A piece from the surface of grassland containing the grass support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. Sod is grown on mineral soil (commonly referred to as "topsoil") or peat, and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.
- H. Tree:** A self-supporting woody, deciduous or evergreen plant with a well- defined central stem which normally grows to a mature height of fifteen (15) feet or more in Oakland County, Michigan.
  - 1. Deciduous Tree: A variety of tree that has foliage that is shed at the end of the growing season.
  - 2. Evergreen Tree: A variety of tree that has foliage that persists and remains green throughout the year.
- I. Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.

- J. Shade Tree:** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Oakland County, Michigan, and has a trunk with at least five (5) feet of clear stem at maturity.

**LIVESTOCK:** Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm.

**LOADING SPACE, OFF-STREET:** An off-street space of definite size and dimensions in accordance with the requirements of this Ordinance, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

**LOCAL STREET:** See STREET, LOCAL OR MINOR.

**LOT (OR ZONING LOT OR PARCEL):** For the purposes of enforcing this ordinance, a lot is defined as a piece of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. A lot shall have frontage on a roadway dedicated to the public and certified for maintenance by a public agency, or, if permitted by the regulations set forth herein, on a private road. A lot may consist of:

- A.** A single Lot of Record.
- B.** A portion of a Lot of Record.
- C.** A combination of complete Lots of Record, or portion thereof.
- D.** A piece of land described by metes and bounds.

**LOT, ADJACENT:** Lots which adjoin each other or which are separated only by a public or private right-of-way or easement.

**LOT AREA, NET:** The total horizontal area within the lot lines of a lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or wetlands area.

**LOT AREA, GROSS:** The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

**LOT, CONTIGUOUS:** Lots adjoining each other.

**LOT, CORNER:** A lot of which at least two adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.)

**LOT COVERAGE:** The part or percent of the lot that is occupied by buildings or structures.

**LOT DEPTH:** The horizontal distance between the front street line and



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rear lot line, measured along the median between the side lot lines.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

**LOT, INTERIOR:** Any lot other than a corner lot with only one (1) lot line fronting on a street.

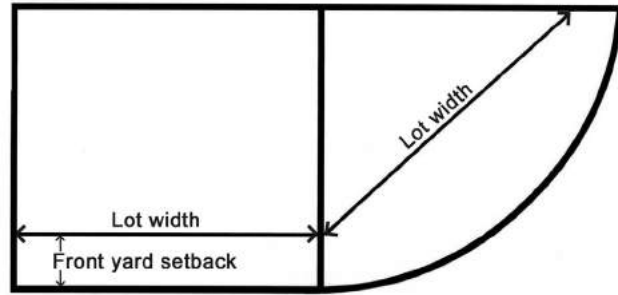
**LOT, LAKE:** A lot having any frontage directly upon a lake, natural or man-made. The yard adjacent to the water shall be designated the front yard of the lot, and the opposite side shall be designated the rear yard of the lot.

**LOT LINES:** The lines bounding a lot as follows:

- A. Front Lot Line:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.
- B. Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- C. Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Oakland County Register of Deeds, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Oakland County Register of Deeds.

**LOT WIDTH:** The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.



**LOT SPLIT AND CONSOLIDATION:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Oakland County Register of Deeds and/or the Village Treasurer. The division of lots shall take place in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended and the Village of Oxford Subdivision Regulations Ordinance No. 212.

**MAIN ACCESS DRIVE:** Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

**MAJOR STREET OR THOROUGHFARE:** See STREET, MAJOR.

**MANUFACTURED HOUSING:** See DWELLING, MANUFACTURED.

**MASTER PLAN:** A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Village and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**MEZZANINE:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located. A mezzanine shall be deemed a full story if the vertical distance from the next floor below the mezzanine to the next floor above is twenty-four (24) feet or more.

**MINOR STREET:** See STREET, LOCAL OR MINOR.

**MOBILE HOME:** See DWELLING, MOBILE HOME.

**MOBILE HOME PARK:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

**MOBILE HOME LOT:** An area within a mobile home park which is designated for the exclusive use of the occupants of a specific mobile home.

**MOTEL:** A series of attached, semi-detached, or detached rental units which may or may not be independently accessible from the outside parking area consisting of a minimum of a bedroom and

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bath, occupied for hire, in which a minimum of fifty percent (50%) plus one (1) of the units feature exterior entrances, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and/or caretaker.

**MOTOR HOME:** A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile home.

**MUNICIPALITY:** The word "municipality" shall mean the Village of Oxford, Oakland County, Michigan.

**NATURAL FEATURES:** Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

**NONCONFORMING BUILDING:** A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located.

**NONCONFORMING LOT:** A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located.

**NONCONFORMING USE:** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

**NON-CONFORMITY:** Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located.

**NUISANCE:** Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

**NURSERY, DAY NURSERY, or NURSERY SCHOOL:** See CHILD CARE CENTER.

**NURSERY, PLANT MATERIAL:** A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises. Also see OPEN AIR BUSINESS and ROADSIDE STAND.

**NURSING HOME, CONVALESCENT HOME, or REST HOME:** A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in

accordance with Michigan Public Acts 139 of 1956, as amended.

**OCCUPANCY, CHANGE OF:** The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

**OCCUPIED:** Used in any way at the time in question.

**OFFICE, MEDICAL:** Offices for medical professionals and related occupations, such as doctors, dentists, chiropractors, osteopaths, and similar or allied professions.

**OFFICE, PROFESSIONAL:** Offices for executive, administrative, and professional occupations such as lawyers, accountants, architects, planners, engineers, financial advisors, media production, advertising, sales, and similar or allied professions.

**OFF-STREET PARKING SPACE:** See PARKING SPACE and PARKING LOT, OFF-STREET.

**OPEN AIR BUSINESS:** Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- D. Outdoor display and sale of model garages, swimming pools, playground equipment, and similar uses.

**OPEN SPACE:** That part of a zoning lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

**PARCEL:** See LOT.

**PARKING LOT, OFF-STREET:** An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

**PARKING SPACE:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, which is fully accessible for such purposes, and is exclusive of access drives and aisles thereto.

**PARTY WALL:** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

**PERSON:** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

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**PERFORMANCE STANDARD:** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, or other effects.

**PERSONAL SERVICE ESTABLISHMENT:** A business that performs services on the premises for persons residing in nearby residential areas including but not limited to shoe repair, tailoring, beauty parlors, nail salons, or barbershops.

**PET:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is kept for pleasure or companionship.

**PLACE OF WORSHIP:** A religious institution, or a site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

**PLANNED UNIT DEVELOPMENT:** A planned unit development may include such concepts as cluster development, planned development, community unit development, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches.

**PLANNING COMMISSION:** The Planning Commission of the Village of Oxford, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

**PORCH, ENCLOSED.** A covered entrance to a building or structure which is totally enclosed, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN.** A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

**POULTRY:** Any of various breeds of birds long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys not including game fowl.

**PRINCIPAL USE:** See USE, PRINCIPAL.

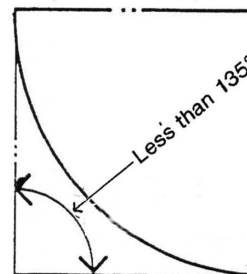
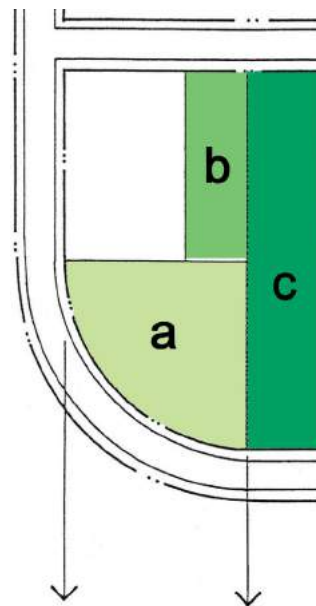
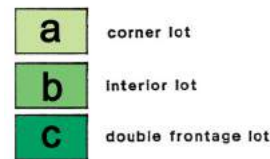
**PRIVATE STREET OR ROAD:** See STREET.

**PROPERTY LINE:** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

**PUBLIC UTILITY:** Any persons, firm, corporation, municipal

department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

**REAR LOT LINE:** See LOT LINE, REAR.



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**RECREATION FACILITIES, INDOOR:** An establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

**RECREATIONAL LAND:** Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

**RECREATIONAL VEHICLE:** A boat, snowmobile, off-road vehicle, camper travel trailer, motor home, pick-up camper, trailer which is designed for private recreational or recreational travel use.

**REFUSE:** The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, sashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

**RETAIL SALES ESTABLISHMENT:** Any generally recognized retail business that supplies commodities on the premises to the general public. Commodities supplied may include groceries and similar food products for consumption off the premises. Restaurants or any similar establishment that serves prepared food as its primary business is not considered a retail sales establishment

**RESTAURANT:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. Restaurant, Carry-Out:** A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. Restaurant, Drive-In:** A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. Restaurant, Drive-Through:** A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- D. Restaurant, Fast-Food:** A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

**E. Restaurant, Standard:** A standard restaurant is a restaurant whose method of operation involves either:

- 1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
- 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

**F. Bar/Lounge:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If an establishment includes a bar or lounge and a separate dining facility, the establishment shall be considered a bar/lounge if more than 50 percent of the usable floor area of the entire establishment is used for the bar/lounge.

**RIGHT-OF-WAY:** A right-of-way as defined herein dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the right-of-way normally includes curbs, lawn strips, and lighting and drainage facilities.

**ROADSIDE STAND:** A temporary or permanent building primarily operated for the purpose of seasonally selling agricultural products.

**ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**ROOMING HOUSE:** See BOARDING HOUSE.

**SATELLITE ANTENNA:** An accessory structure which at its widest dimension is in excess of 36 inches, capable of receiving signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

**SENIOR HOUSING:** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:

- A. Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- B. Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C. Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under

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applicable state laws.

- D. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
- E. **Elderly Housing.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- F. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.

**SETBACK:** The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The MINIMUM REQUIRED SETBACK is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

**SIDE LOT LINE:** See LOT LINE, SIDE.

**SIDEWALK:** Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Village or other agency with right-of-way jurisdiction, as applicable.

**SIGN:** Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located. Various types of signs and sign-related terms are defined in Article 7 of this Ordinance.

**SITE PLAN:** A scaled drawing illustrating existing conditions, detailing the proposed use and development of a parcel, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.

**SPECIAL EVENT:** An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Village of Oxford community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

**SPECIAL LAND USE:** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.

**STABLE, PRIVATE:** A private stable is an enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

**STABLE, PUBLIC:** A public stable is an enclosed building intended for the keeping of horses or other domestic animals, in which any such animals are kept for remuneration, hire, or sale.

**STATE LICENSED RESIDENTIAL FACILITY:** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

**A. Adult Foster Care Facility:** A governmental or nongovernmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
3. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
4. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.

**B. Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Social Services.

**C. Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Social Services.

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- D. Family Day Care Home:** A private residence in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- E. Group Day Care Home:** A private residence in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**STATE EQUALIZED VALUATION:** The value shown on the Village assessment roll as equalized through the process of State and County equalization.

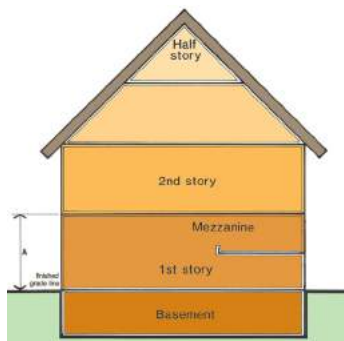
**STORAGE:** The depositing of material, products for sale or use, vehicles, or other items for a period greater than 24 hours. This definition shall include items for household use, but shall not include vehicles, boats, mobile homes and other items.

**STORY:** That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area of the floor immediately below it.

A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

**STORY, HALF:** The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches.



**STREET:** A public or private street, road or thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

- A. Collector Street:** A street whose principal function is to carry traffic between local or minor streets and major streets but may also provide direct access to abutting properties.
- B. Cul-De-Sac:** A street that terminates in a vehicular turnaround.
- C. Local or Minor Street:** A street whose sole function is to provide access to abutting properties.
- D. Major Street:** A street that carries high volumes of traffic and serves as a main avenue through or around the Village. Major streets may also be referred to as arterial streets or major thoroughfares. For the purpose of this Ordinance, major streets shall include those streets designated as "county primary", "county local" or "major street" on the most recently approved Village of Oxford Act 51 Map (P.A. 1951).
- E. Private Street or Road:** A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the Village, County, State or Federal Government.
- F. Public Street or Road:** A street or road, the right-of-way and improvements of which have been accepted for maintenance by the Village, County, State or Federal Government.

**STREET LINE:** A dividing line between the street and a lot, also known as the right-of-way line.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having location such location. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

**STRUCTURE, ACCESSORY:** See ACCESSORY USE, BUILDING, OR STRUCTURE.

**SUBDIVISION PLAT:** The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, and the Village of Oxford Subdivision Regulations, Ordinance No. 212.

**SWIMMING POOL:** Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**TEMPORARY USE OR BUILDING:** See BUILDING, TEMPORARY or USE, TEMPORARY.



## ARTICLE 2: DEFINITIONS

**THEATER:** An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building. Also see DRIVE-IN THEATER.

**TOWNHOUSE:** See DWELLING UNIT, SINGLE FAMILY ATTACHED or TOWNHOUSE.

**TOXIC OR HAZARDOUS WASTE:** Waste or a combination of waste and other discarded material including solid, liquid, semi-solid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. An increase in mortality, or
- B. An increase in serious irreversible illness, or
- C. Serious incapacitating, but reversible illness, or
- D. Substantial present or potential hazard to human health or the environment.

**TRAILER:** See RECREATIONAL VEHICLE; DWELLING, MOBILE HOME; and UTILITY TRAILER.

**TRANSITION:** The word or term “transition” or “transitional” shall mean a zoning district, a landscaped area, lot arrangement, wall or other means which may serve as a buffer between various land use types, particularly those uses which are incompatible.

**USE:** The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

**USE, PERMITTED:** A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

**USE, PRINCIPAL:** The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

**USE, TEMPORARY:** Shall mean a use permitted to exist during a specified period of time under conditions and procedures as provided in this Ordinance.

**UTILITY ROOM:** A utility room is a room in a dwelling, the use of which is primarily for storage, for housing a heating unit, or for laundry purposes.

**UTILITY TRAILER:** A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

**VARIANCE:** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

**VETERINARY HOSPITAL:** See CLINIC, VETERINARY.

**VILLAGE:** The Village of Oxford, Oakland County, Michigan.

**VILLAGE COUNCIL:** The Village Council of the Village of Oxford, Oakland County, Michigan.

**WALL, OBSCURING:** Shall mean a decorative masonry structure of

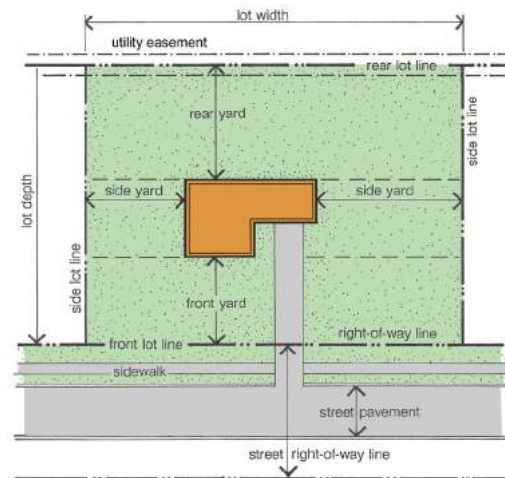
definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

**WALL, RETAINING:** A structural mass which is designed and used to resist lateral pressures of soil behind it and is designed to be safely supported by soil beneath it.

**WAREHOUSE:** A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. See also DISTRIBUTION CENTER.

**WHOLESALE SALES:** On premise sales of goods primarily to customers engaged in the business of reselling the goods.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance.



- A. **Yard, Front:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.
- B. **Yard, Rear:** A yard extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest point on the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. **Yard, Side:** A yard between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

**ZONING OFFICIAL:** Official assisting Village Council, Village Manager, Planning Commission and Zoning Board of Appeals in administering the regulations of this Ordinance.

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# Article 3: Zoning Districts and Uses

## Chapter 1: Zoning Districts and Map

### SECTION 3.1.1 • CREATION OF ZONING DISTRICTS

For the purpose of this Ordinance, the Village of Oxford shall be divided into the following zoning districts, which shall be known by the names and symbols here shown.

R-1	Single Family Residential District
RM	Multiple Family Residential District
C-1 Core	Central Business District
C-1 Transition	Commercial Gateway
C-2	General Commercial District
I-1	Industrial District
P-1	Vehicular Parking District

### SECTION 3.1.2 • ZONING MAP

The boundaries of the Village of Oxford zoning districts are shown on a map adopted by the Village Council. The map shall be entitled “Zoning Map, Village of Oxford, Oakland County, Michigan” and shall bear the date adopted or amended. It shall be the duty of the Village Manager and Clerk to authenticate such records by placing their official signatures thereon. Such map with all accompanying explanatory matter is hereby made a part of this Ordinance and shall be, as such, a part of this Ordinance as if the matters and information set forth thereon were all fully described herein.

### SECTION 3.1.3 • APPLICATION OF THIS ORDINANCE

Except as otherwise provided in this Ordinance, erection of buildings and uses of land shall conform to the specific provisions for the zoning districts involved. No land shall be redeveloped or use commenced, expanded or continued within the Village except as specifically, or by necessary implication, authorized by this Ordinance.

Lawful nonconforming structures and uses existing at the time of passage of this Ordinance are specifically governed by Article 8, Nonconformities, and generally governed by this Ordinance.

### SECTION 3.1.4 • INTERPRETATION OF DISTRICT BOUNDARIES

**A.** Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets or alleys, or such lines extended, and the limits of the Village of Oxford.

Where a district boundary line, as established in this Section or as shown on the Zoning Map, divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot, provided that the more restricted portion of such lots is entirely within twenty five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

**B.** Where due to the scale, lack of detail or illegibility of the Zoning Map of this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, said lines shall be interpreted upon written request, or upon its own motion, by the Zoning Board of Appeals, after recommendation by the Planning Commission.

**C.** Where a district boundary line follows a shoreline, such boundary shall construed to be the shoreline. In the event of a change in the shoreline, the boundary line shall be construed to move with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be structured to follow such center lines.

### SECTION 3.1.5 • PERMISSIVE ZONING

Land uses are permitted specifically in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted. No land contained within any zoning district within the Village of Oxford shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Article 8, Nonconformities.

### SECTION 3.1.6 • USES PERMITTED AS A RIGHT

Permitted uses, as identified in Section 3.3.1 covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, district intent, permit, certificate and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated herein.

## **ARTICLE 3: ZONING DISTRICTS AND USES**

### **SECTION 3.1.7 • USES PERMITTED UNDER SPECIAL APPROVAL**

The uses identified as special approval uses in Section 3.3.1 covering each district are recognized as possessing characteristics of such unique and special nature (relative to location, off site impacts, design, size, public service, utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Article 9, Chapter 2 regarding procedure and requirements for special approval uses, shall apply to these uses.

### **SECTION 3.1.8 • ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the Village shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it is attached.

### **SECTION 3.1.9 • ZONING OF ANNEXED AREAS**

Any area annexed to the Village shall, immediately upon such annexation, be automatically classified as an R-3 District until a Zoning Map for said area has been adopted by the Council. The Planning Commission shall recommend appropriate zoning for such area within six (6) months after the annexation has taken place.

## Chapter 2: Purpose of Districts

### SECTION 3.2.1 • R-1, SINGLE FAMILY DISTRICTS

The intent of the Single Family Residential Districts is to provide areas in the Village for the construction and continued use of single family dwellings within stable neighborhoods. It is intended that the principal use of land is for single family dwellings, but each district has different minimum area, density, and placement requirements to provide different housing types to accommodate the varied needs of the population. For these residential districts, in promoting the general purpose of this section, the specific intent of this section is:

- A. To permit the construction of, and the continued use of the land for single family dwellings; and
- B. To prohibit multiple family, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single family dwellings in the district.

Subdivision Open Space or Planned Unit Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Articles 5 and 6.

### SECTION 3.2.2 • RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

The intent of this district is to provide areas in the Village for multiple family dwellings at a moderate density; access to amenities; adequate open space for vehicular parking, outdoor recreation, and plant growth; and adequate distance of buildings and parking from adjoining residential districts.

### SECTION 3.2.3 • RESERVED

### SECTION 3.2.4 • RESERVED

### SECTION 3.2.5 • C-1 CENTRAL BUSINESS DISTRICT - CORE AND TRANSITION

The intent of the C-1 District and associated form-based regulations is to create proper urban form through simple and clear regulations on the design of new development or redevelopment. For the purposes of this Article, proper urban form means development that permits a mixture of land uses in close proximity; streets that serve the need of pedestrians, bicycles and automobiles equitably; provides places for informal social activity and recreation; and creates building frontages that define the public space of streets. With proper urban form, a wide range of uses within the building may be comfortably and naturally accommodated. The C-1 District is broken into two subdistricts – the C-1 Core and the C-1 Transition District. These two subdistricts intend to:

- A. Create a core downtown zone that maintains the traditional physical form of historic central business district.
- B. Create a unique, historic, walkable mixed use district with a diversity of office, retail and residential spaces along

Washington Street.

- C. Promote the orderly development, redevelopment, and continued maintenance of the Oxford central business district.
- D. Encourage shared parking areas dispersed throughout the district typically located behind the buildings that front on Washington Street
- E. Create physical building guidelines that ensure new buildings are compatible with the historic downtown architecture
- F. Ensure buildings create a solid streetwall that help to minimize visual impact of parking located off of Washington Street.
- G. Permitted uses should be complementary to each other, and should not have an adverse impact on street capacity, public utilities and services, or the overall image and function of the district.
- H. To prohibit automotive related services and non retail uses which tend to interfere with the continuity of retail frontage.

### SECTION 3.2.6 • C-2 GENERAL BUSINESS DISTRICT

The intent of the General Business District is to provide for a variety of commercial uses, including more intensive commercial uses not permitted in the C-1 District and which can be incompatible with pedestrian movement. The district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire Village and a substantial area of surrounding region beyond the municipal limits and, therefore, are often located so as to serve passing traffic.

Because of the variety of business types permitted in the C-2 District, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. General commercial facilities should be compatible in design with adjacent commercial development.

Planned Unit Development may be permitted as a means to achieve the basic intent of this district in accordance with the guidelines in Article 5.

### SECTION 3.2.7 • I-1 INDUSTRIAL DISTRICT

The intent of the I-1 Industrial District is to provide locations for industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or properties in adjoining districts. Permitted uses should be compatible with surrounding residential or commercial uses.

Accordingly, permitted manufacturing, distribution, warehousing, and other light industrial uses permitted in this district should be fully contained within well designed buildings on amply landscaped sites, with adequate off street parking and loading areas, and with proper screening around outside storage areas.

Planned Unit Development may be permitted as a means to achieve the basic intent of this district in accordance with the guidelines in Article 5.

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## **ARTICLE 3: ZONING DISTRICTS AND USES**

### **SECTION 3.2.8 • P-1 VEHICULAR PARKING DISTRICT**

The intent of the Vehicular Parking District is to accommodate the off street parking for those non residential uses which are not able to provide adequate space within their own district boundaries. This district will generally be provided by petition or request to serve a use district which has developed without adequate off street parking facilities. See Section 4.1.42 for use criteria and development standards for the P-1 District.

### **SECTION 3.2.9 • FLEX DISTRICT**

The intent of the Flex District is to allow a market-based approach to developing vacant land in the Village. The Flex District is not a zoning district in and of itself, but is instead a placeholder designed to allow applicants to propose a use or development based on the needs of the market. The Planning Commission shall have the right and responsibility to weight all proposals against the standards in this Ordinance, and to determine whether a proposal is in the best interest of the Village and its residents.

# Chapter 3: Land Use Table

<b>KEY</b>	P = Principal permitted use
	S = Special use
	■ = Not permitted

## SECTION 3.3.1 • TABLE OF PERMITTED USES BY DISTRICT

USES	DISTRICTS								ADDITIONAL STANDARDS
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F	
<b>COMMUNITY, PUBLIC, and RECREATION USES</b>									
Places of worship and other customarily associated religious buildings	S	S	P	P	P	P	■	S	Section 4.1.26
Public, parochial, and other private elementary, intermediate, or high schools	S	S	P	P	P	P	■	S	Section 4.1.29
Colleges, universities, and other such institutions of higher learning offering courses in general, technical, or religious education	S	S	P	P	P	P	■	S	Section 4.1.29
Business schools and colleges, and vocational training centers such as trade schools, dance schools, music and voice schools, and art studios	■	■	P	P	P	P	■	S	
Cemeteries	P	■	■	■	■	■	■	S	Section 4.1.9
Publicly owned buildings	S	S	P	P	P	P	■	S	Section 4.1.36
Publicly owned or operated parks, parkways, and outdoor recreational facilities.	P	P	P	P	■	■	■	S	Section 4.1.25
Essential services	S	S	S	S	P	P	■	S	
Community buildings such as libraries, museums, and recreational, educational, and human service centers	S	S	P	P	P	P	■	S	
Child care centers	S	S	P	P	P	S	■	S	Section 4.1.10
Public or private golf courses, including country clubs	S	S	S	S	S	S	■	S	Section 4.1.14
Hospitals	■	S	S	S	S	S	■	S	Section 4.1.18
Private indoor recreation facilities	■	■	P	P	P	P	■	S	
Private outdoor recreation facilities	■	■	S	S	S	S	■	S	Section 4.1.25
<b>COMMERCIAL and RETAIL USES</b>									
Retail sales establishments	■	■	P	P	P	S	■	S	
Restaurants	■	■	P	P	P	S	■	S	
Bar or lounge	■	■	P	P	P	S	■	S	
Bed and breakfast establishments	S	S	P	P	P	■	■	S	Section 4.1.18
Hotel	■	■	P	P	P	■	■	S	Section 4.1.21
Restaurant, carry-out	■	■	P	P	P	■	■	S	
Theatres	■	■	P	P	P	■	■	S	When within a completely enclosed building
New and used automobile, truck and tractor, boat, mobile home, recreation vehicle, and trailer sales	■	■	■	S	P	P	■	S	Section 4.1.5

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**ARTICLE 3: ZONING DISTRICTS AND USES**

<b>KEY</b>	P = Principal permitted use
	S = Special use
	■ = Not permitted

USES	DISTRICTS								ADDITIONAL STANDARDS	
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F		
<b>COMMERCIAL and RETAIL USES [continued]</b>										
Automobile filling and service stations, including oil change or lubrication stations					P				S	Section 4.1.6
Automobile or car wash establishments					P				S	Section 4.1.7
Outdoor sales					S					Section 4.1.23
Motel					S				S	Section 4.1.21
Commercial kennels					S				S	Section 4.1.16
Drive-throughs				S	P	S			S	Section 4.1.13
Parking garages		S	S	S	S				S	Section 4.1.48
Arcades			P	P	P				S	
Drive-in theatres					S				S	Section 4.1.11
Outdoor cafes and seating			S	S	S					Section 4.1.45
Stores selling primarily tobacco or nicotine products or accessories			S	S	P	S			S	
Outdoor dining on private property (April 15 to November 1)			P	P	P	S			S	Section 4.1.45
Outdoor dining on private property (November 2 to April 14)			S	S	S	S			S	Section 4.1.45
Outdoor dining on public property			S	S	S	S	S	S	S	Section 4.1.45
<b>INDUSTRIAL, RESEARCH, and TECHNOLOGY USES</b>										
Research, design, and pilot or experimental project development			S	S	P	P			S	When in a completely enclosed building. Growing of vegetation requisite to the conduct of basic research shall not be required to be enclosed.
Warehousing, wholesale distribution establishments, and truck terminal facilities					S	P			S	
The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge, and machining shops provided that no metal stamping machines are employed					S	P			S	
The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semi-precious metals or stone, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns			S	S	S	P			S	
The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas			S	S	S	P			S	
Manufacturer of edible products industry but not limited to baked goods, beer, wine, liquor, candy, and other foods fit for wholesale distribution			S	S	S	P			S	

ARTICLE 3: ZONING DISTRICTS AND USES

<b>KEY</b>	P = Principal permitted use
	S = Special use

USES	DISTRICTS								ADDITIONAL STANDARDS
	R-1	RM	C-1 Core	C-2 Trans	C-2	I-1	P-1	F	
<b>INDUSTRIAL, RESEARCH, and TECHNOLOGY USES [continued]</b>									
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products			S	S	S	P		S	
Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, phonographs and television			S	S	S	P		S	
Laboratories: experimental, film, or testing			S	S	P	P		S	
Manufacturing and repair of electric signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like						P		S	
Storage facilities for building materials, sand, gravel, stone, lumber and outdoor storage of contractor's equipment and supplies						P		S	
Grain elevators						P		S	
Central dry cleaning plants or laundries						P		S	
Automotive repair garages, auto engine and body repair, and undercoating shops					P	P		S	When all operations take place within a completely enclosed building
Mini warehouses and self storage facilities					P	P		S	
Storage and transfer, and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, water supply and sewage disposal plants, water and propane tank holders, railroad buildings transfer and storage tracks, loading and storage facilities and off street vehicular parking						S		S	
Retail uses which have an industrial character in terms of either their activities or outdoor storage requirements such as, but not limited to: lumber yards, building materials outlets, upholsterers, and cabinet makers, and agricultural or construction equipment sales, rental, or repair					P	P		S	
Lumber and planing mills when completely enclosed						P		S	When located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District

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**ARTICLE 3: ZONING DISTRICTS AND USES**

<b>KEY</b>	<b>P</b> = Principal permitted use
	<b>S</b> = Special use
	= Not permitted

USES	DISTRICTS								ADDITIONAL STANDARDS
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F	
<b>INDUSTRIAL, RESEARCH, and TECHNOLOGY USES [continued]</b>									
Metal plating, buffing and polishing						P		S	
Radio, telephone and television towers and their attendant facilities						S		S	An open weave, six (6)foot high chain link fence shall be constructed around the entire perimeter of the site  When located centrally on a parcel having a dimension of not less than a distance equal to the height of the tower as measured from the base of said tower to all points on each property line
Junkyards						S		S	Section 4.1.44
Incineration of garbage or refuse						S		S	When conducted within a State approved and enclosed incinerator plant  When located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District
<b>OFFICE AND SERVICE USES</b>									
Professional offices			P	P	P			S	
Medical offices			P	P	P			S	
Funeral homes	S	S	S	P	P			S	Section 4.1.39
Banks, credit unions, and savings and loan associations			P	P	P			S	



ARTICLE 3: ZONING DISTRICTS AND USES

<b>KEY</b>	<b>P</b> = Principal permitted use
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	<b>■</b> = Not permitted

USES	DISTRICTS								ADDITIONAL STANDARDS
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F	
<b>OFFICE AND SERVICE USES (CONTINUED)</b>									
Personal service establishments	■	■	P	P	P	■	■	S	
Newspaper offices and printing shops	■	■	P	P	P	■	■	S	
Offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator or similar trade	■	■	P	P	P	■	■	S	
Bus passenger stations	■	■	S	S	S	■	■	S	
Laundry and dry cleaning customer outlets, coin operated laundromats, and similar operations	■	■	S	S	P	■	■	S	
Private service clubs, fraternal organizations, banquet halls, and meeting halls	■	■	P	P	P	■	■	S	
Dance halls, assembly halls, and similar places of assembly	■	■	P	P	P	■	■	S	
Veterinary offices and hospitals	■	■	P	P	P	■	■	S	
<b>RESIDENTIAL USES</b>									
One-family detached dwellings	P	P	■	■	■	■	■	S	
Two-family dwellings	■	P	■	■	■	■	■	S	
Multiple family dwellings	■	P	■	■	■	■	■	S	Section 4.1.37
Residential units as described in Form Based Code	P	P	P	P	■	■	■	■	Section 3.4.13
State licensed residential facilities (6 or fewer residents)	P	P	■	■	■	■	■	S	Section 4.1.38
State licensed residential facilities (7 or more residents)	■	S	■	■	■	■	■	S	Section 4.1.38
Convalescent homes	■	S	■	■	■	■	■	S	Section 4.1.22
Home occupations	S	S	■	S	■	■	■	S	Section 4.1.17

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<b>KEY</b>	<b>P</b> = Principal permitted use
	<b>S</b> = Special use
	<b>■</b> = Not permitted

USES	DISTRICTS								ADDITIONAL STANDARDS	
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F		
<b>RESIDENTIAL USES [continued]</b>										
Boarding houses	■	■	■	■	■	■	■	■	S	
Single-family detached dwelling serving as the living quarters of a watchman or caretaker of a multiple-family development	■	S	■	■	■	■	■	■	S	
Mobile Home Parks, subject to the approval of the Michigan Mobile Home Commission	■	■	■	■	■	S	■	■	S	Section 4.1.20
<b>TEMPORARY, SPECIAL EVENT, and OTHER USES</b>										
Accessory buildings and accessory uses customarily incidental to the permitted uses in this section	P	P	P	P	P	P	P	P	P	Sections 4.1.2 and 4.1.3 (as applicable)
Outdoor storage	■	■	■	■	P	P	■	■	S	Section 4.1.46
Satellite dish antennas	■	P	S	S	S	S	■	■	S	Section 4.1.28
Wireless Telecommunication Facilities	S	S	■	■	P	P	■	■	S	Section 4.1.41
Mobile MRI Trailers	■	■	■	■	S	S	■	■	S	Section 4.1.47

# Chapter 4: District Regulations

## SECTION 3.4.1 • R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

### REGULATIONS SCHEDULE

#### BUILDING HEIGHT - PRINCIPAL BUILDING

In Stories:	2 Stories
In Feet:	30 Feet

#### BUILDING HEIGHT - ACCESSORY BUILDING<sup>7</sup>

In Feet:	15 Feet
----------	---------

#### LOT STANDARDS<sup>1</sup>

Minimum Lot Width:	60 Feet
Minimum Lot Area:	7,200 Sq. Ft.
Minimum Usable Floor Area Per Unit (Principal Building):	1,000 Sq. Ft.

Maximum Lot Coverage for All Buildings:	40 Percent
---	------------

#### SETBACKS - PRINCIPAL BUILDING<sup>6</sup>

Front Yard <sup>2</sup> :	15 Feet <sup>6</sup>
Side Yard (One) <sup>2</sup> :	5 Feet <sup>8</sup>
Side Yard (Total of Two):	12 Feet <sup>6</sup>
Rear Yard:	30 Feet <sup>6</sup>

#### SETBACKS - DETACHED ACCESSORY BUILDING<sup>3,4</sup>

Front Setback:	25 Feet
Side Yard:	5 Feet <sup>1,5</sup>
Rear Setback:	3 Feet <sup>5</sup>

See Section 4.1.2 for additional requirements

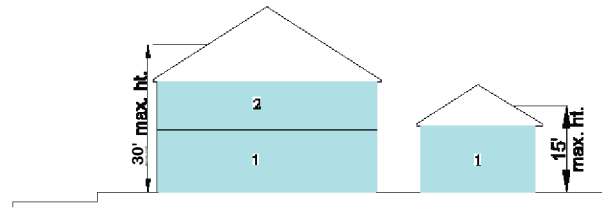
#### FOOTNOTES

- Where public sewers are not provided, the minimum lot area be at least 12,750 square feet and the minimum lot width shall be 80 feet.
- The side yard abutting upon a street shall not be less than ten (10) feet.
- Detached accessory buildings shall be a minimum of 10 feet from any principal building.
- No detached accessory buildings shall be erected in the front or required side yard or within permanent easements.
- An accessory building shall not be located nearer than 10 feet to a street right-of-way line, except in those instances where the rear lot line abuts an alley right-of-way, in which case, the accessory building shall be no closer than one (1) foot to such rear lot line.
- Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance applicable to main buildings. An attached accessory building shall be setback a minimum of 3 feet behind the front building line.
- Accessory buildings may be up to 25 feet in height if they contain living space that meet the standards of the building code. The living space must be accessory to the principal single family dwelling and may not be a separate dwelling unit.
- Within the Form Based Code boundary, the setbacks shall be the same as the C-1 Transition District.

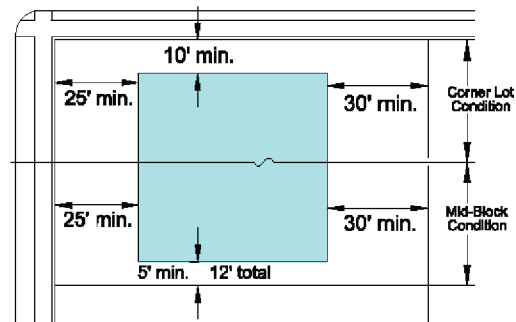
Graphics are illustrative only. Refer to REGULATIONS SCHEDULE for setback and height information. (amended by ordinance #376)

Some regulations on this page are superceded within the Form Based Code boundary.

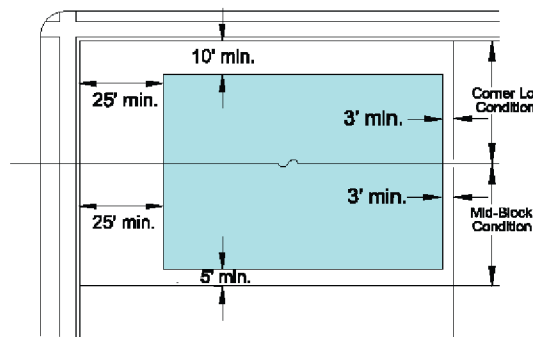
#### BUILDING HEIGHT



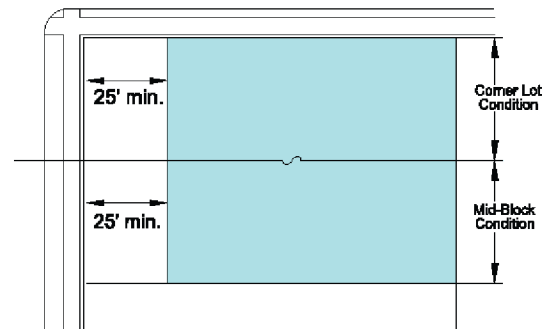
#### SETBACKS - PRINCIPAL BUILDING



#### SETBACKS - DETACHED ACCESSORY BUILDING



#### PARKING PLACEMENT



1 Purpose

2 Definition

3 Zoning District and Uses

4 Use Standards

5 Planned Unit Development

6 Development Standards

7 General Provisions

8 Nonconformities

9 Administration & Enforcement

# ARTICLE 3: ZONING DISTRICTS AND USES

## SECTION 3.4.2 • RM, MULTIPLE FAMILY RESIDENTIAL DISTRICT

### REGULATIONS SCHEDULE

#### BUILDING HEIGHT - PRINCIPAL BUILDING

In Stories:	2 Stories
In Feet:	25 Feet

#### BUILDING HEIGHT - ACCESSORY BUILDING

In Feet:	15 Feet
----------	---------

#### LOT STANDARDS

Minimum Lot Width:	80 Feet
--------------------	---------

#### MINIMUM FLOOR AREA PER UNIT (PRINCIPAL BUILDING):

Efficiency:	350 Sq. Ft.
One Bedroom:	500 Sq. Ft.
Two Bedroom:	700 Sq. Ft.
Each Additional Bedroom:	200 Sq. Ft. per bedroom

#### SETBACKS - PRINCIPAL BUILDING<sup>2</sup>

Front Yard:	25 Feet <sup>5</sup>
Side Yard:	10 Feet <sup>5</sup>
Rear Yard:	30 Feet <sup>5</sup>

#### SETBACKS - DETACHED ACCESSORY BUILDING<sup>1,2</sup>

Front Setback:	25 Feet
Side Yard:	5 Feet
Rear Setback:	3 Feet <sup>5</sup>

See Section 4.1.3 for additional requirements

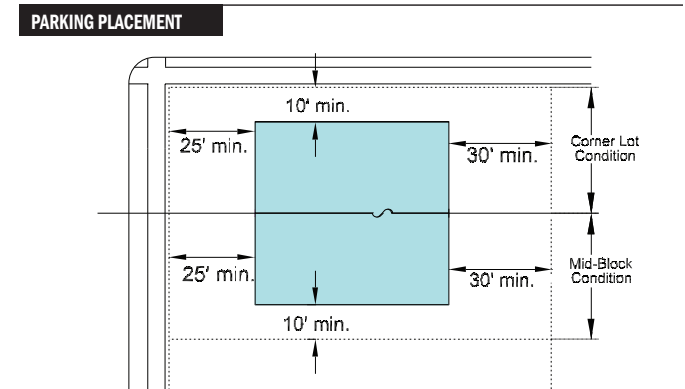
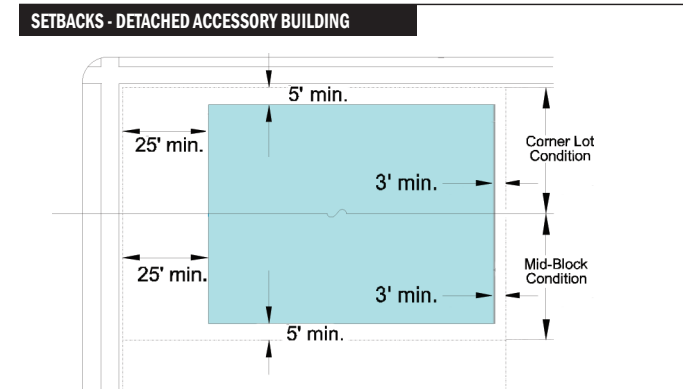
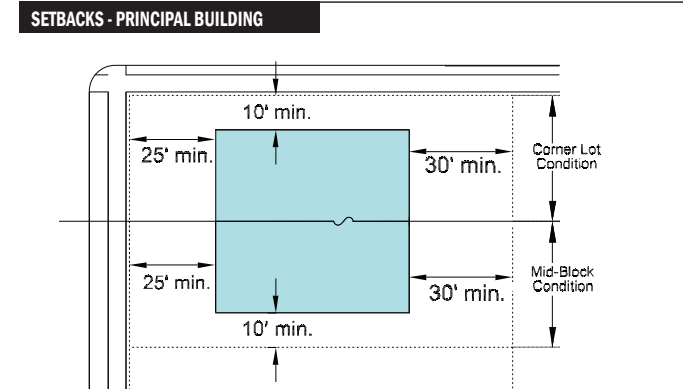
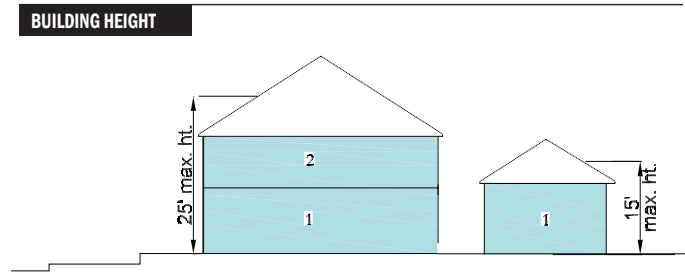
#### MINIMUM SPACING BETWEEN BUILDINGS<sup>3</sup>

Front to Front:	50 Feet
Front to Rear:	50 Feet
Rear to Rear:	50 Feet
Front to Side:	30 Feet
Side to Side:	10 Feet
Corner to Corner:	10 Feet
Maximum Units per Acre	15 Units <sup>4</sup>

#### FOOTNOTES

1. No detached accessory structure shall be erected in the front yard. In the case of lots with two front yards, no accessory structure shall be located in the required minimum setback of either front yard.
2. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance applicable to main buildings. An attached accessory building shall be setback a minimum of 3 feet behind the front building line.
3. There is no maximum density within the Form Based Boundary provided all other standards are met.
4. Within the Form Based Code Boundary, the setbacks shall be the same as C-1 Transition District

Graphics are illustrative only. Refer to REGULATIONS SCHEDULE for setback and height information. Some regulations on this page are superseded within the Form Based Code boundary.



SECTION 3.4.3 • C-2, GENERAL COMMERCIAL DISTRICT

REGULATIONS SCHEDULE

**BUILDING HEIGHT - PRINCIPAL BUILDING**

In Stories:	2 Stories
In Feet:	30 Feet

**BUILDING HEIGHT - ACCESSORY BUILDING**

In Feet:	30 Feet <sup>1</sup>
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**LOT STANDARDS**

Minimum Lot Width:	See Footnote 5
Minimum Lot Area:	See Footnote 5

Minimum Usable Floor Area Per Unit (Principal Building):	N/A
--	-----

Maximum Lot Coverage for All Buildings:	N/A
---	-----

**SETBACKS - PRINCIPAL BUILDING<sup>2</sup>**

Front Yard:	30 Feet
Side Yard (One):	0 Feet <sup>6</sup>
Side Yard (Total of Two):	0 Feet
Rear Yard:	0 Feet <sup>3</sup>

**SETBACKS - DETACHED ACCESSORY BUILDING<sup>2</sup>**

Front Setback:	Behind Front Yard
Side Yard:	0 Feet <sup>6</sup>
Rear Setback:	0 Feet <sup>4</sup>

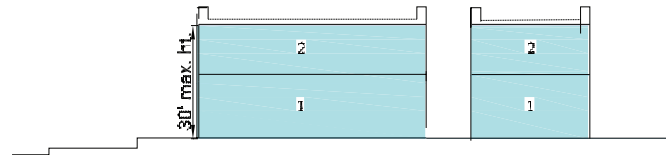
See Section 4.1.3 for additional requirements

**FOOTNOTES**

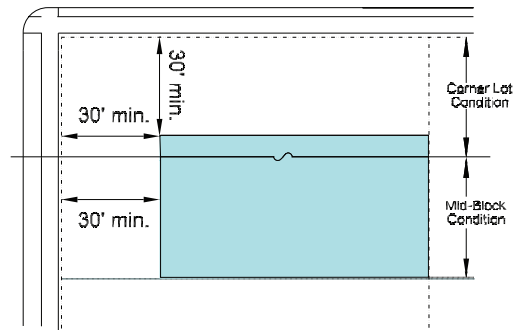
1. Subject to Planning Commission approval.
2. Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to principal buildings.
3. When a C-2 District lot is adjacent to a single family residential district, a minimum rear yard setback of 20 feet is required.
4. In the case where a rear lot line abuts an alley right-of-way, the accessory building shall maintain a 1 foot setback from the right-of-way.
5. Minimum lot area and width shall be determined by the use, setbacks, and other requirements of the Ordinance.
6. If the wall of the structure facing the side lot line contains windows or other openings as determined in the Building Code, a minimum 10 foot front setback shall be required.
7. A 10 foot greenbelt may be required along the side lot line, per Section 7.1.3B(3.e).

Graphics are illustrative only. Refer to REGULATIONS SCHEDULE for setback and height information.

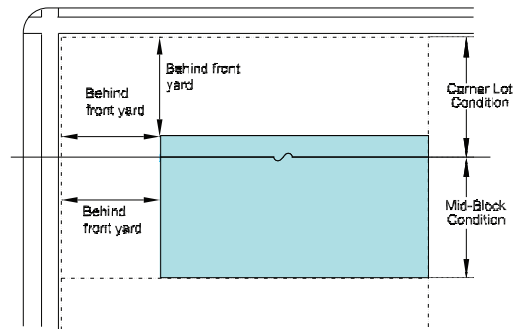
**BUILDING HEIGHT**



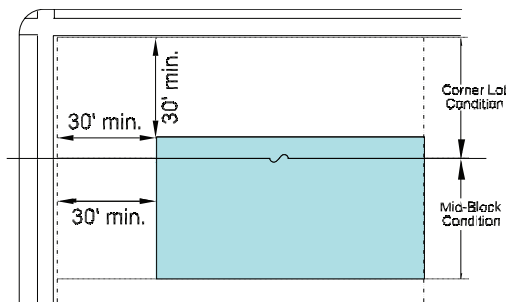
**SETBACKS - PRINCIPAL BUILDING**



**SETBACKS - DETACHED ACCESSORY BUILDING**



**PARKING PLACEMENT<sup>7</sup>**



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# ARTICLE 3: ZONING DISTRICTS AND USES

## SECTION 3.4.4 • I-1, INDUSTRIAL DISTRICT

### REGULATIONS SCHEDULE

#### BUILDING HEIGHT - PRINCIPAL BUILDING

In Stories:	2 Stories
In Feet:	35 Feet

#### BUILDING HEIGHT - ACCESSORY BUILDING

In FEET:	35 Feet <sup>1</sup>
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#### LOT STANDARDS

Minimum Lot Width:	See Footnote 5
Minimum Lot Area:	See Footnote 5
Minimum Usable Floor Area Per Unit(Principal Building):	N/A
Maximum Lot Coverage for All Buildings:	N/A

#### SETBACKS - PRINCIPAL BUILDING<sup>2</sup>

Front Yard:	50 Feet
Side Yard (One)	0 Feet <sup>6</sup>
Side Yard (Total of Two):	0 Feet
Rear Yard:	0 Feet <sup>3</sup>

#### SETBACKS - DETACHED ACCESSORY BUILDING<sup>2</sup>

Front Setback:	Behind Front Yard
Side Yard:	0 Feet <sup>6</sup>
Rear Setback:	0 Feet <sup>4</sup>

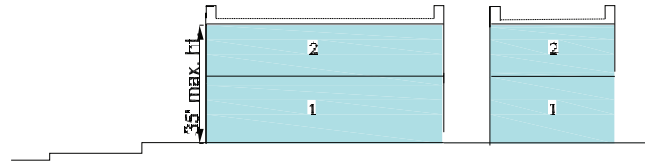
See Section 4.1.3 for additional requirements

#### FOOTNOTES

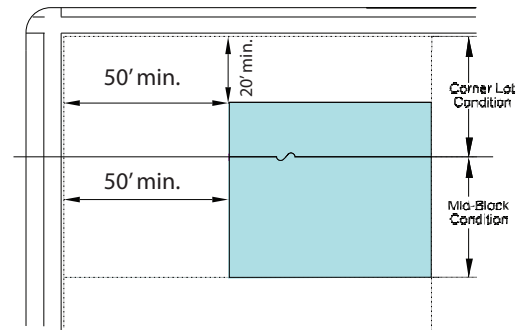
1. Subject to Planning Commission approval.
2. Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to principal buildings.
3. When an I-1 District lot is adjacent to any residential district, a minimum rear yard setback of 50 feet is required. When an I-1 District lot is adjacent to any other non-industrial district, a minimum rear yard setback of 30 feet is required.
4. In the case where a rear lot line abuts an alley right-of-way, the accessory building shall maintain a 1 foot setback from the right-of-way.
5. Minimum lot area and width shall be determined by the use, setbacks, and other requirements of the Ordinance.
6. When an I-1 District lot is adjacent to any residential district, a minimum side yard setback of 50 feet is required. When an I-1 District lot is adjacent to any other non-industrial district, a minimum side yard setback of 20 feet is required.

Graphics are illustrative only. Refer to REGULATIONS SCHEDULE for setback and height information.

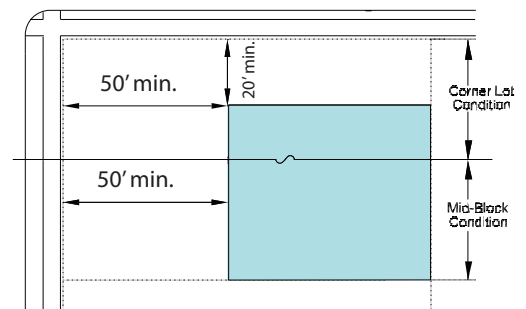
#### BUILDING HEIGHT



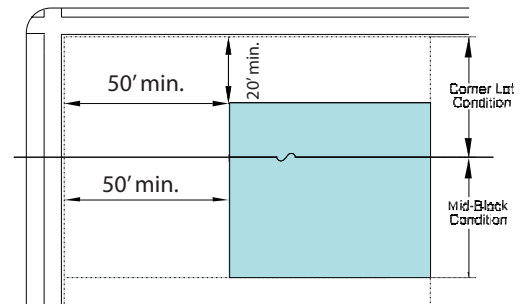
#### SETBACKS - PRINCIPAL BUILDING



#### SETBACKS - DETACHED ACCESSORY BUILDING



#### PARKING PLACEMENT



SECTION 3.4.5 • C-1, CORE DISTRICT

REGULATIONS SCHEDULE

BUILDING HEIGHT - PRINCIPAL BUILDING

In Stories:	5 Stories (2 Stories Min.)
In Feet:	64 Feet (30 Feet Min.)
Fourth Story and Above Setback:	15 Feet

LOT STANDARDS

Minimum Lot Width:	See Footnote 1
Minimum Lot Area:	See Footnote 1
Minimum Usable Floor Area Per Unit (Principal Building):	N/A
Building Lot/Width Ratio <sup>3</sup> :	75% Min.; 100% Max.

SETBACKS - PRINCIPAL BUILDING

Front Yard:	0 Feet Min.; 5 Feet Max.
Side Yard (One)	0 Feet <sup>2</sup>
Side Yard (Total of Two):	0 Feet
Rear Yard:	0 Feet <sup>4</sup>

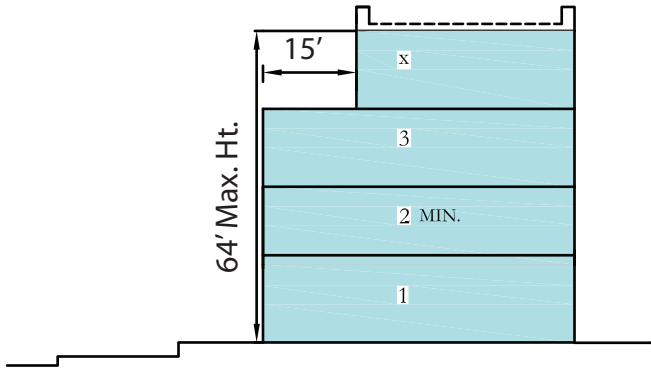
FOOTNOTES

1. Minimum lot area and width shall be determined by the use, setbacks, and other requirements of the ordinance.
2. If the wall of the structure facing an interior side lot line contains windows or other openings as determined in the Building Code, a minimum 10 front setback shall be required.
3. Any portion of the lot frontage not occupied by building must either include a screen wall to screen parking areas or must be a pedestrian pass-through connecting the parking areas at the rear of the building to Washington Street.
4. A minimum 5 foot wide sidewalk for pedestrian ingress and egress shall be maintained between the rear of the building and the back of curb adjacent to a public or private street, roadway, or alley, or off-street parking lot. Where no curb exists, a minimum 5 foot wide sidewalk shall be provided between the rear of the building and the nearest edge of pavement used for a public or private street, roadway, or alley, or off-street parking lot. The sidewalk may be located on private property, public property, or a combination thereof. The sidewalk shall maintain a 5 foot wide clearpath free from any incumbrances, including but not limited to light poles, landscaping, street furniture, HVAC equipment, and structural elements. A building projection above the clear path shall maintain a minimum vertical clearance of 14 feet above the grade of the pedestrian area.

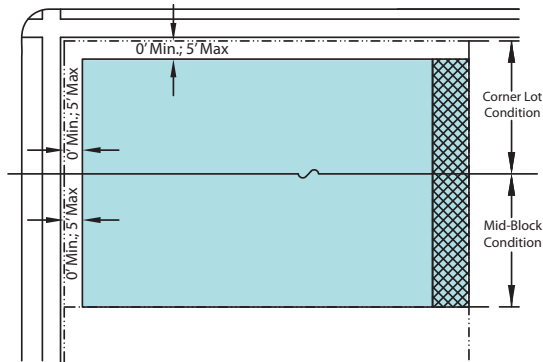
See Form Based Code for additional regulations.

Graphics are illustrative only. Refer to REGULATIONS SCHEDULE for setback and height information.

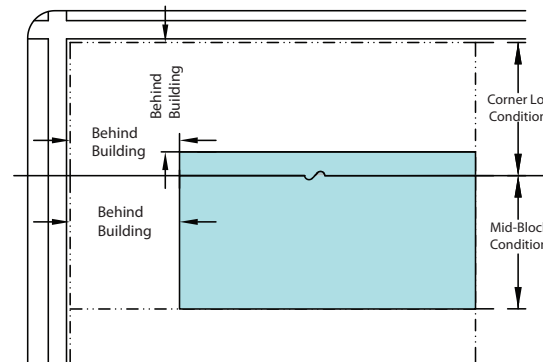
BUILDING HEIGHT



SETBACKS - PRINCIPAL BUILDING



PARKING PLACEMENT



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# ARTICLE 3: ZONING DISTRICTS AND USES

## SECTION 3.4.6 • C-1, TRANSITION DISTRICT

### REGULATIONS SCHEDULE

#### BUILDING HEIGHT - PRINCIPAL BUILDING

In Stories:	<b>3 Stories (2 Stories Min.)</b>
In Feet:	<b>40 Feet (30 Feet Min.)</b>

#### LOT STANDARDS

Minimum Lot Width:	<b>See Footnote 1</b>
Minimum Lot Area:	<b>See Footnote 1</b>
Minimum Usable Floor Area Per Unit (Principal Building):	<b>N/A</b>
Building Lot/Width Ratio:	<b>65% Min.; 100% Max.</b>

#### SETBACKS - PRINCIPAL BUILDING

Front Yard:	<b>5 Feet Min.; 15 Feet Max.</b>
Side Yard (One)	<b>0 Feet<sup>2</sup></b>
Side Yard (Total of Two):	<b>0 Feet</b>
Rear Yard:	<b>0 Feet<sup>3</sup></b>

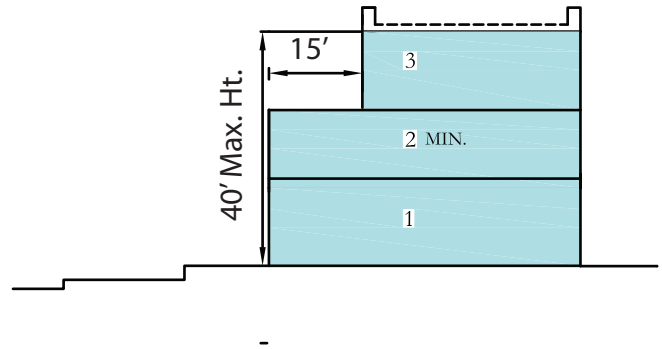
#### FOOTNOTES

1. Minimum lot area and width shall be determined by the use, setbacks, and other requirements of the Ordinance.
2. If the wall of the structure facing an interior side lot line contains windows or other openings as determined in the Building Code, a minimum 10 foot setback shall be required. This footnote shall not apply to lot lines that abut a publically-owned parking lot.
3. A minimum 5 foot wide sidewalk for pedestrian ingress and egress shall be maintained between the rear of the building and the back of curb adjacent to a public or private street, roadway, or alley, or off-street parking lot. Where no curb exists, a minimum 5 foot wide sidewalk shall be provided between the rear of the building and the nearest edge of pavement used for a public or private street, roadway, or alley, or off-street parking lot. The sidewalk may be located on private property, public property, or a combination thereof. The sidewalk shall maintain a 5 foot wide clearpath free from any incumbrances, including but not limited to light poles, landscaping, street furniture, HVAC equipment, and structural elements. A building projection above the clear path shall maintain a minimum vertical clearance of 14 feet above the grade of the pedestrian area.

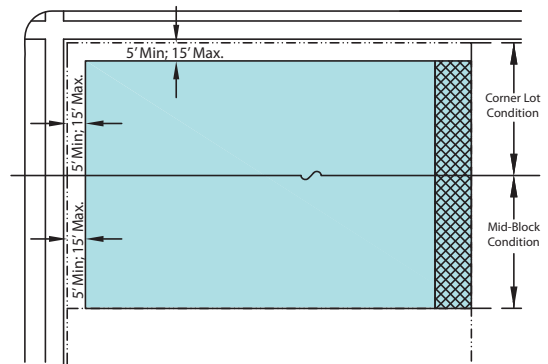
See Form Based Code for additional regulations.

Graphics are illustrative only. Refer to REGULATIONS SCHEDULE for setback and height information.

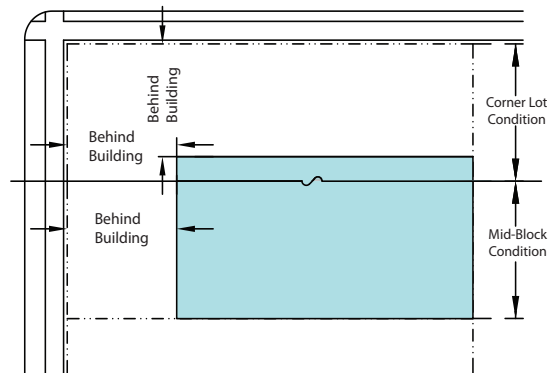
#### BUILDING HEIGHT



#### SETBACKS - PRINCIPAL BUILDING



#### PARKING PLACEMENT



## ARTICLE 3: ZONING DISTRICTS AND USES

### SECTION 3.4.7 • FLEX DISTRICT APPLICATION

**A. Flex District Description.** The Flex District is designed to allow developers to propose a use and site design for consideration by the Planning Commission under the Special Use process in Section 9.2. All uses listed in Section 3.3.1 shall be considered Special Uses in the Flex District. The use and site design must meet the standards of this section in order to be approved. The use and site design must also meet all other standards of this Ordinance, unless specifically waived by the Planning Commission under the process outlined in Section 3.4.12.6.

1. **Application.** An application for Special Use approval within the Flex District must include the following information:
  - a.) A request for an underlying zoning district to govern aspects of the use not specifically listed in the application.
  - b.) A detailed description of the proposed use.
  - c.) A site plan meeting the standards of Section 9.1.
  - d.) A detailed listing of any requested waivers from the standards of this Ordinance. Any requirements of this Ordinance not approved for waivers shall apply to the site.
2. **Process.** An application for Special Use approval within the Flex District must complete the following process in order to be approved:
  - a.) **Pre-Application Meeting (Optional).** All Flex District applicants are encouraged to meet with the Village Planner, Engineer, DPW, Fire, Police, and representatives from the Planning Commission prior to submitting an application.
  - b.) **Public Hearing.** A public hearing, meeting the requirements for Special Use approval from the Michigan Zoning Enabling Act and Section 9.2, shall be held prior to any action on a Flex District application.
  - c.) **Planning Commission Decision.** The Planning Commission may determine whether to approve, approve with conditions, or deny the Special Use request. The Planning Commission may include conditions that impose restrictions on the ongoing operation of the use, above and beyond the requirements of this Ordinance.
  - d.) **Result of Approval.** A parcel approved for a Special Use in the Flex District shall be designated on the Official Zoning Map as being zoned Flex with the approved underlying Zoning District also noted on the map.
3. **Limitations on Rezoning and Standards for Determining Land to be zoned Flex.** No application for a rezoning to

the Flex District initiated by a property owner shall be approved. Only the Village itself may initiate a rezoning to the Flex District. A rezoning to the Flex District shall only be approved by the Village Council if the following criteria are met:

- a.) The land in question either has no principal structure, or the principal structure on the site has been unused for more than five years.
  - b.) In the opinion of the Village Council, there is no clearly appropriate Zoning District for the site, based on the surrounding development pattern and the Village's Master Plan.
  - c.) In the opinion of the Village Council, the Flex District is the most appropriate zoning district to spur development or redevelopment of the property in question.
  - d.) No land within the Form Based Code Boundary shall be rezoned to Flex.
  - e.) No land completely surrounded by single family residential uses shall be rezoned to Flex.
4. **Standards for Approval of Flex District Special Uses.** In determining whether to approve a Special Use application, the Planning Commission shall use the following criteria, in addition to the criteria in Section 9.2.5.
    - a.) The proposed site design includes adequate road and pedestrian access for the proposed use.
    - b.) The proposed site design includes adequate screening and buffering from adjacent or nearby single family uses.
    - c.) The proposed use and site design will not hinder the development of any adjacent land, either with or outside the Flex District.
  5. **Standards for Approval of Waivers.** As part of a Special Use approval in the Flex District, the Planning Commission may approve waivers from the requirements of this Ordinance, if the following criteria are met. The Planning Commission shall not be under any obligation to approve any requested waiver.
    - a.) The proposed site design is adequate for the proposed use, despite not meeting a specific requirement of this Ordinance.
    - b.) The requested waiver is necessary for the efficient operation of the proposed use.
    - c.) Granting the waiver will not result in negative impacts on surrounding uses, including harming the aesthetics of the surrounding area.
    - d.) The proposed design achieves a goal of the applicant that is consistent with the purpose and intent of the Flex District and could not be achieved while in compliance with the Ordinance standard.

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Enforcement

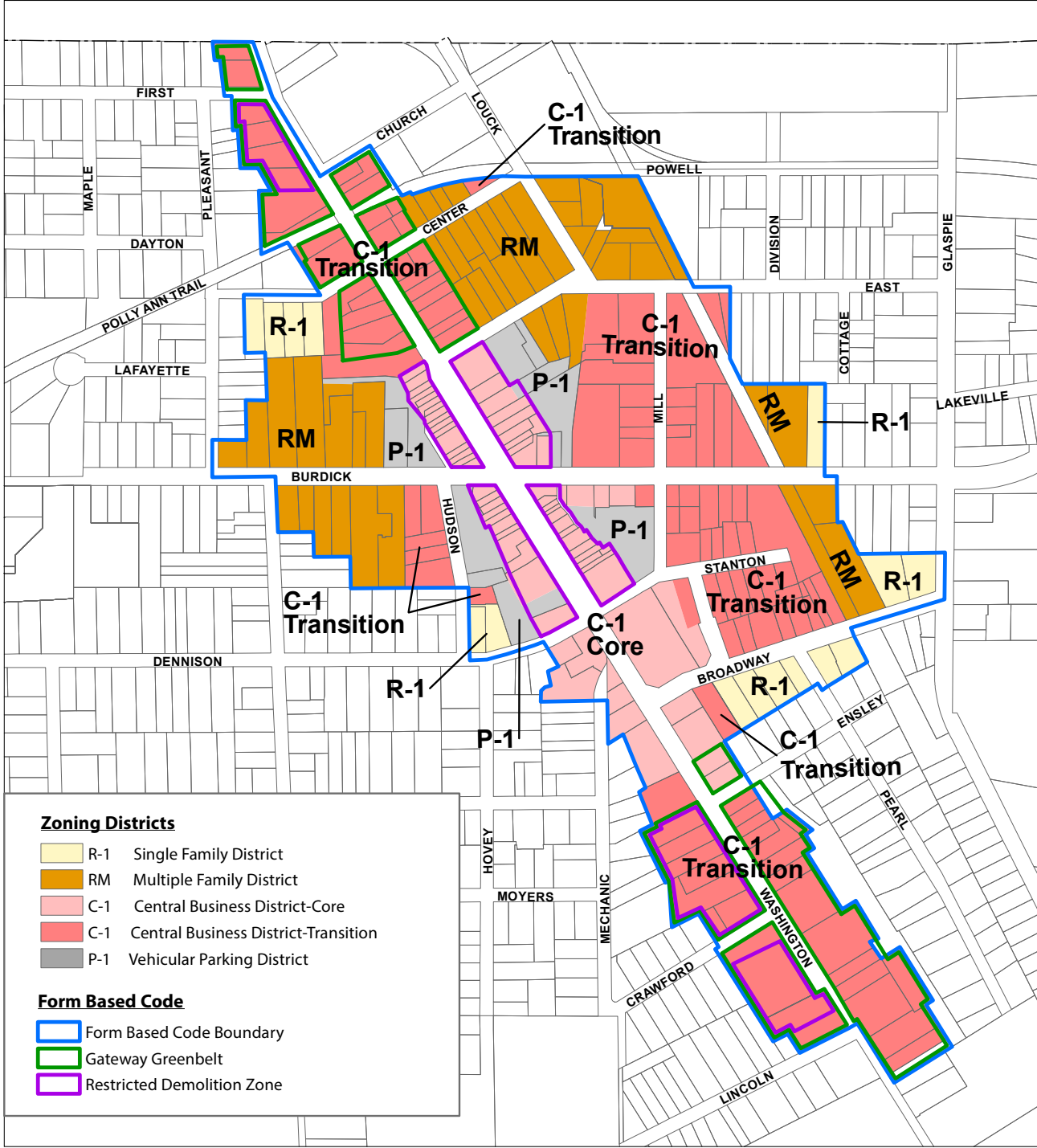
9

## ARTICLE 3: ZONING DISTRICTS AND USES

### Chapter 5: Form Based Code

#### SECTION 3.5.1 • INTRODUCTION AND PURPOSE

In order to preserve the historic character and charm of the Village's core, a Form Based Code has been instituted as an overlay over the area within the Form Based Code Boundary on the Zoning Map and the Form Based Code Map. The regulations in this section are designed to provide for a walkable, vibrant core for the Village, with a mix of uses contained within attractive and functional structures. The provisions of this section shall override any conflicting provisions elsewhere in the Ordinance.



- 1 Purpose
- 2 Definition
- 3 Zoning District and Uses
- 4 Use Standards
- 5 Planned Unit Development
- 6 Development Standards
- 7 General Provisions
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- 9 Administration & Enforcement



## ARTICLE 3: ZONING DISTRICTS AND USES

### SECTION 3.5.2 • BUILDING TYPES

**A. Where Permitted:** The following chart shows the Zoning Districts in which each building type is permitted, by right or by Special Use. Only Zoning Districts included within the Form Based Code Boundary are included. The building types are defined, described, and regulated in the following sections.

Building types marked as Special Uses shall only be permitted through the Special Use process described in Section 9.2. In making the determination of whether to approve the Special Use, the Planning Commission must determine whether or not the proposed building contributes to the Village's economic development and adds to the historic, walkable character and charm of the surroundings.

	C-1 Core	C-1 Transition	RM	R-1	P-1
Mixed-Use Building	P	P			
Commercial Building	P	P			
Maker Space		P			
Live-Work Space	S	P			
Multi-Family Building	S	P	P		
Townhouse	S	P	P	P	
Site Rear Residential		P			
Single Family Home (New)		S	S	P	
Accessory Structure	P	P	P	P	
Parking Garage	S	S	S		P
Parking Lot	S	S	S		P
Park	P	P	P	P	P
Existing Structures	P	P	P	P	P

**B. Mixed Use Building:** For the purposes of this Ordinance, a Mixed Use Building is a building with a commercial first floor and one or more of residential, commercial, or maker space on upper floors.



1. In order to be considered a Mixed Use Building, a building must:
  - a.) Be more than one story.
  - b.) Have a commercial first floor with an entrance that faces a public street.
  - c.) Have upper floors designed for residential, commercial, or maker space.
2. Mixed Use Buildings must meet the following design standards:
  - a.) The commercial first floor shall extend for the entire width of the building along all frontages on a public street. Each commercial unit on the first floor shall have its own entrance.
  - b.) Residential units must be located on floors above non-residential space.
  - c.) Maker space is only permitted in conjunction with a specific permitted use or authorized Special Use and must be designed for small-scale, low impact artisan production that meets the definition in Section 3.4.13.2.D.
  - d.) If required, off-street parking must be located behind or underneath the building.
  - e.) The first floor frontage on any public road must maintain a minimum of 70% transparency (defined as windows or glass doors) between two and eight feet from grade.
  - f.) All first floor windows and windows facing towards a public street must be transparent, non-reflective glass.
  - g.) Overhead doors and associated driveways may not be located on the front of the building and must be located in such a way to minimize safety hazards to passing pedestrians.

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### 3. Permitted Encroachments:

- i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
- ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
- iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

### C. Commercial Building



For the purposes of this Ordinance, a Commercial Building is a building with a commercial first floor. The building may also have additional stories designed for commercial uses. Hotels, hospitals, and other multi-story single-use, non-residential buildings are included in this category, provided they are permitted in the district, or are an authorized Special Use. A Commercial Building may include Maker Space, as defined in Section 3.4.13.2.D.

1. In order to be considered a Commercial Building, a building must:
  - a.) Have a commercial first floor that faces a public street.
  - b.) Not include any dwelling units.
2. Commercial Buildings must meet the following design standards:
  - a.) The commercial first floor shall extend for the entire width of the building, as viewed from any public street. Each commercial unit on the first floor shall have its own entrance.
  - b.) If required, off-street parking must be located behind or underneath the building.
  - c.) The first floor frontage on any public road must maintain a minimum of 70% transparency (defined as windows or glass doors) between two and eight feet from grade.
  - d.) Maker space must be located above or behind commercial or retail space and is only permitted in conjunction with a specific permitted use or authorized Special Use. It must be designed for small-scale, low impact artisan production that meets the definition in Section 3.4.13.2.D.

- e.) Overhead doors and associated driveways may not be located on the front of the building and must be located in such a way to minimize safety hazards to passing pedestrians.
- f.) All first-floor windows and windows facing towards a public street must be transparent, non-reflective glass.
- g.) Permitted Encroachments:
  - i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
  - ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
  - iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

### D. Maker Space



For the purposes of this Ordinance, a Maker Space is a building designed to be used for small-scale, low-impact artisan production of wholesale goods, such as artwork, foodstuffs, beverages, jewelry, furniture, and other handcrafted small-batch products. Research laboratories may be considered Maker Spaces. Maker Spaces may not include any processes that cause negative impacts on surrounding properties due to noise, odor, dust, or vibration. While Maker Spaces may be included in other permitted building types, this section describes buildings that are solely dedicated to Maker Space.

1. In order to be considered Maker Space, a building must:
  - a.) Be associated with a specific permitted use or authorized Special Use.
  - b.) Have space designed to be occupied by one or more small-scale artisan production facilities.
2. Maker Space Buildings must meet the following design standards:

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- a.) Maker Space Buildings may not have frontage along M-24/Washington Street.
- b.) The building must have a pedestrian entrance in addition to any overhead doors.
- c.) Overhead doors and associated driveways must be located in such a way to minimize safety hazards to passing pedestrians.
- d.) The building must meet all relevant Building Codes for a principal structure.
- e.) Permitted Encroachments:
  - i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
  - ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
  - iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

### E. Live-Work Space



For the purposes of this Ordinance, a Live-Work Building is a building containing units that include both residential and non-residential space. The non-residential space may be commercial space, Maker Space, or both. Live-Work Buildings are purpose-built, which differentiates them from Home Occupations, which take place in a building designed to be a residence. Live-Work Buildings differ from Mixed Use Buildings in that the non-residential space is directly connected to the residential space, with both spaces rented to a single tenant as a single unit.

1. In order to be considered a Live-Work Building, a building must:
  - a.) Have units that are designed to be used for both residential and non-residential purposes.
  - b.) All relevant Building Codes must be met for the proposed uses in the units.
2. Live-work Buildings must meet the following design standards:
  - a.) There must be a main entrance, either for each unit, or for the building as a whole, from a public street.
  - b.) If required, off-street parking must be located behind or underneath the building.
  - c.) The first floor frontage on any public road must maintain a minimum of 70% transparency (defined as windows or glass doors) between two and eight feet from grade.
  - d.) Overhead doors and associated driveways may not be located on the front of the building and must be located in such a way to minimize safety hazards to passing pedestrians.
  - e.) If the units have a retail component, the retail must be on the first floor, at the front of the building, facing a public street.
  - f.) Residential space must be located above or behind commercial or Maker Space.
  - g.) All Maker Space must be designed for small-scale, low impact artisan production that meets the definition in Section 3.4.13.2.D.
  - h.) All first-floor windows and windows facing towards a public street must be transparent, non-reflective glass.
  - i.) Permitted Encroachments:
    - i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
    - ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
    - iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

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### F. Multi-Family Building



For the purposes of this Ordinance, a Multi-Family Building is a building containing two or more residential units that share an entrance and interior hallways. A Multi-Family Building may not contain any non-residential space, except for amenities dedicated specifically for the residents of the building.

1. In order to be considered a Multi-Family Building, a building must:
  - a.) Have two or more residential units that share an entrance and interior hallways.
  - b.) Have no commercial, Maker, or other non-residential space, except for amenities for the residents.
2. Multi-Family Buildings must meet the following design standards:
  - a.) There must be a main entrance for the building as a whole from a public street or approved internal private roadway.
  - b.) If required, off-street parking shall not be located between the building and the front lot line.
  - c.) Parking may be located within or underneath the building. However, the building must have a continuous first floor façade facing all public streets.
  - d.) The first floor frontage on any public road must maintain a minimum of 50% transparency (defined as windows or glass doors) between two and eight feet from grade.
  - e.) All first-floor windows and windows facing towards a public street must be transparent, non-reflective glass.
  - f.) Overhead doors and associated driveways may not be located on the front of the building and must be located in such a way to minimize safety hazards to passing pedestrians.
  - g.) Permitted Encroachments:

- i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
- ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
- iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

### G. Townhouse



For the purposes of this Ordinance, a Townhouse is a building containing a single residential unit with its own exterior entrance that is attached by one or more walls to other, similar residential units.

1. In order to be considered a Townhouse, a building must:
  - a.) Be a single residential unit.
  - b.) Have its own exterior entrance.
  - c.) Be connected to other, similar residential units by one or more walls.
  - d.) Have no commercial, Maker, or other non-residential space, except for amenities for the residents.
2. Townhouses must meet the following design standards:
  - a.) Each unit must have its own entrance off of a public street, an approved internal roadway, or a courtyard/green space.
  - b.) If required, off-street parking shall not be located between the building and a public road.
  - c.) Parking may be located within or underneath the building. However, the building must have a continuous first floor façade.
  - d.) All first-floor windows and windows facing towards a public street must be transparent, non-reflective glass.

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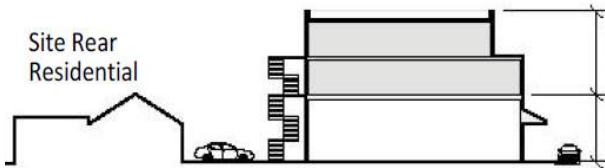
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- e.) Overhead doors and associated driveways may not be located on the front of the building and must be located in such a way to minimize safety hazards to passing pedestrians.
- f.) Permitted Encroachments:
  - i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
  - ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
  - iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

### H. Site Rear Residential

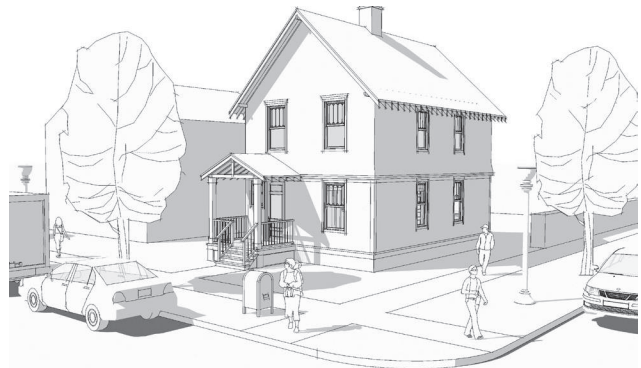


For the purposes of this Ordinance, Site Rear Residential is either a Multi-Family Building, Townhouse, or Live-Work Building located at the rear of a site. The site must also contain a permitted building along the frontage of the public road.

1. In order to be considered Site Rear Residential, a building must:
  - a.) Meet the definition of either a Multi-Family Building, under a Townhouse, or a Live Work Building until this Section.
  - b.) Be located on the same lot as another permitted building.
  - c.) Be located at the rear of the lot.
2. Site Rear Residential must meet the following design standards:
  - a.) All requirements of this Ordinance, both within and outside of the Form Based Code must be met, including but not limited to landscaping, parking, lighting, setbacks, and all Form Based Code standards for the specific building type in question, except that the Site Rear Residential building may exceed the required maximum front yard setback, may be the second principal use on a lot, and may have parking between the building and the front lot line.

- b.) Parking may be located within or underneath the building. However, the building must have a continuous first floor façade.
- c.) Overhead doors and associated driveways must be located in such a way to minimize safety hazards to passing pedestrians.
- d.) The building must be able to be adequately served by the Fire Department in the event of an emergency.
- e.) Permitted Encroachments:
  - i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
  - ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
  - iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

### I. Single Family Home



For the purposes of this Ordinance, a Single Family Home is a building containing a single residential unit with its own exterior entrance that is the only residential unit on a given lot. This section shall apply to new construction of Single Family Homes, and shall not apply to homes built before January 1, 2017.

1. In order to be considered a Single Family Home, a building must:
  - a.) Be a single residential unit.
  - b.) Have its own exterior entrance.
  - c.) Have no commercial, Maker, or other non-residential space, unless approved as a Home Occupation.
2. Single Family Homes must meet the following design standards:
  - a.) Garages must be located in the rear or side yard.

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- b.) Associated driveways must be located in such a way to minimize safety hazards to passing pedestrians.
- c.) Permitted Encroachments:
  - i. Balconies on upper stories may encroach no more than 6 feet into a required setback area, and may encroach no more than 4 feet over a right-of-way.
  - ii. Porches and stoops may encroach up to 8 feet into any required setback, but not into the right-of-way.
  - iii. Bay windows may encroach up to 3 feet into any required setback, but not into the right-of-way.

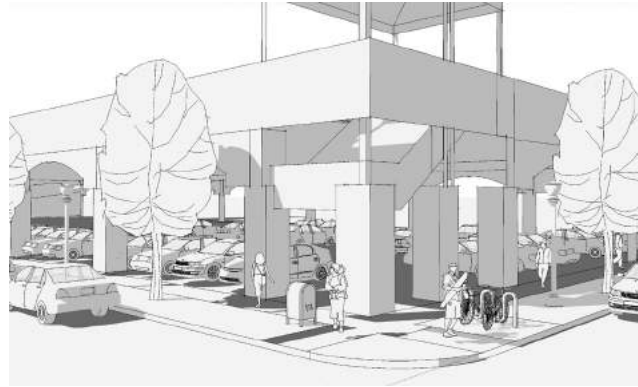
### J. Accessory Structure

For the purposes of this Ordinance, an Accessory Structure shall have the definition included in Section 2.2.

1. In order to be considered an Accessory Structure, a building must:
  - a.) Be on the same lot as a permitted principal structure under this section.
  - b.) Be clearly incidental and subordinate to the principal structure.
  - c.) Contain no residential units, commercial space, or any other use that is not accessory to the principal use.
2. Accessory Structures must meet the following design standards:
  - a.) Must be constructed of materials that complement the principal structure and other surroundings.
  - b.) Must be located in the rear yard of the principal structure.

### K.

### L. Parking Garage



For the purposes of this Ordinance, a Parking Garage is a structure of more than one story with the principal purpose of storing parked cars. A single story accessory structure designed for parking and storage shall not be considered a Parking Garage for the purposes of this Section. Neither shall an underground parking area or a parking area that is fully or partially contained within a building where the primary purpose is not parking.

1. In order to be considered a Parking Garage, a building must:
  - a.) Be more than one story tall.
  - b.) Be primarily used for parking cars.
2. Parking Structures must meet the following design standards:
  - a.) Must be designed aesthetically to complement the surrounding area, in the opinion of the Planning Commission.
  - b.) Shall not exceed the maximum height for the zoning district they are located within.
  - c.) Overhead doors and associated driveways must be located in such a way to minimize safety hazards to passing pedestrians and to ensure safe turning movements for entering and exiting cars.
  - d.) No parking garage may have an entrance directly onto M-24/Washington Street.
  - e.) Any parking garage fronting Washington or Burdick Streets must have a first floor designed for active, non-parking uses such as retail. The active use must extend along the entire frontage along Washington, and must extend along any frontage not used for entrances to the parking along Burdick.
  - f.) Parking garages must be set back at least 20 feet from all R-1 zoned land. Landscaping must be installed in the 20 foot setback that meets the

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standards for a greenbelt buffer in Section 7.2.4.B.

- i. Parking garages located across a public road from residential uses must be set back at least 10 feet from the road. Landscaping must be installed in the 10 foot setback that meets the standards for a greenbelt buffer in Section 7.2.4.B.
- ii. Parking garages must be used for short term parking, not long term storage.

### M. Parking Lot

For the purposes of this Ordinance, a Parking Lot is an undeveloped parcel of land with no principal use except the parking of vehicles. Parking lots on the same lot as a principal building shall be considered in conjunction with that use, and shall not be subject to this section.

1. In order to be considered a Parking Lot, a lot must:
  - a.) Contain no principal structure, except as described below.
  - b.) Be primarily used for parking cars.
2. Parking Lots must meet the following design standards:
  - a.) All relevant standards in Article 7 regarding parking lot design and landscaping.
  - b.) Parking lots must be used for short term parking, not long term storage.
  - c.) No commercial repair work may take place in any parking lot. No sales or display may take place in a parking lot that is not associated with an approved auto sales use.
  - d.) No building other than those for shelter of attendants shall be erected on the parking lot premises.
  - e.) Parking lots that share a frontage with structures must be set back by a distance at least equal to the average setback of the structures on the block.

### N. Park

For the purposes of this Ordinance, a Park is an undeveloped parcel of land with no principal use except as a recreational and gathering space. Green space on the same lot as a principal building shall be considered in conjunction with that use, and shall not be subject to this section.

1. In order to be considered a Park, a lot must:
  - a.) Contain no principal structure, except as described below.
  - b.) Be primarily used as a gathering and recreational space.

2. Parks must meet the following design standards:

- a.) All parks must contain recreational amenities. Seating and other gathering areas shall be considered recreational amenities.
- b.) Parks may contain accessory structures, including but not limited to gazebos, pavilions, playground equipment, and storage buildings.
- c.) Public parks may be located on residential side streets. Private parks must be located on either Washington or Burdick Streets.
- d.) Unless otherwise specified in this Section, the standards in Section 4.1.25 shall apply.

### O. Existing Structures

1. Structures existing prior to January 1, 2017 shall not be considered non-conformities under this section, regardless of their level of compliance with the regulations described above. Existing structures may be used for any permitted use or authorized Special Use in the Zoning District they are located within, provided that, if the use is a change from the previous use, they meet the standards below. Existing structures may also be expanded, provided that all dimensional requirements of this Ordinance are met.

Additionally, Single Family Homes existing prior to January 1, 2017 may be used as single family dwelling units regardless of the Zoning District they are located within, and may be subdivided into multiple dwelling units if multiple family residential uses are permitted in the Zoning District they are located within.

2. Change of Use. All changes from one use category to another (for example, from single family residential to multi-family residential or commercial) for existing structures within the Form Based Code District shall require site plan approval as described in Section 9.1. Sketch plan approval as described in Section 9.1 may be substituted if appropriate. A change from one commercial business to another shall not be considered a change of use under this section. If a building is vacant for more than size months, any new use shall be considered a change of use under this section. In order for the change of use to be approved, the following standards must be met:

- a.) All driveways must be paved and must be designed to provide adequate ingress and egress to the site.
- b.) Sufficient parking, meeting the standards of Section 7.1, must be provided on the site.
- c.) The exterior of the building must be in good repair and must not be altered in such a way as to detract from the character of the surroundings in the opinion of the Planning Commission.

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- d.) All applicable landscaping and lighting standards must be met.
- e.) All applicable use standards from Article 4 must be met.

### SECTION 3.5.3 • GATEWAY GREENBELT

In order to create a more welcoming and calm environment on the M-24/Washington Street corridor north and south of Downtown Oxford, a 20-foot setback shall be required along the Washington frontage for the parcels designated as the "Gateway Greenbelt" on the Form Based Code Map. The setback shall have the following characteristics:

- A. A five-foot-wide sidewalk must be constructed parallel to the front of the building, running along the entire face of the building, and connecting to the required sidewalk on either side. Cross-access and maintenance agreements will be required where abutting property owners are not the same in order to ensure consistent pedestrian access between parcels.
- B. A sidewalk at least five feet wide must be constructed leading directly from the main entrance to the building to the public sidewalk.
- C. A 15-foot-wide landscaped area and grass lawn, containing one tree and 8 shrubs per 50 feet of frontage. Flowers and public art are encouraged.
- D. The Gateway Greenbelt shall apply to existing structures within the area designated on the map, but shall be enforced only due to renovation or expansion to the building that requires Site Plan Approval from the Planning Commission.

### SECTION 3.5.4 • RESTRICTED DEMOLITION

The Restricted Demolition Zone, as designated on the Form Based Code Map, includes the Village's most treasured buildings. Within the Restricted Demolition Zone, the following shall apply:

- A. Demolition of any principal building within the Restricted Demolition Zone shall require Special Use Approval as described in Section 9.2. In determining whether to grant the Special Use, the Planning Commission must determine whether or not the proposed replacement for the building would contribute as much or more to the character, charm, and walkability of the Village as the building proposed to be demolished.
- B. Any new building constructed in the Restricted Demolition Zone must aesthetically complement the existing surroundings, in the opinion of the Planning Commission, which may solicit the opinion of the DDA design committee and/or a historic preservation consultant.

### SECTION 3.5.5 • WAIVERS

**A. Landmark Buildings.** The Planning Commission may approve a proposed new building as a Landmark Building using the Special Use Approval process described in Section 9.2. A Landmark Building shall be exempt from the standards of this section. The Planning Commission may also grant a waiver from the maximum building height for an architectural feature such as a cupola or steeple. In order to be approved as a Landmark Building, the building must:

1. Clearly enhance the historic character and charm of the Village.
2. Address the street frontage in such a way as to promote a safe and attractive pedestrian environment.
3. Be of such outstanding architectural quality that it serves to enhance the appeal of surrounding buildings and the surrounding district.
4. Meet the criteria in Section 9.2.5.

**B. Waivers.** The Planning Commission may grant a waiver from any individual requirement in this section. In granting a waiver, the Planning Commission must determine that the request meets the following criteria:

1. Despite not meeting a specific standard, the design clearly meets the purpose and intent of the Form Based Code to create a historic, charming, walkable, and vibrant Village center.
2. The design will not create an area where the pedestrian environment is unsafe and/or unwelcoming.
3. The design will not be aesthetically incompatible with the surroundings.
4. The proposed design achieves a goal of the designer that is compatible with the purpose and intent of the Form Based Code and could not be achieved while in compliance with the Form Based Code standards.

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# Article 4: Use Standards

## SECTION 4.1.1 • STATEMENT OF INTENT

Each use listed in this Article, whether permitted by right or subject to approval as a special below land use, shall be subject to the site development standards specified below, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to site plan review.

Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

## SECTION 4.1.2 • ACCESSORY BUILDINGS, STRUCTURES, DECKS AND USES IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance applicable to main buildings. However, an attached accessory building shall be setback a minimum of 3 feet behind the front building line.
- B. No detached accessory buildings, structures, or uses in the R-1, District shall be erected in the front or required side yard or within permanent easements.
- C. Accessory buildings or structures may be located in a rear yard, but shall be at least three (3) feet from the rear lot line and ten (10) feet from any principal building. An accessory structure shall not be located nearer than ten (10) feet to a street right-of-way line, except in those instances where the rear lot line abuts an alley right-of-way, in which case, the accessory building shall be no closer than one (1) foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement. No accessory structure shall exceed fifteen (15) feet in height, except as otherwise expressly permitted herein.
- D. No more than two detached accessory structures shall be permitted on any lot.
- E. On corner lots where a rear yard abuts a side yard, accessory buildings on the corner lot shall have a 5 foot minimum setback from the rear lot line required for the lot abutting the corner lot.
- F. Living space meeting the standards of the Michigan Building Code may be included in permitted accessory structures, but must be accessory to the principal dwelling unit, not a separate unit.

- G. A deck as defined in this Ordinance shall not be governed by the foregoing provisions regulating accessory structures. A deck may intrude into the required rear yard and may be constructed in any other non-required side or rear yard area. However, in no event shall a deck be constructed with less than five (5) feet of separation from a side or rear yard lot line. A deck shall be considered as part of the principal building for computation of maximum lot coverage as described in Article 3 Chapter 4, District Regulations. Maximum lot coverage may be increased by an additional ten (10%) percent in order to permit construction of a deck. For example, if the maximum lot coverage permitted is forty (40%) percent, an additional ten (10%) of the lot may be covered by a deck providing a maximum lot coverage of fifty (50%) percent where a deck is constructed.

## SECTION 4.1.3 • ACCESSORY BUILDINGS IN OTHER THAN THE R-1 DISTRICTS

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to principal buildings. For multiple-family residential districts, an attached accessory building shall be setback a minimum of 3 feet behind the front building line.
- B. No accessory structure shall be erected in the front yard. In the case of lots with two front yards, no accessory structure shall be located in the required minimum setback of either front yard. Accessory buildings shall be limited to two (2) buildings per lot.
- C. No detached accessory buildings, structures, or uses shall be erected in the front or required side yard or within permanent easements. Accessory buildings or structures shall be at least ten (10) feet from any principal building.
- D. In the case where a rear lot line abuts an alley right-of-way, the accessory building shall maintain a one (1) foot setback from the right-of-way.
- E. An accessory building in a nonresidential district may not occupy more than 30 percent of the area of a lot exclusive of required yard setbacks.
- F. The use of any accessory building for the overnight housing of persons is prohibited unless expressly permitted by this Ordinance.
- G. Detached accessory buildings are not permitted in the C-1 Core District.

## SECTION 4.1.4 • ADULT REGULATED USES

- A. In the preparation and enactment of this Section, it is recognized that there are some uses which, because of their very nature, have serious objectionable characteristics which have a deleterious effect upon residential, office and

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commercial areas. Regulation of the locations of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the Village's residential neighborhoods and commercial centers. It is the intent of this Section to provide reasonable regulations for the establishment of these uses in a viable, accessible location where the adverse impact of their operations may be minimized.

**B.** As used in this Ordinance, the following definitions shall apply to adult-regulated business uses:

1. "Adult Business" means adult book stores, adult movie theatres, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, nude modeling studios, and tattoo parlors as defined in this Article.
2. "Adult Book Store" means an establishment having 20 percent of its stock in trade books, magazines, and other periodicals and/or periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material which exceeds twenty (20) percent of the floor area of the establishment.
3. "Adult Cabaret" means an establishment having as an activity the presentation or display of male and/or female impersonator(s), dancer(s), entertainer(s), waiter(s) or waitress(es), or employee(s), who display specified anatomical areas as defined herein, and which may or may not feature the service of food or beverage.
4. "Adult Movie Theater" means an enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media, having a dominant theme materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein.
5. "Adult Novelty Business" means a business which offers for sale of devices which simulate human genitals or devices designed for sexual stimulation.
6. "Adult Personal Service Business" means a business having as its principal activity a person, while nude or while displaying "Specified Anatomical Areas" (as defined herein), providing personal services for another person. Such business include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors, and theatrical performances or entertainment.
7. "Specified Anatomical Areas" is defined as:
  - a.) Less than completely and opaquely covered:

- i. Human genitals, pubic region;
- ii. Buttocks, anus; and
- iii. Female breast below a point immediately above the top of the areola.

- b.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

8. "Specified Sexual Activities" are defined as:

- a.) Human genitals in a state of sexual stimulation or arousal;
- b.) Acts of human masturbation, sexual intercourse, or sodomy; and
- c.) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

9. "Sexual Intercourse" includes fellatio, cunnilingus, anal intercourse, or any other intrusion, however light, of any part of a person's body, or of any object into the genital or anal openings of another's body.

10. "Sodomy" means sexual bestiality.

11. "Buttock" includes the anus and perineum of any person.

12. "Massage Parlor" means an establishment wherein private massage is practiced used or made available as a principal use of the premises.

13. "Massage" means manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another for a fee.

14. "Nude Modeling Studio" means any building, structure, premises or part thereof, used primarily as a place which offers as its principal activity the providing of models to displace specified anatomical areas as defined herein for artists and photographers for a fee.

15. "Tattoo Parlor" means a business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

**C.** No adult business as defined herein shall be permitted within 1,000 foot radius of an existing adult business. Measurement of the 1,000 foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.

**D.** No adult business as defined herein shall be permitted within a 1,000 foot radius of any school, library, park, playground,

movie theater, skating rink, pool hall, coin operated amusement center, licensed group day-care center as defined in Act 448 of Public Acts of 1980, or church, convent, monastery, synagogue, or similar place of worship. Measurement of the 1,000 foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.

- E. The building and premises shall be designed and constructed so that material depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right of way. This provision shall apply to any display, decoration, sign, show window, or other opening.
- F. No person shall reside in or permit any person to reside in the premises of an adult business.
- G. The provisions of this Article regarding massage parlors, shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social workers and family counselors, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, certified members of the American Massage and Therapy Association, and certified members of the International Myomassethics Federation.

**SECTION 4.1.5 • AUTOMOBILE OR VEHICLE DEALERS**

Automobile or vehicle dealers with outdoor sales space and/or repair facilities may be permitted, subject to the conditions listed below. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks and tractors, boats and other vehicles.

- A. All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent public right-of-ways.
- B. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
- C. All outside storage of used tires, auto parts, and other material shall be enclosed with a decorative wall, not less than six (6) feet in height or at least one (1) foot above the height of the screened material, whichever is taller. The enclosure shall be equipped with an opaque lockable gate that is the same height as the enclosure itself. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such storage shall not be visible from a public or private street.
- D. The lot or show area shall be hard-surfaced with concrete or plant mix bituminous material, and shall be graded and drained so as to dispose of all surface water accumulated within the area.

**SECTION 4.1.6 • AUTOMOBILE FILLING STATIONS, AUTOMOBILE OR VEHICLE SERVICE STATIONS, AUTOMOBILE REPAIR GARAGES**

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler and undercoating shops:

- A. The curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
- B. Quick oil change facilities shall provide off-street waiting spaces equal to two (2) per oil change stall for automobiles awaiting entrance. Each off-street waiting space shall be ten (10) feet wide by twenty (20) feet long.
- C. The entire lot, excluding areas occupied by landscaping and building, shall be hard-surfaced with concrete or plant-mixed bituminous material. Curbs of at least six (6) inches in height shall be installed around the perimeter of all surfaced areas.
- D. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. canopy structures shall be located not less than five (5) feet from any lot line.
- A. The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days.

**SECTION 4.1.7 • AUTOMOBILE OR CAR WASH ESTABLISHMENTS**

The following regulations shall apply to Automobile or Car Wash Establishments:

- A. All washing activities shall be carried out within a building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.
- B. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Off-street waiting spaces shall be provided as per Section 7.1.9. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- C. Sufficient space shall be provided for drying of the vehicle undercarriage during sub-freezing weather prior to existing onto the public thoroughfare.
- D. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.

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### SECTION 4.1.8 • BED AND BREAKFAST ESTABLISHMENTS

Bed and Breakfast establishments shall be subject to the following regulations:

- A. Food may be served only to those persons who rent a room in the bed and breakfast facility, unless the facility is located in a zoning district that permits restaurants.
- B. A building used for bed and breakfast operations shall have at least two (2) exits to the outdoors. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants. Each sleeping room shall be equipped with a smoke detector.

### SECTION 4.1.9 • CEMETERIES

Because of the effects of the large land area devoted to this use on the continuity of local streets, and because this use does not require water and sewer service, the Planning Commission shall permit the establishment of this use in a Single Family Residential District only when the following conditions are met:

- A. Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to site plan approval by the Planning Commission.
- B. No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than twenty-five (25) feet to the boundary line of any residential or commercial district.
- C. Entrances to cemeteries shall be off of a major or collector street, and shall be designed to minimize traffic congestion.
- D. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence, six (6) feet in height, measured from the surface of the ground. The Planning Commission may permit a "chain link" type fence adequately screened with deciduous and evergreen material.
- E. Approval by the Planning Commission shall be given contingent on submission of a satisfactory drainage plan.

### SECTION 4.1.10 • CHILD CARE CENTERS AND NURSERY SCHOOLS

- A. All child care facilities shall be registered with or licensed by the Michigan State Department of Social Services and shall comply with the minimum State Standards outlined for such facilities.
- B. For each child cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than three thousand (3,000) square feet. Said play area shall be fenced and screened from any adjoining lot in any residential district.

- C. Such facilities shall have minimum side yard setbacks of at least ten (10) feet.

### SECTION 4.1.11 • DRIVE-IN THEATERS

The following provisions shall apply to all drive-in theaters:

- A. Drive-in theaters shall be designed and constructed in accordance with an internal site plan, which shall be subject to the site plan approval by the Planning Commission. Particular consideration shall be given to drainage, lighting, and internal vehicular circulation.
- B. All buildings or other structures shall be set back a minimum of sixty (60) feet from any street right-of-way line. The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right of way, and shall be constructed so it is not visible from any road, highway, or residentially zoned district.
- C. Driveways serving drive-in establishments shall be off of a major street. In no case shall access to a drive in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right of way line).
- D. A minimum of thirty (30) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- E. An eight (8) foot high decorative masonry obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use.

### SECTION 4.1.12 • RESERVED

### SECTION 4.1.13 • DRIVE-IN OR DRIVE-THROUGH FACILITY

The following shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any requirements for the principal use:

- A. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
  1. The edge of any access drives shall be set back a minimum of 50 feet from the intersections of two (2) street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
- B. **Bypass lane.** A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
- C. **Noise.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

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- D. **Prohibited uses.** Sales of alcoholic beverages shall be prohibited through any drive-in or drive-through service window or facility.
- E. **Screening.** Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with 7.2.5.
- F. **Menu boards.** Menu boards may be erected as an accessory use to a drive-through lane, subject to the following:
  1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from street rights-of-way and abutting residential districts or uses.
  2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
  3. Each menu board shall not exceed six (6) feet in height and 48 square-feet in sign area.

**SECTION 4.1.14 • GOLF COURSES, COUNTRY CLUBS, AND PAR-3 GOLF COURSES**

The following regulations shall apply to golf courses, country clubs, and par-3 golf courses:

- A. Golf courses and country clubs shall be designed and constructed in accordance with a site master plan, which shall be subject to site plan approval by the Planning Commission.
- B. Regulation length 18-hole golf courses shall have a minimum lot size of 110 acres. Nine-hole courses with regulation length fairways shall have a minimum lot size of 50 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres.
- C. The principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.
- D. Golf courses and country clubs shall have direct access a major street.
- E. At least one (1) shelter building with toilet facilities shall be provided. The shelter shall meet all requirements of the Oakland County Health Department and the Village Building Code.
- F. Engineering data shall be submitted to document the impact of the golf course on area drainage patterns and local water supply.

**SECTION 4.1.15 • JUNKYARDS**

The following provisions shall apply to Junkyards:

- A. The minimum lot size for junkyards shall be four (4) acres.
- B. A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion

of the lot on which junk materials are placed or stored. No junkyard shall be located within three hundred (300) feet of any residentially zoned district.

- C. All roads, driveways, parking lots, and loading and unloading areas shall be paved with a concrete or plant mixed bituminous material. Junk storage areas shall be paved or treated in a manner approved by the Village Building Official so as to confine any wind-borne dust to within the boundaries of the site.
- D. The entire junkyard site shall be screened with an obscuring wall, constructed in accordance with Section 7.2.4.A. The wall shall be maintained in neat appearance, and shall not have any signs or symbols painted on it.
- E. Open burning shall be prohibited.
- F. All required County and State permits shall be obtained prior to establishing a junkyard.

**SECTION 4.1.16 • KENNELS, COMMERCIAL**

Commercial kennels shall be permitted subject to the following:

- A. Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.

**SECTION 4.1.17 • HOME OCCUPATIONS**

The following regulations shall apply to Home Occupations:

- A. In residential districts, no more than one-third (1/3) of the floor area, and, in commercial districts, no more than half (1/2) of the floor area, of a dwelling unit may be used in connection with the home occupation or for storage purposes in connection with the home occupation.
- B. No home occupation shall be conducted in an accessory building.
- C. A maximum of two employees that do not reside in the dwelling unit may be engaged in a home occupation in a commercial district. In a residential district, all employees engaged in the home occupation must reside in the homes.
- D. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character by the use of sounds, noises, and vibrations. All signage shall meet the standards of the Zoning District that the Home Occupation is located within.
- E. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- F. No home occupation shall require internal or external alternations, or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- G. No home occupation shall cause an increase in the use of any

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utility (water, sewer, electricity, trash removal, etc) that would exceed the average usage by residences in the neighborhood.

- H. The home occupation may increase vehicle flow and parking by no more than two (2) additional vehicles at a time. No more than five (5) customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of such home occupation shall be off the street and other than in the required front yard.
- I. There will be no deliveries to or from a home occupation with a vehicle larger than a 15,000 pound truck with not more than two (2) axles.
- J. In no case shall a home occupation be open to the public earlier than 8:00 AM, nor later than 7:00 PM.
- K. KA home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any grater or more frequent extent than would normally be generated in a similarly zoned district.

### SECTION 4.1.18 • HOSPITALS

The following regulations shall apply to Hospitals:

- A. Buildings of greater than the maximum height allowed in the subject zoning district may be allowed subject to approval by the Planning Commission.
- B. All ingress and egress from said site shall be directly onto a major street.
- C. Off-street parking shall be prohibited in the front setback area and within ten (10) feet of the rear or side property lines. In the case any off-street parking area abuts a lot in any residential district, a wall or greenbelt shall be provided as per Section 7.2.4.
- D. Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Section 7.2.4.
- E. Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

### SECTION 4.1.19 • MINI-WAREHOUSES

The following regulations shall apply to Mini-Warehouses:

- A. Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building.
- B. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high wall, constructed in accordance with Section 7.2.4.
- C. A landscaped greenbelt with a minimum width of twenty (20) feet shall be required adjacent to any street, in conformance with Section 7.2.4.
- D. The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property, subject to Planning Commission

approval. Such buildings shall have pitched roofs and gables and overhead doors shall not face toward any street right-of-way unless completely screened from view.

- E. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one ten (10) foot travel land, and all two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) ten (10) foot travel lanes.
- F. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

### SECTION 4.1.20 • MOBILE HOME PARKS

All Mobile Home Parks shall comply with the requirements of Michigan Public Act 49 of 1976, as amended. Further, all mobile home parks shall comply with the provisions of this Ordinance, the Michigan Mobile Home Commission Rules, and any other lawfully adopted ordinance of the Village of Oxford. Should any conflict in legally approved regulatory provisions occur, whichever provisions impose the more restrictive or higher standard shall prevail.

- A. Mobile homes shall be located only in those zoning districts in which mobile home land use is permitted by right or subject to special approval.
- B. It shall be unlawful for any person to operate a mobile home park unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act 419 of 1976, as amended. The Building Official shall communicate his recommendations regarding the issuance of such licenses to the Director of the Mobile Home Division, Corporation and Securities Bureau, Michigan Department of commerce.
- C. The Village Building Official or other authorized Village agent is granted the authority, as specified in Michigan Public Act 419 of 1976, as amended, to enter upon the premises of any mobile home park for the purpose of determining compliance with the provisions of this Ordinance or other Village ordinances.

Whenever the park Building Official finds conditions or practices which violate provisions of this Ordinance or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of the Michigan Mobile home Commission. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

- D. Each mobile home shall be of contemporary design and shall contain sanitary waste disposal facilities, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems as commonly found in modern mobile homes, and as specified in Section 2.02. Each mobile home shall comply with the regulations for the district in which it is located, the regulations of the U.S. Department of Housing and urban Development as adopted on June 15, 1976, and all subsequent amendments to such standards and regulations. Mobile homes constructed prior to June 15, 1976 shall be in full

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compliance with NFPA 501B/ANSI 119.1-1975 standards.

Mobile homes shall comply with the minimum distances specified in R-125.1941, Rule 941 of the Michigan Administrative code.

No mobile home unit shall be located within fifty (50) feet of the right-of-way of a public thoroughfare, or within twenty (20) feet of a mobile home park property line.

No mobile home unit exterior wall surface shall be located within twenty (20) feet of any other mobile home unit's exterior wall surface.

- E. There shall be provided on each mobile home lot, an open space area to insure privacy, adequate natural light and ventilation to each home and to provide sufficient area for outdoor uses essential to the mobile home. Eighty (80) percent of the mobile home sites shall contain a minimum area of three thousand (3,000) square feet, and twenty (20) percent shall contain a minimum area of two thousand four hundred (2,400) square feet. All such trailer site areas shall be computed exclusive of service drives, facilities, and recreation space.

- F. The following park site development standards shall apply:
  1. **Park Size.** Mobile home parks shall be at least five (5) acres in size.
  2. **Access.** All mobile home parks shall have paved access to a major street as defined in Section 2.02.
  3. **Interior Roadways.** Main access drives within a mobile home park shall be no less than twenty-four (24) feet wide. Parking shall not be permitted on main access drives.

Secondary access drives shall be no less than twenty-two (22) feet in width. Parking shall not be permitted on twenty-two (22) foot wide drives.

- 4. **Sidewalks.** Minimum three (3) foot wide, concrete sidewalks shall be constructed on the street side of each mobile home lot in accordance with established engineering standards for the Village.
- 5. **Water and Sewer Service.** All mobile home parks shall be served by public water and sewer systems.
- 6. **Storm Drainage.** All developed portions of the mobile home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with local, county, and state regulations.
- 7. **Telephone and Electric Service.** All electric, telephone, and other lines within the park shall be underground.
- 8. **Television Antennas.** Individual exterior television antennas shall not be placed on any mobile home unit or lot. The mobile home park may provide a master exterior television antenna for connection to individual mobile home units, or an underground cable television system may be installed.

- 9. **Skirting.** Each mobile home must be skirted within ninety (90) days after establishment in a mobile home park, in accordance with the Michigan Administrative Code, R-125.1604 Rule 604. In the event that skirting cannot be installed in a timely manner due to inclement weather, the Building Official may permit extension of the time period.

- 10. **Landscaping.** Mobile home parks shall be landscaped in accordance with Section 16.13. A minimum twenty (20) foot wide greenbelt shall be maintained along all exterior property lines of the mobile home park.

- 11. **Open Space.** Every mobile home park shall be provided with at least one (1) conveniently located open space area. A minimum of two (2) percent of the mobile home park's gross acreage shall be dedicated for open space use, provided that the park shall have not less than twenty-five thousand (25,000) square feet of open space area.

- 12. **Garbage and Refuse Collection.** Garbage and refuse collection areas shall be screened in accordance with Section 16.24.

- 13. **Lighting.** Street and yard lights shall be provided in sufficient number and intensity for the safe movement of vehicles and pedestrians. Lighting shall comply with the standards in Section 20.01.

- G. A building permit shall be required for construction or erection of any accessory structures, canopies or awnings, or any addition to a mobile home which is not pre-fabricated in a factory before it is brought to the site.

- H. The parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile homes shall be expressly prohibited, except that the Building official may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks.

SECTION 4.1.21 • HOTELS

The following regulations shall apply to Motels and Motel Courts.

- A. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- B. Hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- C. A masonry screen wall or obscuring greenbelt shall be provided along any property line where the adjacent property is zoned for residential use, in accordance with Article 7, Chapter 2.

SECTION 4.1.22 • NURSING HOMES, CONVALESCENT HOMES, REST HOMES, ORPHANAGES, AND HALF-WAY HOUSES

The following regulations shall apply to Nursing Homes, Convalescent Homes, Rest Homes, Orphanages, and Half-Way Houses:

- A. Such facilities shall be constructed, maintained, and operated in

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conformance with applicable state and federal laws.

- B.** The site plan shall be so planned as to provide ingress and egress directly onto a major thoroughfare.
- C.** The principal building and all accessory buildings shall be set back a minimum distance of thirty (30) feet from all property lines.
- D.** Such facility shall provide a minimum of one hundred fifty (150) square feet of outdoor open space for every bed used or intended to be used. Such space shall have a total minimum area of not less than three thousand (3,000) square feet. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

### SECTION 4.1.23 • OPEN-AIR BUSINESSES

The following regulations shall apply to Open-Air Businesses:

- A.** The display shall not, in the determination of the village planning commission, impede the movement or impair the vision of pedestrians or vehicles. The planning commission shall not approve any proposed display that shall serve to endanger the public health, safety or welfare.
- B.** The display shall be supervised and shall not be maintained outdoors during hours when the business is closed.
- C.** The outdoor display area shall not exceed one (1) square foot of ground surface area for each two (2) feet of frontage of the building.
- D.** The display area shall be located no closer than twenty (20) feet from any vehicular accessible street surface, parking or maneuvering areas.
- E.** The display area shall be kept clean and void of litter at all times.
- F.** Vending machines shall be located within a completely enclosed building and shall not be part of the outdoor display.
- G.** A plan shall be submitted for the proposed outdoor display. The plan shall indicate the materials to be displayed, an illustration of the layout of the display and the relationship of the display area to the sidewalks, streets, parking lots and building entrances within fifty (50) feet of the display area.
- H.** The planning commission may limit the approval period to a certain period of time during the year or for a certain number of years.
- I.** The owner of the display shall maintain responsibility for all goods and other display elements in order to protect the public from safety hazards associated with the display. In the event the village manager becomes aware of hazardous conditions associated with a previously approved outdoor display, the manager shall advise the business owner to cease and desist operation of the display until the planning commission has

opportunity to review the perceived hazardous conditions. The planning commission shall review the circumstances related to the hazardous condition in order to determine what, if any, changes are required in order to eliminate the hazards to public health, safety and welfare.

- J. Plant Material Nurseries.** Nurseries which deal with plant materials shall comply with the following:

1. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
2. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

- K. Christmas Tree Sales.** Seasonal sales of Christmas trees shall comply with the following:

1. Christmas tree sales shall not be permitted in residentially-zoned districts.
2. All Christmas trees, as well as poles, lights, wires, or other items incidental to the sale of trees may be permitted no earlier November 1st and must be removed from the premises by December 31st of the subject Christmas season.
3. Christmas trees on display for sale shall comply with the minimum setback requirements for the district in which the sales lot is located.
4. Christmas tree sales lot shall have adequate parking and a safe means of ingress and egress.

- L. Roadside stands.** Temporary roadside stands for the sale of agricultural products shall comply with the following:

1. Any building or structure containing a roadside stand shall not exceed two hundred fifty (250) square feet in size.
2. Suitable trash containers shall be provided and maintained on the premises for public use.
3. Any building or structure containing a roadside stand shall be located no closer than twenty-five (25) feet to the nearest edge of the paved surface or gravel surface of any road.
4. Off-street parking shall be provided in accordance with the regulations in Article 7, Chapter 1, except that hard-surfacing shall not be required.

### SECTION 4.1.24 • RACE TRACKS, INCLUDING MIDGET AUTO AND KARTING TRACKS

Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they shall be permitted in the C-2 Districts when located adjacent to a major street and when land on all sides of the parcel in question is

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zoned C-2 or I-1. Race tracks shall further be subject to the following conditions and such other controls as the Planning Commission deems necessary to promote health, safety and general welfare in the Village.

- A. All access to the parking areas shall be provided from a major street. In no case shall access to the site from a residential street be permitted.
- B. All sides of the development not abutting a major thoroughfare shall be provided with a six (6) foot high wall and a twenty (20) foot wide obscuring greenbelt, in accordance with Article 7, Chapter 2.

### SECTION 4.1.25 • OUTDOOR FACILITIES

- A. Outdoor recreation facilities, such as, but not limited to, playgrounds, ball fields, soccer fields, ski facilities, public swimming pools, and parks in general, shall comply with the following regulations:
  - 1. Principal and accessory buildings shall be set back at least five (5) feet from all property lines, unless otherwise specified herein.
  - 2. Outdoor recreation uses shall have direct access onto a thoroughfare.
  - 3. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation to assure compatibility with adjacent uses.
  - 4. Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
  - 5. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.
  - 6. A wall or obscuring greenbelt, in accordance to Article 7, Chapter 2, shall be required wherever an outdoor recreation facility abuts directly upon land zoned or used for residential purposes. The Planning Commission may waive this requirement if the screening would impede desirable access to the facility by residents.

### SECTION 4.1.26 • PLACES OF WORSHIP

- A. Buildings of greater than the maximum height allowed in the subject zoning district may be allowed: subject to the approval of by the Planning Commission
- B. All ingress and egress from said site shall be directly onto a major street.
- C. In order to mitigate any negative off-site impacts (such as glare, noise, trespassing, odors or sound) on residential uses, the

Planning Commission may require adequate fencing, screening or landscaping on the site.

- D. In the case any off-street parking area abuts a lot in any residential district, a wall or obscuring greenbelt shall be provided as per Section 7.2.4.
- E. Related uses, such as social centers, social service centers, schools, nursery schools, and rental banquet facilities, among others shall only be permitted if they are otherwise permitted in the zoning district.

### SECTION 4.1.27 • SAND AND GRAVEL EXTRACTION

Sand and gravel deposits are non-renewable natural resources which are necessary and beneficial to the economy of the region. The standards in this section are intended to assure that removal in a manner that is compatible with the existing and proposed development and to insure the proper restoration of the land.

- A. Permits for such use shall be issued for a one (1) year period by the Village Council after recommendation by the Planning Commission. Unless the owner and/or operator of the extractive operation ignores and/or violates any conditions of approval, operation and restoration, the permit is renewable for one (1) year periods. To insure such compliance, the Building Official shall conduct periodic inspections and shall file a written notice to the permit holder if a violation is found in accordance with this section. Thirty (30) days prior to the renewal date of any such permit, the Zoning Administrator shall file a written report with the Planning Commission on the status and compliance of the operation.
- B. Applications for a sand and gravel extraction permit shall include the following information, in addition to all additional information required as a part of site plan review and special land use review:
  - 1. Vertical aerial photograph, enlarged to a scale equal to one (1) inch equal to two hundred (200) feet, from an original photograph at a negative at a scale no smaller than one (1) inch equals one thousand (1,000) feet. The area covered by the vertical aerial photograph shall include: all land included in the petition; all contiguous land which is proposed to be used or has been used by the owner or leasehold applicant for any extraction, treatment or storage; and all public roads which can provide first point of access. Each such area or feature shall be delineated on the aerial.
  - 2. A land survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such survey, drawn to a scale of one (1) inch equals two hundred (200) feet. This survey shall include the boundary of the entire tract by courses and distances, boundary of the area where the extraction is proposed, and the means of vehicular access to the proposed operation. An estimate of the quantity of excavation shall also be provided.
  - 3. Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed. Particular attention shall

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be focused on the impact on the water table. The report shall indicate if water bodies are to be created and the anticipated permanence of such.

4. A master plan for the extraction of the natural resource deposits. The plan shall include a timetable for various stages of the operation and a restoration plan indicating how the parcel will be reused. A timetable for extraction and restoration shall be included for each yearly permit requested; subsequent requests shall include an evaluation of work completed in the preceding year. The restoration plan shall include the proposed use of the parcel, the proposed topography drawn at contour intervals of two (2) feet, indication of water bodies and other major physical features, and the delineation of areas intended to be partitioned or subdivided, including a preliminary layout.
  5. An explanation of the access routes which will be used, together with an estimate of the size, weight, and frequency of trips. The proposed routing shall be submitted to the Road Commission for Oakland County (RCOC) for review. The Village shall report any circulation or routing problems to the applicant and RCOC. After consultation with the RCOC, the Village may request use of alternate access routes or limited use of existing problem routes.
  6. A detailed explanation of how the applicant intends to comply with the operating requirements contained in Sub-section C, following.
- C.** A sand and gravel extraction permit shall not be issued unless the applicant demonstrates that the operation will comply with all of the following requirements:
1. The removal of sand, gravel, limestone or similar materials by excavation, stripping, mining or another method, and the on-site operations appurtenant to the extraction, including washing, grading, sorting, crushing and grinding operations, shall be carried on within the limits of an area approved for such activities. No natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing, except in instances where the Village Council, following Planning Commission recommendation, finds that such activities will not conflict with the reasonable use and development of neighboring properties. Resource-related industries including, but not limited to, concrete batching plants and asphalt mixing plants, shall not be permitted as a part of the operation unless specifically approved and regulated as an accessory operation to the principal permitted use.
  2. Excavation, washing and stockpiling of extracted material and all other shall not be conducted closer than three hundred (300) feet to the outer boundary of the area approved for extractive operation. Greenbelt plantings and landscaping shall be provided in the setback area as required in Section 7.2.4.
  3. In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than three hundred (300) feet from any public street right-of-way line or adjacent property lines.
- All such activities, equipment, roadways and material storage areas shall be treated, covered, muffled or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered in accordance with all applicable State and County and local regulations.
- Private access roads serving the operation shall be treated to create dust-free surfaces for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Village.
4. Extractive operations shall be subject to the following safety requirements:
    - a.) Where slopes steeper than thirty (30) degrees exist for any length of time, access to such slopes shall be barred by a fence or similarly effective barrier at least six (6) feet high.
    - b.) Where collections of water one (1) foot or more in depth exist for a period of one (1) week or more in an area of two hundred (200) square feet or more, access to such collections shall be fenced as required in (1) above.
    - c.) Where the extractive area is situated in marginal land areas consisting of swamp land or is bounded by natural bodies of water, a fence shall be required on those sides accessible via public rights-of-way and as the Village Council may require to secure safety. The Village Council may require the posting of "KEEP OUT - DANGER" signs.
    - d.) The installation of a six (6) foot high fence around the entire site with suitable gates shall be considered as compliance with the requirements of this subsection.
  5. Finished slopes shall be no steeper than three (3) feet horizontal to one (1) foot vertical. Where ponded water is created as a result of extraction, the 3 on 1 slope shall be extended into the water to a depth of five (5) feet. The slope requirements shall be met as the work in any one section of the excavation proceeds.
  6. Sufficient top soil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three (3) inches of top soil when excavating operations are completed. The top soil replacement shall occur immediately following the termination of extraction operations. All replaced top soil shall immediately be planted with grass or other plan material acceptable to the Village so as to prevent erosion. Lands under water

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or in approved beach areas are excluded from top soil replacement and planting requirements.

- 7. Explosives shall be used in accordance with the regulations established by the Michigan State Police, Fire Marshall Division or other applicable authority.
- 8. Submittal of a performance guarantee, in accordance with Article 9, Chapter 4 may be required as a condition of approval of a sand and gravel extraction operation.

**SECTION 4.1.28 • RESERVED**

**SECTION 4.1.29 • RESERVED**

**SECTION 4.1.30 • SEWAGE DISPOSAL PLANTS AND LANDFILLS**

The following regulations shall apply to Sewage Disposal Plants and Landfills:

- A. Any such use shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, and other regulatory agencies.
- B. An environmental impact statement shall be prepared in accordance with Village requirements.

**SECTION 4.1.31 • VETERINARY CLINICS**

Veterinary Clinics shall comply with the following requirements:

- A. All activities shall be conducted within a completely enclosed building.
- B. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved as a commercial kennel.

**SECTION 4.1.32 • RADIO AND TELEVISION TOWERS**

The following regulations shall apply to Commercial and Public Radio and Television Towers, Microwave Towers, and other communication antennae/towers (See Section 4.1.41 for specific regulations for Wireless Telecommunication Facilities):

- A. Each tower shall be set back from all property lines a minimum distance equal to one and one-half (1 1/2) times the height of the tower.
- B. An open weave, six (6) foot high chain link fence shall be constructed around the entire perimeter.
- C. Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

**SECTION 4.1.33 • RESERVED**

**SECTION 4.1.34 • RESERVED**

**SECTION 4.1.35 • RESERVED**

**SECTION 4.1.36 • PUBLICLY OWNED BUILDINGS**

The following regulations shall apply to publicly owned buildings:

- A. All such buildings located within the single family residential districts shall be in character with the surrounding residential area.

**SECTION 4.1.37 • RESERVED**

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### SECTION 4.1.38 • STATE LICENSED RESIDENTIAL FACILITIES

The following regulations apply to all state licensed residential facilities, as defined by this Ordinance and as licensed by the State of Michigan; and to all other managed or state licensed residential facilities.

- A. Licensing.** In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities.
- B. Separation Requirements.** New state licensed residential facilities shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the Village overall.
- C. Compatibility with Neighborhood.** Any state licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it is located.
- D. Group Day Care Homes.** In addition to the preceding subsection, the following regulations shall apply to all group day care homes, as defined in this Ordinance.
  - 1. **Outdoor Play Area.** A minimum of 150 square feet of outdoor play area shall be provided and maintained per child at the licensed capacity of the day care home, provided that the overall play area shall not be less than 5,000 square feet. The play area shall be located in the rear yard area of the group day care home premises and shall be suitably fenced and screened.
  - 2. **Pick-Up and Drop-Off.** Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts and allows maneuvers without affecting traffic flow on the public street.
  - 3. **Hours of Operation.** Group day care homes shall not operate more than 16 hours per day.

### SECTION 4.1.39 • FUNERAL HOMES

The following regulations shall apply to funeral homes:

- A.** The site of a proposed funeral home shall contain adequate assembly area for vehicles to be used in funeral processions and such assembly area shall be provided in addition to any required off-street parking area.
- B.** A caretakers residence may be provided within the main building of the funeral home.

### SECTION 4.1.40 • OFFICE SHOWROOMS

The following regulations shall apply to offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator, or similar trade:

- A.** All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
- B.** The only ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.
- C.** Outdoor storage of materials or goods is prohibited.

### SECTION 4.1.41 • WIRELESS TELECOMMUNICATION FACILITIES

Wireless telecommunication facilities shall conform and be subject to the following.

#### **A. Wireless Telecommunication Facility Support Structures.**

- 1. **Limitation on new support structures.** It is the Village's policy to minimize the proliferation of new wireless telecommunication facility support structures in favor of collocation of such facilities on existing structures. No new wireless telecommunication facility support structures shall be constructed unless the applicant for the new structure demonstrates, and the Planning Commission finds, that collocation on an existing structure is not adequate or is not reasonably feasible.
- 2. **Monopole Design Required.** All wireless telecommunication facility support structures, unless otherwise provided, shall have a monopole, unipole or similar non-lattice, single vertical structure design and shall be further designed to accommodate at least four wireless telecommunication arrays of antennas or panels. The applicant shall submit an affidavit by a design engineer registered in the state attesting that the support structure can support at least four wireless telecommunication arrays of antennas or panels. The site plan for any new support structure shall expressly state that the support structure shall be erected and available for collocation, and shall also show the proposed location of the applicant's and collocators' equipment shelters and related facilities.
- 3. **Maximum Height.** Wireless telecommunication facilities shall not exceed 185 feet in height, as measured from the average grade at the base of the support structure to the top of the antenna or panel. In no case shall the height exceed any applicable height limitation established by county, state or federal regulations.
- 4. **One Support Structure per Lot.** Except in the I zoning district, not more than one wireless telecommunication support structure may be located on a single lot.
- 5. **Location on Lot.** If located on the same lot as another permitted use, a wireless telecommunication facility

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shall not be located in a front yard or side yard abutting a street, except that the Planning Commission may approve a support structure utilizing camouflage or stealth design for location in a front or side yard abutting a street if the Planning Commission determines that location will better facilitate a satisfactory and harmonious relationship with existing and prospective development of contiguous land and adjacent neighborhood.

- 6. Setbacks. Wireless telecommunication facilities shall be set back from the lot line a distance not less than one-half of its height or 65 feet, whichever is greater.
7. Maintenance and removal. Wireless telecommunication facilities shall be installed and maintained in accordance with manufacturers' specifications and the building code.
8. Signs. No sign shall be attached to or displayed on a wireless telecommunication facility.
9. Equipment Shelters. If the wireless telecommunication facility is located on a site which is already improved with another building or structure, and an equipment shelter is proposed, the equipment shelter shall be constructed with exterior facade materials similar to the principal building or structure on the site.

B. Co-location.

- 1. Existing structures. Wireless telecommunication antennas or panels may be installed on existing buildings or structures provided such antennas or panels, and their supporting structure, do not exceed the height limitation set forth in subsection A(3) of this section.
2. Exemption from setbacks. Any wireless telecommunication antenna or panel mounted on an existing building or structure which does not increase the height of the building or structure shall be exempt from the setback requirements of subsection A(6) of this section.

C. Wireless telecommunication facilities located in single-family residential zones shall meet one of the following requirements:

- 1. Existing non-residential building. The wireless telecommunication facility shall be mounted directly onto an existing, non-residential building in a manner that does not increase the height of the building. The facility shall

consist of material or color which is compatible with the exterior treatment of the building;

- 2. Existing Non-Residential Structure. The wireless telecommunication facility shall be located on an existing, non-residential support structure, pole or tower such as a public or private utility tower, pole or structure, but not on a building.
3. New Support Structure on Public Property. The wireless telecommunication facility shall be located on a new support structure situated on public property.

SECTION 4.1.42 • RESERVED

SECTION 4.1.43 • RESERVED

SECTION 4.1.44 • RESERVED

SECTION 4.1.45 • OUTDOOR CAFES AND SEATING

Outdoor cafes or seating areas associated with an approved restaurant or other food establishment which sells food for immediate consumption on the premises: shall be permitted on private property between April 15 and November 1 provided they meet the following standards in the opinion of the Planning Commission;

Outdoor cafes may be permitted on public property through the special use process in section 9.2, and must meet the following standards.

Outdoor cafes may be permitted to operate between November 2 and April 14 if approved through the special use process in Section 9.2 including compliance with the following standards:

- A. All approvals for outdoor seating shall apply so long as the site operates continuously as a restaurant.
B. Outdoor seating areas shall be required to be enclosed in instances where there is waitstaff or alcohol service.

Table with 2 columns: Section Number (1-9) and Section Title (Purpose, Definition, Zoning District and Uses, Use Standards, Planned Unit Development, Development Standards, General Provisions, Nonconformities, Administration & Enforcement).

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- C.** All roofs and other overhead structures must be shown on the site plan. A previously approved outdoor cafe may add a roof, subject to Planning Commission approval.
- D.** Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors. During non-business hours, all tables, chairs, umbrellas and other furniture and fixtures must be stored inside the building or properly secured within the enclosure.
- E.** A site plan shall specify the plans for storage of tables, chairs, and equipment during the months when the outdoor seating is not in use.
- F.** The outdoor seating area shall be kept clean, litter-free, free of debris, and with a well-kept appearance within and immediately adjacent to the area of tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for required maintenance services, such as cleaning and waste containment and removal responsibilities must be included with all applications and approved by the Planning Commission.
- G.** Outdoor seating areas shall be allowed only during normal operation hours of the establishment. In no case shall an outdoor seating area operate between the hours of 11 PM and 7 AM.
- H.** Outdoor seating areas shall not be located within the unobstructed triangular area (clear vision area) of a corner lot, consistent with Section 6.1.11, Clear Vision Area.
- I.** The capacity of the outdoor seating area shall be provided by the applicant and verified by the Building Official. An outdoor seating area containing 30 or more seats shall be required to provide for the required number of parking spaces consistent with the restaurant parking standard in Section 7.1.9. However, no parking shall be required if the outdoor seating area is located within the parking reduction district per Section 7.1.8
- J.** A sign must be posted stating "No food or beverages allowed beyond this point." Additional signs associated with the outdoor seating area are prohibited.
- K.** Any outdoor seating areas shall be completely screened from view of all single-family residential properties by an obscuring wall or landscape buffer, unless the outdoor seating area is separated by a public road, public alley, or public parking area.
- L.** Vending machines and other similar products shall be prohibited in all outdoor seating areas.
- M.** Preparation of food and beverages shall be prohibited in any outdoor seating area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance. Additionally, such seating areas must include food service in addition to the sale and service of alcoholic beverages.
- N.** Details regarding the hours and type of entertainment, music, speakers, lighting, or similar devices used in outdoor seating areas must be identified at the time of site plan review. There shall be no loudspeaker located in conjunction with an outdoor seating area and all other noise including music, speakers, or similar devices shall be controlled so as to not be audible more than ten (10) feet from the outdoor seating area. All lighting must be shielded to prevent glare on adjacent roadways and protect abutting parcels.
- O.** A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances, in accordance with the provisions of the national Americans with Disabilities Act (ADA) and Michigan barrier-free requirements. If the sidewalk is not wide enough to allow for a five (5) foot wide clearance for circulation, the outdoor seating area shall not be permitted.
- P.** Outdoor seating shall be subject to applicable Village, County and State requirements.
- Q.** Approval of an outdoor cafe may be revoked by the Village if the condition(s) of approval or other ordinance requirements have not been met or that use poses a nuisance to the surrounding properties.
- R.** Outdoor cafes on public property must meet the following standards:
  1. The applicant will provide evidence of primary comprehensive general liability insurance by a Michigan authorized insurance carrier in an amount not less than \$500,000.00 naming the Village of Oxford as co-insured if any Village property is involved covering any and all claims arising by virtue of the use and/or activity as well as provide evidence of prepaid annual premium to the Village of Oxford timely every year. Failure to do so will automatically terminate special use approval of such use or activity if it involves the use of Village property.
  2. The outdoor cafe must be directly accessible from inside the restaurant
  3. In addition to special use approval, the applicant must receive permission from the Village Council to use the space in question.
  4. In order to use any part of the M-24 right-of-way, the applicant must receive permission from MDOT.
- S.** Outdoor cafes operating between Nov. 1 and April 14 must meet the following standards;
  1. The outdoor cafe must be equipped with temporary heaters, with the specific design to be approved by the Planning Commission and Fire Chief.
  2. The applicant must designate a snow removal area on the site plan, and must remove snow after every snowfall exceeding two inches. If the snow area is not within the outdoor cafe, it must be on private property.



**SECTION 4.1.46 • OUTDOOR STORAGE**

- A. There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall or fence not less than the height of the equipment, vehicles and all materials to be stored or 8 feet, whichever is less. Whenever such open storage is adjacent to a residential district in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such district, there shall be provided an obscuring masonry wall or wood fence of at least six feet in height.
- B. Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners.
- C. When screening is required for outdoor storage of refuse or waste, an enclosure constructed of masonry material and sturdy obscuring wood gates shall be provided. The enclosure shall be at least six feet in height or equal to the height of the receptacle or waste material being stored, whichever is greater. If the enclosure is in a conspicuous location or visible from a public road or residential zoning district, the Planning Commission or official approving the site plan may specify the type and/or appearance of masonry material to be used to construct the enclosure.

**SECTION 4.1.47 • MOBILE MEDICAL TRAILERS**

- A. A detailed use statement identifying the hours of operation, method of dropping off and picking up the trailer on and off site, method of lighting, utility connections, and anticipated noise shall be provided as part of the special use application. When the trailer is located on a parcel adjacent to a residential use or zone district, then trailer shall not be used nor picked-up/dropped-off between 10 PM and 8 AM.
- B. Approval of a special land use proposal for a mobile medical trailer may be revoked by the Planning Commission if the condition(s) of approval or other ordinance requirements have not been met or that use poses a nuisance to the surrounding properties. In such a case, Village staff shall place the special land use on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation has occurred.

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# Article 5: Planned Unit Development

## SECTION 5.1 • STATEMENT OF INTENT

It is the intent of this Article to authorize the use of Planned Unit Development (PUD) regulations to:

- A. Permit flexibility in the regulation of land development;
- B. Encourage innovation in land use and variety in design, layout, and type of structures constructed;
- C. Achieve economy and efficiency in the use of land, natural resources, energy, and public services and utilities;
- D. Encourage useful open space; and
- E. Provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Village of Oxford.

The approval of a Planned Unit Development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as “PUD, Planned Unit Development”. Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance and specific standards set forth therein, or the planning upon which it has been based. Provisions of this Article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Article.

## SECTION 5.2 • ELIGIBILITY CRITERIA

To be eligible for planned development approval, the applicant must demonstrate that the following criteria will be met:

- A. **Recognizable and Substantial Benefit.** The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
- B. **Land Area.** Sufficient land area shall be provided to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding neighborhood.
- C. **Availability and Capacity of Public Services.** The proposed type and density of use shall not exceed the capacity of existing public services, facilities, and utilities.
- D. **Compatibility with the Master Plan.** The proposed development shall be consistent or compatible with the Village’s Master Plan and other sub-area plans.
- E. **Compatibility with the Planned Development Intent.** The

proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 5.1, Intent.

- F. **Economic Impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance or planned in the Village Master Plan.
- G. **Preservation of Site Features.** Long-term conservation of significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).

## SECTION 5.3 • PERMITTED PRINCIPAL USES

Any land use authorized in this Ordinance may be included in a PUD as a principal or accessory use, subject to adequate public health, safety and welfare protection mechanisms being designed into the development as provided in this Article.

Nonresidential uses, including, without limitation, parking and vehicular traffic ways, shall be buffered from residential units in a manner consistent with good land and community planning principles. Such buffering shall be provided for residential units located within the same PUD as the nonresidential uses, as well as for residential units located on adjacent parcels. It is recognized that this provision may have limited application to multi-use buildings.

## SECTION 5.4 • DEVELOPMENT REGULATIONS

The following regulations shall apply to all Planned Unit Developments:

- A. **Unified Control.** The proposed Planned Unit Development area shall be under the control of one owner or a single entity and shall be capable of being planned and developed as one integral unit. Application for Planned Unit Development zoning must be made with the written authorization of all owners of the site and with all parties having an interest in the property joining in said application.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Village.

- B. **Street Provisions and Vehicular Access.** Each lot, main building, and principal use within the Planned Unit Development district shall have vehicular access from a public street or private road meeting the design standards of a public street. Adequate provision shall be made for dedications of land for

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streets and essential services.

- C. Applicable Base Regulations.** Unless waived or modified in accordance with the procedures and standards set forth in this Article, the lot size, lot width, lot coverage, setbacks, parking, loading, landscaping, lighting, and other standards set forth in designated underlying zoning district for uses proposed as part of a PUD.

To encourage flexibility and creativity in development consistent with the Planned Unit Development concept, departures from compliance with the underlying zoning district regulations may be granted by the Village Council, upon recommendation of the Planning Commission, as a part of the approval of the Planned Unit Development. Such departures may include, but are not limited to lot dimensional standards; floor area standards; setback requirements; density standards; parking, loading and landscaping requirements; and similar requirements.

Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards. Such modifications or waivers shall be clearly shown on the approved site plan.

- D. Water and Sanitary Sewer Service.** Each main building in a Planned Unit Development shall be connected to public water and sanitary sewer lines.
- E. Storm Drainage.** Each site in a Planned Unit Development shall be provided with adequate storm drainage and meet all applicable local, county, state and federal laws.
- F. General Provisions.** A Planned Unit Development shall comply with the provisions in Article 6, Development Standards.
- G. Additional Considerations.** During review of a proposed Planned Unit Development, the Planning Commission shall take into account the following considerations, which may be relevant to a particular project:
1. Perimeter setbacks and berming
  2. Thoroughfares
  3. Drainage and utility design
  4. Underground installation of utilities
  5. Insulating the pedestrian circulation system from vehicular thoroughfares and ways
  6. Achievement of an integrated development with respect to signage, lighting, landscaping and building materials
  7. Noise reduction and visual screening mechanisms, particularly in cases where non-residential uses adjoin off-site residentially-zoned property.

### SECTION 5.5 • PROJECT TIMETABLE

- A. Timetable.** A timetable for construction for a Planned Unit Development shall be included as part of the review and

approval process. Where a PUD project is proposed to be constructed in phases, the following standards shall apply:

1. **Phasing Plan.** The applicant shall submit a phasing plan for review and approval by the Planning Commission. Once construction of a planned development has commenced, approval of any revisions to the phasing plan shall be approved only if the revised phasing does not materially change the integrity of the approved planned development.
2. **Integrity of Each Phase.** The PUD project shall be designed so that each phase shall be complete in terms of the presence of services, construction, facilities, and open space and shall contain the necessary components to ensure the health, safety, and welfare of the users of the planned development and the residents of the Village.

- B. Performance Bond.** In accordance to Article 9, Chapter 4, the Village may require that a performance bond be posted by the developer to assure compliance with the construction timetable. Unapproved deviations or delays in the timetable during construction may result in a loss of all or a portion of the performance bond.

### SECTION 5.6 • OPTIONAL PRE-APPLICATION CONFERENCE

- A.** A potential applicant for a Planned Unit Development classification may request a pre-application conference prior to filing an application. If the applicant requests a pre-application conference, then such request shall be made to the Zoning Official, who shall set a date and shall inform the Village Manager, the Village President and the Chairperson of the Village Planning Commission of the pre-application conference and invite their attendance. The Zoning Official shall also invite other officials and consultants who might have a interest in the proposed development, or who might assist the Village in the review process.
- B.** The applicant shall present at such a conference(s), at minimum, sketch plan of the proposed Planned Unit Development (drawn to scale); a legal description of the property in question; and the total number of acres in the project.
- C.** The purpose of the meeting is to inform Village and other Officials of the concept of the proposed development and provide the potential applicant with information regarding land development policies, procedures, standards, and requirements of the Village in terms of the proposed development. To this end, the applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development.
- D.** Statements made at the pre-application conference shall not be legally binding commitments.

### SECTION 5.7 • APPLICATION PROCEDURES

Application for Planned Unit Development classification shall be for an amendment to the Village Zoning Map. An application for a Planned Unit Development classification shall be filed with the

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Zoning Official, who shall forward the information to the Planning Commission. This application shall contain the following:

- A. Cover letter signed by the applicant and owner(s) holding an equitable interest in the property.
- B. Legal description showing the location and acreage of the property.
- C. General description of proposed development, including a timetable of development.
- D. Site plan at a scale of 1" - 100' or larger, prepared in accordance with Article 9, Chapter 2. Additional information on the site plan shall include:
  1. Proposed schedule of usable floor areas and land areas by category of use and building ground coverage.
  2. Areas preserved for open space, indicating the proposed improvements.
  3. Architectural sketches showing building heights, external wall finishes, location of entry ways, and loading and unloading facilities.
  4. Other information deemed pertinent to the proposed development by the Planning Commission or Village Council.
- E. A fee for the processing of the Planned Unit Development application, as established by the Village Council.

### SECTION 5.8 • REVIEW AND STANDARDS FOR APPROVAL

The review and approval process for a Planned Unit Development shall be as follows:

- A. **Planning Commission Review.** The Planning Commission shall review the application and determine whether or not the proposed development best serves the intent of this ordinance, and the public, health, safety, and welfare. Standards for review shall include:
  1. **Public, Health, Safety, and Welfare.** The public, health, safety and welfare will be better served by this development. In making such findings, the following shall be considered: location, density of population, adequacy of schools, public facilities, hours of operation, traffic volumes and circulation, compatibility with existing development, adequate provisions for light and air, and accessibility for police and fire protection.
  2. **Compatibility with Master Plan.** The proposed development shall not have an adverse impact upon the Master Plan of the Village, and shall be consistent with the intent and spirit of this Article.
  3. **Economic Impact.** The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
  4. **Compatibility with Adjacent Uses.** The proposed Planned

Unit Development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. Consideration shall be given to:

- a.) The bulk, placement, and materials of construction of proposed structures.
  - b.) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - c.) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  - d.) The hours of operation of the proposed uses.
  - e.) The provision of landscaping and other site amenities.
5. **Public Services.** The proposed Planned Unit Development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection, schools; unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the Planned Unit Development is completed.
  6. **Impact of Traffic.** The Planned Unit Development shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to:
    - a.) Estimated traffic to be generated by the proposed development.
    - b.) Access to major thoroughfares.
    - c.) Proximity and relation to intersections.
    - d.) Adequacy of driver sight distances.
    - e.) Location of and access to off-street parking.
    - f.) Required vehicular turning movements.
    - g.) Provisions for pedestrian traffic.
    - h.) Access to loading and unloading areas.
  7. **Compliance with Applicable Regulations.** The proposed Planned Unit Development shall be in compliance with all applicable Federal, state, and local laws and regulations.
  8. **Phasing.** The PUD project shall be designed so that each phase shall be complete in terms of the presence of services, construction, facilities, and open space and shall

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contain the necessary components to ensure the health, safety, and welfare of the users of the planned development and the residents of the Village.

**B. Public Hearing.** The Planning Commission shall schedule a public hearing on the proposed Planned Unit Development. Notice of the public hearing shall be published in a newspaper of general circulation in the Village, and sent 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. Such notice shall be given not less than fifteen (15) days before the public hearing scheduled. The notice shall do all of the following:

1. Describe the nature of the planned development project requested.
2. Indicate the property that is the subject of the 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.
3. State the location, date, and time of the public hearing.
4. Indicate the location and times that written comments will be received concerning the request.

**C. Planning Commission Recommendations.** At the public hearing or within a reasonable time following the public hearing, the Planning Commission shall make its final consideration of the request including the zoning map amendments, and shall recommend to the Village Council denial, approval, or approval with conditions, of the request. The Planning Commission shall have prepared a report stating its conclusions, the basis for its recommendations, and any conditions relating to an affirmative recommendation. The public hearing held pursuant to this subsection shall also serve as the public hearing for the proposed zoning amendment.

**D. State and County Approval.** All planned development projects shall require the review and approval of the following agencies, if applicable, prior to final site plan approval:

1. The Road Commission for Oakland County or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation.
2. The Oakland County Drain Commission.
3. The Oakland County Health Department.

**E. PUD Agreement.** A proposed contract setting forth the conditions upon which approval of the PUD is based. Prior to approval by the Village Council, the contract shall be entered into between the Village and the applicant at the time of PUD plan approval. Said contract shall provide:

1. The manner of ownership of the land, including mineral rights.
2. The manner of the ownership and of the dedication of the common open space or parks.
3. The restrictive covenants required for membership rights and privileges, maintenance and obligation to pay assessments for the common open land, parks or other features.
4. The stipulations pertaining to commencement and completion of the phases of the development, to construction, installation, repairs and maintenance of improvements, to obligations for payment of any costs, expenses or fees planned or reasonably foreseen, and to the manner of assuring payment of obligations.
5. Provisions for the Village to effect construction, installation, repairs and maintenance and use of public utilities, storm and sanitary sewers and drainageways, water, streets, sidewalks and lighting, and of the open land and improvements thereon, and any other conditions of the plan, and the manner for the assessment and enforcement of assessments for the costs, expenses, or fees incidental thereto against the applicant, or the future owners or occupants of the PUD.
6. The PUD plan shall be incorporated by reference and attached as an exhibit.
7. Any approved modifications shall be enumerated.
8. Provisions reasonably and necessarily intended to affect the intent of this Article, or the conditions of the approval of the plan for the public health, safety, morals, and general welfare of the Village.
9. Provisions for amendments to the layout of the PUD and associated site improvements following approval of the PUD, including definitions of what constitutes a minor or major amendment, and the Village approval authority and process for approving minor and major amendments.
10. Other pertinent information necessary to enable the Planning Commission to make a determination concerning the desirability of applying the provisions of this Article.
11. The application and site plan shall not be officially approved nor may the building permit be issued, until the PUD agreement has been signed as required herein and has been received by the Village Clerk.

**F. Village Council Action.** The Village Council shall be provided with a copy of the Planning Commission's report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the Planned Unit Development. Within a reasonable time of the action of the Planning Commission, and after all approvals noted above are obtained, the Village Council shall deny, approve, or approve with conditions, the request.



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### SECTION 5.9 • PERFORMANCE GUARANTEES

In accordance with Article 9, Chapter 4, the Village Council shall require that a performance guarantee be deposited with the Village to insure faithful completion of improvements. In no event shall the performance bond be less than the estimated cost of completion, and such bond shall be posted with the Village of Oxford by a licensed Michigan insurance bonding company. Improvements shall mean those features and actions associated with the project which are considered necessary by the Village Council to protect natural resources, or health, safety, and welfare of the residents of the Village and future users or inhabitants of the proposed development, including roadways, lighting, utilities, sidewalks, screening, landscaping, and drainage.

### SECTION 5.10 • EFFECT OF APPROVAL

Approval of a planned development application, site plan, and PUD Agreement shall constitute an amendment to the Zoning Ordinance to revise the official Zoning Map to designate the subject property as "PUD" (Planned Development District). The PUD Agreement, approved PUD site plan, and all conditions of approval granted under this Article shall constitute an inseparable part of the zoning amendment.

- A. All improvements and land uses of the site shall be in conformity with the approved PUD plan and any conditions imposed and the approved PUD agreement.
- B. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
- C. The applicant shall record the approved PUD Agreement with the Oakland County Register of Deeds within ten (10) days of the date of approval of the application. The petitioner shall immediately provide a certified copy of the recorded documents to the Village Clerk.

### SECTION 5.11 • ENFORCEMENT

The Village Council may enforce any or all provisions of the approved site plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns, or agents.

### SECTION 5.12 • EXPIRATION OF PUD APPROVAL

If construction has not commenced within 365 calendar days of PUD approval by the Village Council, all PUD approvals become null and void and a new PUD application shall be required to continue the project. Upon written request received prior to the expiration date, the Village Council may grant one (1) extension of up to 365 calendar days, provided that the approved PUD plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

### SECTION 5.13 • REVISION OF APPROVED PLANS

- A. **General Revisions.** Approved final plans for a Planned Unit Development may be revised in accordance with the procedures set forth in this article.
- B. **Minor Changes.** Notwithstanding sub-section A above, minor changes may be permitted following normal site plan review

procedures outlined in Article 9, Chapter 2, subject to finding that:

1. Such changes will not adversely affect the initial basis for granting approval.
2. Such minor changes will not adversely affect the overall Planned Unit Development in light of the intent and purpose of such development as set forth in Section 5.1.

### SECTION 5.14 • TERMINATION AND REVOCATION

- A. **Termination.** An approved PUD plan and PUD contract may be terminated by the applicant prior to any development within the PUD area involved by filing with the Village Clerk an affidavit so stating. The approval of the development plan and PUD contract shall terminate upon said recording. No approved PUD plan and PUD contract shall be terminated after any development commences within the PUD area, except with the approval of the Village Council and of all parties of interest in the land.
- B. **Revocation.** In any case where the conditions of PUD approval have not been or are not being complied with, the Village Administration shall provide the applicant notice of such failure to comply and establish a time period of twenty (20) days from the date the notice was issued for the applicant to remedy the violation. The applicant must remedy the violation within the twenty (20) day period or request a public hearing before the Village Council for a review of the notice of violation. If the applicant does not remedy the violation and does not request a public hearing before the Village Council within twenty (20) days of the date the notice was issued, the Village Council may revoke PUD approval.

If the applicant requests a hearing before the Village Council for review of the notice of violation, the time period for remedying the violation shall be temporarily suspended and the review shall be placed on an upcoming Village Council agenda. After the conclusion of such review, if the Village Council finds that a violation exists, it shall establish a time period in which the violation must be remedied. If the violation is not remedied by the conclusion of the established time period, the Village Council may revoke PUD approval.

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# Article 6: Development Standards

## Chapter 1: General Provisions

### SECTION 6.1.1 • CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

### SECTION 6.1.2 • SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no new use shall be made of or change shall be made to any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

### SECTION 6.1.3 • USE REGULATIONS

Except as otherwise provided herein, regulations governing land and building use are hereby established in Article 3, Chapter 4, covering each district. Uses permitted in each district after special approval shall be permitted only in accordance with the Special Use Approval standards and procedures of this Ordinance.

### SECTION 6.1.4 • USES NOT OTHERWISE SPECIFIED WITHIN A USE DISTRICT

Uses which have not been specifically mentioned within any use district may be processed under the Special Use Review procedure, in accordance to Article 9, Chapter 3. Such uses and related structures shall be subject to the area, height, bulk, and placement requirements in the subject zoning district for which the use is located.

### SECTION 6.1.5 • GENERAL AREA, HEIGHT, BULK REGULATIONS

Except as otherwise provided herein, regulations governing the minimum lot width, lot area per dwelling unit, required open spaces, height of buildings and other pertinent factors are as shown Article 3, Chapter 4.

### SECTION 6.1.6 • LAND REQUIRED TO SATISFY REGULATIONS

No portion of a lot used in or necessary for compliance with the provisions of this ordinance shall through sale or otherwise be reduced beyond said minimums or again be used to satisfy the zoning requirements of another lot.

### SECTION 6.1.7 • PUBLIC UTILITY FACILITIES

When operating requirements necessitate the locating of public utility facilities and uses (without storage yards) within the district in order to serve the immediate vicinity, such facilities shall be permitted in

all zoning districts, subject to Special Use approval by the Planning Commission, review and approval of the site plan, and a finding by the Planning Commission that the use is compatible to the surrounding area and will not be injurious to the surrounding neighborhood and is not contrary to the spirit and purpose of this Ordinance.

### SECTION 6.1.8 • GENERAL EXCEPTIONS

- A. Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention hereof to exempt such essential services from the application of this ordinance, except that all buildings hereunder shall be subject to site plan review in accordance with this Ordinance.
- B. Voting Place.** The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- C. Height Limits.** The height limits of this Ordinance shall not apply to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the districts which they are located, provided that they do not exceed the maximum permitted height of the building by more than 10 feet. The height of wireless telecommunication facilities shall be regulated by Section 4.1.41

### SECTION 6.1.9 • EASEMENTS

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.

### SECTION 6.1.10 • GRADES, ELEVATION DIFFERENTIALS, AND RETAINING WALLS

- A.** The grading of all building lots shall be such as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property.
- B.** Retaining walls in excess of one (1) foot in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in structurally sound, good and safe repair and shall not impair drainage or create negative impacts on any other lot.

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### SECTION 6.1.11 • CLEAR VISION AREA

No structure, wall, fence, shrubbery, or trees shall be erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding thirty (30) inches in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

### SECTION 6.1.12 • MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS

The sum of the minimum required side yards for single family residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the total of the two (2) required side yards of either of the lots.

### SECTION 6.1.13 • FENCE, WALL, AND PRIVACY SCREENS

Fences, walls, or privacy screens shall conform to the following:

- A.** Fences, walls, or privacy screens in Single Family Residential districts shall not exceed six (6) feet in height above grade. Fences or walls are permitted within a front yard, provided that they do not exceed thirty (30) inches in height. All fences which are a part of any deck structure shall not exceed 4 feet in height above the surface of the deck. All such fences shall be subject to the following conditions:
  1. Those side yards that have a common street line with front yards in the same block shall be treated as front yards and shall not have a fence, wall, or privacy screen over thirty (30) inches in height erected within the minimum front yard setback.
  2. On corner lots with a common rear yard relationship within the block, fences, walls, or privacy screens shall not be higher than forty-two (42) inches within ten (10) feet of the street right-of-way line.
  3. Fences, walls, or privacy screens which serve as architectural or decorative landscaping and are not used to enclose property and/or are not placed on common lot lines, may be erected within the provisions of the minimum yard requirements for said yard as specified in the subject zoning district.
- B.** Fences, walls, or privacy screens which enclose public or institutional playgrounds shall not exceed six (6) feet in height above grade, and shall not obstruct vision to an extent greater than 25 percent of their total areas.
- C.** Fences, walls, or privacy screens shall not contain barbed wire, electric current or charge of electricity; provided, however, that fences in the I-1 District which enclose storage areas may have barbed wire connected therewith, provided such barbed wire is located more than six (6) feet above grade and not visible from

a public or private street.

- D.** Fences, walls, or privacy screens shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired or removed, and exposed surfaces shall be painted, stained or similarly treated. Failure to maintain a fence in conformance to the standards of this Section shall be deemed a violation of this Ordinance.
- E.** The erection, construction or alteration of any fence, wall or privacy screen as defined herein, shall be constructed within all municipal codes and shall require a building permit.

### SECTION 6.1.14 • TEMPORARY AND PORTABLE BUILDINGS, USES, STRUCTURES AND SPECIAL EVENTS

The Planning Commission may permit temporary buildings, structures, and uses for a period of six (6) months provided that all requirements and conditions are met, as are the relative to the type of structure and use, the timing and arrangements for termination and removal. The Planning Commission may modify the six (6) month time period based on unique circumstances, however in no case shall the approval be granted for more than 12 months. The Planning Commission may require safeguards related to setbacks, screening, off street parking which are considered necessary to protect the health, safety, welfare and comfort of inhabitants of the Village. Mobile homes, mobile or temporary offices, trucks, truck trailers, vans or other passenger vehicles or trailers shall not be used for storage, warehousing, retail sales, service or offices, except by approval of the Planning Commission and subject to conditions imposed by the Planning Commission.

### SECTION 6.1.15 • STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED

No garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not to be visible from any street.

### SECTION 6.1.16 • SOIL EXCAVATION OR FILLING

- A.** The deposit or burying of garbage anywhere in the Village of Oxford is expressly prohibited.
- B.** The use of land for quarry excavation and the removal or filling of topsoil, sand, gravel or other material from or on the land is not permitted in any zoning district unless a plan for such excavation or filling has first been filed with and a building permit is obtained from the Building Official. Before issuing a permit, the Building Official shall determine that such removal will not cause stagnant water to collect or, at the expiration date of such permit, leave the surface of the land in an unsuitable condition or cause the land to be unfit for other uses permitted in the district in which the removal or filling occurs; and that such fill or removal will not cause water or other materials to encroach on any public street, sidewalk, or adjacent property not owned by the applicant. When appropriate, the Building Official may require that such fill or excavation areas are

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protected with fencing, rail guards, and warning signs.

- C. This regulation shall not prohibit the normal removal or filling of soil for the construction of an approved building or structure when such plans have been approved by the Building Official, and a building permit has been issued for said building development.

SECTION 6.1.17 • OPEN STORAGE OR DUMPING ON LAND PROHIBITED

The use of land for the open storage or collection or accumulation of lumber (excluding firewood less than two feet long) or human made materials, or for the dumping or disposal of scrap metal, junk, junk cars, parts of automobiles, trucks, and boats, tires, garbage, rubbish, or other refuse or of ashes, slag or other wastes or by products, shall not be permitted in any zoning district.

SECTION 6.1.18 • COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

- A. Purpose. The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for single family residential development. The parking of large commercial vehicles are frequently impediments to the ingress and egress of emergency vehicles and equipment, and are frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of such commercial vehicles tend to impair the health, safety and general welfare of the people of the Village.
B. Residential Parking Prohibited. No commercial vehicle of any kind, shall be parked in a residentially zoned or used area. Provided however, this provision shall not apply to commercial vehicles temporarily parked less than eight (8) hours in a residential area in conjunction with maintenance or service to a residential property.
C. Presumption of Ownership. In any proceeding for violation of any parking provision of this section, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on said motor vehicle, shall be presumed in evidence to be the person who committed the violation charged.

SECTION 6.1.19 • OUTDOOR STORAGE OF RECREATION AND OTHER VEHICLES AND EQUIPMENT IN SINGLE FAMILY RESIDENTIAL DISTRICTS

The outdoor storage or parking of any airplane, antique or racing automobile, boat, boat hoist or dock, float, trailer, trailer coach, camping trailer, motorized home, vacant or unused mobile home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than forty-eight (48) hours in all single family residential districts, except where the following minimum conditions are met:

- A. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the required

front building line, but no closer than the required side or rear setback requirement.

- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
C. Trailer coaches, motor homes and other vehicles or equipment designed or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or to electricity, water or gas.
D. Not more than two (2) recreation vehicles per dwelling unit may be kept or stored outdoors at one time. Not more than one of these recreation vehicles may exceed sixteen (16) feet in length. The size of recreation vehicles kept or stored outdoors may not exceed eight (8) feet in width, ten (10) feet in height, or twenty-eight (28) feet in length.
E. Such vehicles so kept or stored shall be in good repair. Open storage of partially or disassembled component parts of said uses is prohibited.
F. The storage of vacant mobile homes in single family residential districts shall be prohibited.

SECTION 6.1.20 • UNLICENSED VEHICLES

No unlicensed motor vehicles shall be kept on any property for a period of more than fifteen (15) days except in an I-1 District or if contained entirely within a building. This provision shall not pertain to vehicles such as farm tractors which are not ordinarily licensed.

SECTION 6.1.21 • ENCLOSURE OF ROOF APPLIANCES OR ACCESSORIES

In all zoning districts, roof appliances such as, but not limited to, cooling towers, air conditioners, heating apparatus, dust collectors, filters, transformers and any other such appliance or apparatus, other than flag poles, chimneys for carrying products of combustion, wireless communication facilities, and radio antenna towers, shall be enclosed with opaque screens not less in height than the height of the highest appliance, as measured from the plane of the roof surface upon which the screen device is mounted to the top of the highest appliance. However, if the screening device is mounted on the top of the parapet or other part of the building facade which extends above the roof surface, and the height of the parapet or other part of the building facade is equal to the height of the highest appliance, such walls may be lowered to permit passage of air for cross ventilation, provided that the roof appliances are totally screened from view. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

SECTION 6.1.22 • SIDEWALKS

For all developments requiring site plan approval, either a new public sidewalk or the reconstruction of existing sidewalks, shall be required to be constructed to Village standards along the perimeter of the lot which abuts any public or private street. New or reconstructed sidewalks or bikeways shall be aligned with existing or proposed sidewalks or bikeways. Additionally, when a site is proposed for

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development or redevelopment and the site is located adjacent to a park owned by the Village or the Polly Ann Trail, the Village may require a pedestrian access path or sidewalk to be constructed to provide access to the park or Polly Ann Trail. The pedestrian access path or sidewalk as required herein shall be built consistent with the standards for sidewalk or pedestrian path construction that shall be specified by the Village.

### SECTION 6.1.23 • KEEPING OF FARM ANIMALS AND OTHER ANIMALS

The keeping, raising, or breeding of animals, poultry or livestock, including farm animals and non domestic animals and reptiles (except domesticated cats, dogs, canaries, parakeets, parrots, gerbils, hamsters, guinea pigs, turtles, fish, rabbits and similar animals commonly kept as pets), shall be prohibited, except as may be permitted by and under conditions of public safety, comfort, convenience and quiet use of property imposed by the Zoning Board of Appeals.

### SECTION 6.1.24 • DUMPSTERS OR OUTDOOR TRASH RECEPTACLES

Any new or altered use which requires site plan review under Article 9, Chapter 2, and has an outdoor trash storage area shall comply with the following requirements:

- A.** Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- B.** A decorative wall or fence of six (6) feet in height shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Opaque and lockable screening gates may be required by the Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way or adjacent use. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
- C.** In no instance shall any such refuse be visible above the required enclosure.
- D.** Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off street parking areas or entrances to or exits from principal buildings nearby.
- E.** Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. In no instance shall any such area be located in a front yard.

### SECTION 6.1.25 • SWIMMING POOL REGULATIONS

- A. Permit Application.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Building Official and obtaining a

permit thereof. Application for such permit shall show the name of the owner, a plot plan of the property showing the location of such swimming pool, a detailed plan and specifications for such swimming pool, and full information as to the type, height and location of the fence surrounding such swimming pool and the number of gates therein.

- B. Location.** Outdoor swimming pools may be erected in the rear yard, provided that they are located no closer than ten (10) feet from the side or rear lot lines. No such pool or part thereof shall be installed within twenty five (25) feet of a side street.
- C. Fencing.** The swimming pool shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of the self closing, self latching type with latch on the inside of the gate not readily available for children to open. A fence which encloses the yard, as a whole, of the type referred to above, may be considered as complying with the requirements hereof. All gates must be locked when the residents are away from the house or when the pool is not in use.
- D. Inspection.** The Building Official shall have the right, at any reasonable hour, to inspect any swimming pool for the purpose of determining that all provisions of this Section are complied with. Before any swimming pool shall be used, a final inspection and approval must be received from both the Building Official and Plumbing Inspector.
- E. Nuisance.** Any such outdoor swimming pool installed, operated or maintained in violation of provisions of this Section shall constitute a nuisance, and the Village may, in addition to the penalties herein set forth in Article XXII, maintain any proper action for the abatement of such nuisance.

### SECTION 6.1.26 • PERFORMANCE STANDARDS

No activity, operation, or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, radiation, noise or disposal of waste is deleterious to other permitted activities in the zone district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety or welfare of the community. The following standards shall apply:

- A. Noise.**
  - 1. Noise Level Limits.** No operation or activity shall be carried on which causes or creates measurable noise levels which have an annoying or disruptive effect on surrounding properties, or which exceed the maximum noise level limits prescribed in Table A below, as measured at the boundary line of the lot on which the operation or activity is located. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.



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Maximum Permitted Noise Levels		
Zoning District	Time	Sound Level (A Weighted) Decibels dB(A)
Residential	7:00 am to 7:00 pm	55
	7:00 am to 7:00 pm	50
	10:00 pm to 7:00 am	45
Commercial	Any Time	55
Office	Any Time	55
Industrial, not adjacent to residential zone	Any Time	70
Industrial, adjacent to residential zone	Any Time	55

2. **Intermittent Sounds.** Intermittent sounds or sounds characterized by pure tones may be a source of complaints, even though the measured sound level may not exceed the permitted level in Table A. In such cases, the Building Official shall investigate the complaints to determine the nature of and justification for the complaint and possible corrective action. If the complaints are determined to be justified and are not resolved within sixty (60) days, the Building Official may proceed to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.
3. **Permitted Exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally accepted manner:
  - a.) Temporary construction activity that occurs between 7:00 am and 7:00 pm.
  - b.) Performance of emergency work.
  - c.) Warning devices necessary for public safety, such as police, fire, and ambulance sirens and train horns.
  - d.) Lawn care and house maintenance that occurs between 9:00 am and 9:00 pm.

**B. Vibration.**

1. **Permitted Vibration.** Vibration is the oscillatory motion of a solid body. Machines or operations which cause vibration may be permitted in industrial districts, provided that:
  - a.) No operation shall generate any ground or structure borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located, and
  - b.) No operation shall generate any ground transmitted vibrations which exceed the limits specified in Subsection 2, below, as measured at the boundary line of the lot on which the operation or activity is located.

2. **Method and Units of Measurement.** The instrument used to measure vibrations shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. Vibrations shall be measured in terms of Particle Velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 (F \times D)$$

Where:

PV = Particle Velocity, expressed in inches per second

F = Vibration Frequency, expressed in cycles per second

D = Single amplitude displacement of the vibration, expressed in inches

The maximum velocity shall be the vector sum of the three components recorded.

Ground transmitted vibration shall not exceed a Particle Velocity of 0.20 inches per second, as measured at the boundary line of the lot, unless the adjacent property is used for residential purposes, in which case the Particle Velocity shall not exceed 0.02 inches per second. These maximum permitted values may be doubled for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

3. **Permitted Exemptions.** Vibrations resulting from temporary construction activity that occurs between 7:00 am and 7:00 pm. shall be exempt from the maximum permitted vibration levels in Subsection 2, above, provided that such activity occurs in a legally accepted manner.

**C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind**

**Erosion.** The drifting of air borne matter beyond the lot line, including wind blown dust, particles or debris from open stock piles, shall be prohibited. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air.

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- D. Odor.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
- E. Glare and Heat.** Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one half (1/2) of one (1) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- F. Fire and Safety Hazards.** The storage and handling of flammable liquids, liquified petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Act, Michigan Public Act 207 of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed. Below ground bulk storage tanks which contain flammable material shall be located no closer to the property line than seventy-five (75) feet.
- G. Hazardous Substance Containment and Storage.** The storage and handling of hazardous substances shall comply with all applicable state, county and local regulations. There shall be no general purpose floor drains in structures in which hazardous substances are kept. Above ground storage containers for hazardous materials shall require secondary containment facility capable of containing the total volume of all hazardous substances.
- H. Sewage Wastes and Water Pollution.** Sewage disposal and water pollution shall be subject to the standards and regulations established by Federal, state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Natural Resources, the Wayne County Health Department, and the U. S. Environmental Protection Agency.
- I. Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the federal Clean Air Act of 1990, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart, which is based on the National Ambient Air Quality Standards as established by the

Environmental Protection Agency, unless a higher standard is imposed by a Federal, state, county or local regulatory agency which has jurisdiction:

Gas	Max. Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 ug/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 ug/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

- J. Electromagnetic Radiation and Radio Transmission.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.
- K. Radioactive Materials.** Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an x ray machine, shall not exceed levels established by Federal agencies which have jurisdiction.

# Article 7: General Provisions

## Chapter 1: Off Street Parking and Loading

### SECTION 7.1.1 • PURPOSE

Off-street facilities designed for the parking of self-propelled motor vehicles for occupants, employees and patrons of buildings erected, used, altered or extended after the effective date of adoption or amendment of this Ordinance shall be provided and maintained in accordance with the provisions of this Chapter. Such facilities shall be maintained and not encroached upon so long as the principal use remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

The purpose of this Chapter is also to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

### SECTION 7.1.2 • SCOPE

Adequate off-street parking and loading spaces shall be provided in all districts in accordance with the provisions in this Chapter whenever a structure or use is established, constructed, altered, or expanded, an existing use is replaced by a new use (change of use), or the intensity of a use is increased through additional dwelling units, an increase in floor area or seating capacity or similar means. Such spaces shall be provided in accordance with the provisions of this Chapter.

### SECTION 7.1.3 • GENERAL STANDARDS

The following general standards shall apply to all off-street parking and loading facilities:

- A. Provision of Spaces.** There shall be provided in all zoning districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as prescribed in this Chapter.
- B. Location of Parking Spaces.**
  - 1. Off-Street Parking Spaces for One and Two-Family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of Section 4.1, Accessory Uses. No parking

shall be permitted in the required front yard except on a driveway which leads to an approved parking space.

- 2. Off-Street Parking for Multiple-Family and Non-Residential Uses in the RM, C-1 Core, C-1 Transition, C-2, and I-1 Districts.**
  - a.) Off-street parking facilities required for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership or a use easement, duly recorded with the Oakland County Registrar of Deeds, shall be shown for all off-site land areas intended for use as parking by the applicant.
  - b.) Off-street parking may be permitted to occupy a required front yard, except in the C-1 Core and C-1 Transition District, after approval of a parking layout plan. However, the number of parking spaces located within the front yard shall be limited to a maximum of 50% of the total parking provided for the site. Parking should be located to the rear or the side of buildings to the greatest extent possible. Where possible, on-site parking lots shall be accessed by means of common driveways, preferably from side streets or lanes. If the Planning Commission finds that additional front yard parking is needed to ensure public safety and/or logical site circulation, the Commission may permit up to a maximum of 75% of the proposed parking within the front yard. Front yard parking shall only be permitted provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet in all other nonresidential districts between the nearest point of the off-street parking area, exclusive of driveways, and the nearest existing or proposed right-of-way line. The buffer area between the parking lot and the right-of-way line shall be landscaped in accordance with Section 7.2.5.
  - c.) Parking shall not be permitted in the front yard in the C-1 Core and C-1 Transition District.
  - d.) In the I-1 District, required side yards may be utilized for parking and loading and unloading provided that in such instances the Planning Commission shall review the plans for such area to ensure sufficient access to the building or any storage or related areas to provide for the health, safety and general welfare

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of employees in the building. All off-street loading and unloading and storage areas shall be provided with adequate obscuring screening at least six feet in height, except it shall not be required on the interior of the district where the area is not visible from a thoroughfare or other zoning district.

- e.) Off-street parking may be located in a required side yard abutting a nonresidential zoning district in the C-2 district provided that there shall be an unobstructed and landscaped setback of at least ten (10) feet maintained between the nearest point of the off-street parking lot, exclusive of driveways, and the side lot line. Such unobstructed and landscaped setback shall extend continuously and uninterrupted along the side lot line from the nearest existing or proposed right-of-way line or private road easement to the rear yard. The unobstructed and landscaped setback of at least ten feet may be reduced or waived by the Planning Commission upon determining that such reduction or waiver is compatible with and/or part of a comprehensive plan with the adjacent properties.
  - f.) Off-street parking may be located within any non-required yard and within the rear yard setback.
  - g.) Where a C-2 District borders on a side street, wherein a residential zoning district exists in the same block, there shall be provided a setback of ten (10) feet from the side street right-of-way line for all parking and loading areas.
  - h.) Parking, loading areas, and circulation or access drives shall set back at least five (5) feet from any building or structure. Concrete curbing shall be installed along the perimeter of the vehicular use area to prevent encroachments.
  - i.) Parking spaces may be covered by carports, subject to approval under the appropriate process from Article 9 based on the overall project.
- C. Alteration of Existing Parking.** Existing off-street parking facilities accessory to an existing building or use shall not be reduced to an amount less than the minimum required by this Chapter for a similar new building or new use. The minimum required off-street parking spaces shall not be replaced by any other use unless adequate parking facilities meeting the standards of this Chapter have first been provided at another location.
- D. Pedestrian Circulation.** The parking lot layout shall accommodate pedestrian circulation. Where applicable, pedestrian crosswalks shall be provided, shall be distinguished by textured paving or pavement striping, and shall be integrated into the sidewalk network.
- E. Cross Access.** Common, shared parking facilities are encouraged. As such, wherever feasible, cross-access connections between adjacent parking lots, or a future connection when no adjacent parking lot exists but can reasonably be expected to be constructed on an adjacent parcel at a future date are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easement shall be recorded with the Oakland County Register of Deeds.
- F. Prohibited Activities.** An unenclosed off-street parking space may not be used for the storage or parking of trailers, mobile homes, travel trailers, boats, boat trailers, junked or wrecked vehicles of any type or used as a storage area for merchandise or industrial equipment or material, or used as a dump for refuse of any description. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted on areas designated as required off-street parking.
- G. Minimum Parking Required.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 7.1.9. The Planning Commission may reduce the number of required spaces as described in Section 7.1.5, Modification of Standards.
- H. Maximum Parking Permitted.** In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed one hundred twenty-five percent (125%) of the minimum parking requirements of Section 7.1.9. This requirement shall not apply to single-family or two-family dwellings. The Planning Commission may permit additional parking over and above the maximum parking limit based on document evidence indicating that the maximum parking permitted will not be sufficient to accommodate the use on a typical day.
- I. Uses Not Listed.** For uses not specifically listed in Section 7.1.9, the default parking standard for that type of use shall apply, unless the Planning Commission determines that the standard for a similar listed use is more appropriate.
- J. Uses Meeting More Than One Category.** Where more than one use is present in a building or a site, such as a gas station with convenience store and restaurant, the various components of the use shall comply with the requirement for each component. In such a case, the applicant must provide information regarding the floor area, employees, or other relevant information for each use in order to allow the Village to determine the minimum parking requirement for the use.
- K. Fractional Spaces.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

**ARTICLE 7: GENERAL PROVISIONS**

**L. Units of Measurement.** The following units of measurement are used in calculating required parking:

1. **Floor Area.** Where floor area is the unit for determining the required number of parking spaces, said unit shall mean gross floor area.
2. **Usable Floor Area.** Usable floor area shall mean the floor area used for service to the public and shall not include floor area used for storage or processing and packaging of merchandise where it is undertaken in a room in which service to the public is not involved. When usable floor area is not known at the time of site plan submittal, 80 percent of the total floor area shall be used for usable floor area for parking computations.
3. **Places of Assembly.** For places of worship or similar places of assembly in which those in attendance occupy benches, pews or similar seating, each twenty four (24") inches of such seating shall be counted as one (1) seat.
4. **Employees.** For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees on the premises during the largest shift.

**SECTION 7.1.4 • SHARED PARKING**

Different types of uses have different peak usage times, for instance, residential land uses generate the most parking demand during evening and night hours, while office uses generate the most parking demand during daytime hours. Therefore, the minimum parking requirement may be adjusted by a shared parking factor that considers a mixture of uses sharing a common parking facility. The uses that share a common parking facility may be located within a single building or in separate buildings located on the same or different sites.

**A. Shared Parking Procedure.** The number of shared parking spaces required for two (2) or more land uses sharing a parking lot or located on the same parcel of land shall be determined by the following procedure:

1. Multiply the minimum parking required for each individual use, as set forth in the Shared Parking Factor Table on the following page, by the appropriate percentage indicated in the following table for each of the six (6) designated time periods.
2. Add the resulting sums for each of the six (6) columns.
3. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
4. Other Uses. If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in the Shared Parking Factor table, as determined by the Planning Commission, the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Planning Commission shall determine the

appropriate shared parking requirement, if any, for such uses.

- B. Agreement.** A written agreement between joint users in a form approved by the Village shall be filed with the Oakland County Register of Deeds. The agreement shall assure the continued availability of the parking facility for the uses it is intended to serve.
- C. Public Parking Bonus.** For lots within the Form Based Code Boundary, the Village wishes to encourage parking owners to allow public parking in their lots. To that end, any lot open to the general public shall be permitted a 10% reduction of the minimum parking requirement. Any parking lot open to the general public on a limited basis, such as only after business hours, shall be permitted a 5% exemption in the minimum parking requirement.

Shared Parking Factors						
Land Use	Weekdays			Weekends		
	1 am - 7 am	7 am - 7 pm	7 pm - 1 am	1 am - 7 am	7am - 7pm	7pm - 1 am
Residential	95%	25%	95%	95%	75%	95%
Commercial/ Retail	0%	95%	75%	0%	90%	75%
Office/ Service	5%	95%	5%	0%	10%	0%

**SECTION 7.1.5 • MODIFICATION OF PARKING REQUIREMENTS**

The Planning Commission may modify the numerical requirements for off-street parking based on evidence submitted by the applicant that another standard would be more reasonable because of the level of current or future employment or customer traffic.

The Planning Commission may attach conditions to the approval of a modification of the requirements that bind such approval to the specific use in question.

**SECTION 7.1.6 • DEFERRED PARKING**

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum number of required parking spaces exceeds the amount necessary for the proposed use, the Commission may approve construction of a lesser number of parking spaces, subject to the following:

- A.** The banked parking shall be shown on the site plan and set aside as landscaped open space.
- B.** The banked parking shall be constructed upon request by the Village, after the Village documents three (3) incidents of problem parking on the site within any one (1) year period.
- C.** Banked parking shall be located in areas which are suitable for future parking and comply with Ordinance requirements.

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### SECTION 7.1.7 • PAYMENT IN LIEU OF PARKING

Where it can be demonstrated that the reasonable and practical development or property precludes the provisions of required off-street parking, the Planning Commission may permit the requirements thereof to be satisfied in all areas zoned C-1 Core and C-1 Transition by the payment to the Village of a sum equivalent to the estimated cost of planning for and later acquiring parking spaces within the Village limits. The estimated amount to be determined at the sole discretion of the Village Council which shall set such amount by resolution after review by the Village Engineer.

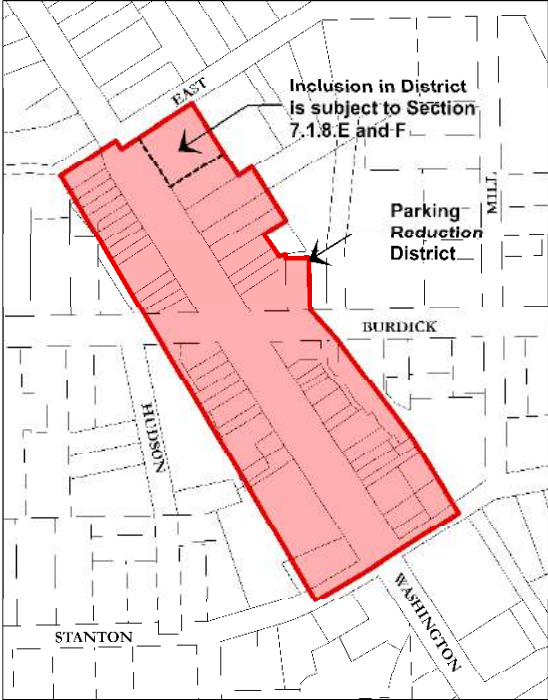
- A.** An off-street parking requirement satisfied in the manner shall run with the land, but any subsequent change in use which requires additional parking shall require compliance with all zoning and subsequent action to satisfy any additional parking requirement including the payment of additional costs as determined by the Village Council.
- B.** Such payment shall be a condition of site plan approval and shall be made to the Village prior to the issuance of the building permit. No refund of such payment shall be made for any reason including when there is a change to a use requiring less parking.
- C.** The amount of payment for each required parking space shall be fixed by resolution adopted from time to time by the Village Council.
- D.** Funds derived from such payment shall be deposited by the Village in a Special Parking Fund which shall be used and expended exclusively for any or all of the following: planning, designing, acquiring, and/or developing off-street parking facilities located, within the Village.
- E.** An application for permission to make such payment-in-lieu of providing off-street parking shall be made as a part of an application to the Planning Commission for site plan approval.
- F.** Where off-street parking has been provided through special assessment of property, the required number of off-street parking spaces may be reduced by the Planning Commission by that number of spaces which can be allocated to the assessment on that property. Likewise, a property which has paid pursuant to this section shall be given a 100% credit for off-street parking paid for under this section, which becomes part of a special parking assessment district. If all the costs of acquisition, administration and construction of such a district is less on a pro rata basis than that contributed by a property there shall be a 100% refund of the difference with no interest thereon applied provided the affected property owner makes application for such a refund not later than 90 days after the final payment on construction district. Notice of final payment and the provisions of this section shall be posted in three conspicuous places in the special assessment district, published once in a newspaper of general circulation in the Village and mailed, with appropriate proof of service, to the last entity on the property tax roll, which shall be deemed to be effective notice under this ordinance.

### SECTION 7.1.8 • PARKING REDUCTION IN THE CENTRAL BUSINESS DISTRICT

Recognizing that the developed character of the Village of Oxford Central Business District makes the provision of private off-street parking difficult, that requiring parking can lower development density and restrict pedestrian activity in the Central Business District which is inconsistent with the Village Master Plan and Downtown Plan, and that shared public parking lots and on-street parking spaces are located in the Central Business District, therefore the following parking requirements shall apply to uses within the Parking Reduction District:

- A.** Any permitted principal use or use permitted after special approval located on the first or second floor of a building shall be exempt from providing the required number of parking spaces per Section 7.1.9.
- B.** Any permitted principal use or use permitted after special approval located on the third floor or above of a building shall provide for the required number of on-site parking spaces per Section 7.1.9.
- C.** Where it can be demonstrated that the reasonable and practical development of property precludes the provision of required off-street parking, the Planning Commission may permit payment in lieu of required parking subject to the requirements of Section 7.1.9.
- D.** The requirements of this Section shall only apply to parcels located in the Parking Reduction District, as shown on the official Village of Oxford Zoning Map, except as provided in Section 7.1.8.E.
- E.** The requirements of this Section shall only apply to 40 N. Washington Street once said property owner reimburses all of the participants of Special Assessment (not land arrangements) based upon the same formula as the original assessment.
- F.** This Ordinance is not intended to nor does it restrict reasonable assessments by the Village of Oxford. The Village may consider appropriate credits for improvements previously paid for by property owners in the Parking Reduction District when establishing such assessments.





Parking Reduction District Map

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## ARTICLE 7: GENERAL PROVISIONS

### SECTION 7.1.9 • PARKING REQUIREMENTS

USE	MINIMUM PARKING REQUIRED
<b>COMMUNITY AND RECREATION USES</b>	
Default parking standard	1 space per 3 persons permitted at maximum occupancy
School, elementary or middle	1 space per employee + 1 space per 3 persons permitted at maximum occupancy for auditoriums and gyms
School, high	1 space per employee + 1 space per each 10 students + 1 space per 3 persons permitted at maximum occupancy for auditoriums and gyms
Hospital or urgent care center	1 space per 3 beds
Municipal buildings and uses	1 space per employee
Nursery schools, day nurseries, and child care centers	1 space per 10 pupils + 1 space per employee + 5 stacking spaces for drop-off and pick-up
Places of worship	1 space for each 3 persons permitted in the main worship hall at maximum occupancy
<b>COMMERCIAL, OFFICE, AND RETAIL USES</b>	
Car wash	1 space per employee + four stacking spaces per wash line or bay + 1 exit stacking space for post-wash detailing
Drive-in or drive-through facilities	<ul style="list-style-type: none"> <li>• 3 stacking spaces per general use service window or station, or</li> <li>• 10 stacking spaces per restaurant service window</li> </ul>
Hotel, motel, or other lodging	1.1 spaces per room
Office, medical or professional	1 space per 350 sq. ft. of usable floor area
Outdoor sales	1 space per 1,000 sq. ft. of outdoor sales or display area
Places of assembly (where parking demand is generated by occupancy rather than floor area, such as banquet halls, movie theatres, etc.)	1 space per 3 persons permitted at maximum occupancy
Restaurant	1 space per 3 persons permitted at maximum occupancy
Retail sales and service establishments	1 space per 350 sq. ft. of usable floor area
<b>INDUSTRIAL, RESEARCH, AND TECHNOLOGY USES</b>	
Light industrial and manufacturing	1 space per 550 sq. ft. of usable floor area + 1 space per 350 sq. ft. of office floor area
Mini-warehouses	3 spaces + 1 space per employee
Warehousing or distribution	1 space per 1,700 sq. ft. of f usable floor area + 1 space per 350 sq. ft. of office floor area
<b>RESIDENTIAL USES</b>	
Elderly housing, independent living and senior housing	0.8 spaces per dwelling unit
Elderly housing, dependent (including nursing homes and assisted living)	0.5 spaces per resident sleeping room
Foster care small or large group home	0.25 spaces per resident
Congregate care facility	
State licensed residential facility	
Group day care home	
Manufactured housing park	2 spaces per dwelling unit
Multiple family	<ul style="list-style-type: none"> <li>• 1.5 spaces per dwelling unit with 2 or fewer bedrooms + 0.2 visitor spaces per dwelling unit</li> <li>• 2 spaces per dwelling unit with 3 or more bedrooms + 0.25 visitor spaces per dwelling unit</li> </ul>
One and two-family dwellings	2 for each dwelling unit

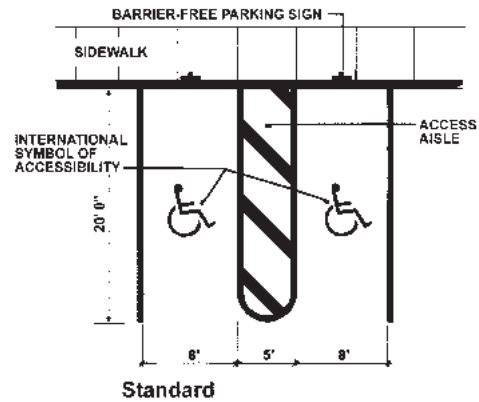
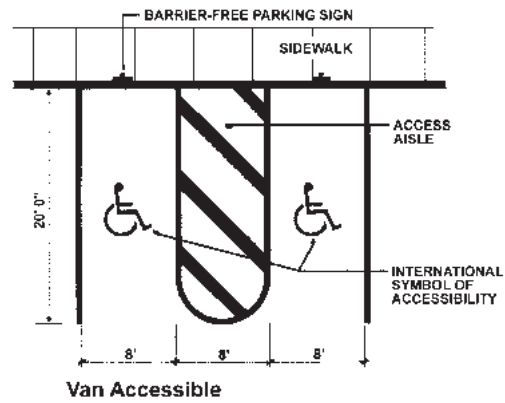
**SECTION 7.1.10 • BARRIER-FREE PARKING REQUIREMENTS**

Off-street parking facilities, other than parking for one or two-family dwellings, shall be designed, constructed, and maintained in accordance with the following:

- A. Barrier free parking spaces shall be provided per the State Construction Code and the following:

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

- B. Barrier free spaces shall be accessible from and conveniently located near each primary building entrance.
- C. Barrier free spaces shall be identified by above grade signs and pavement striping.



Barrier-Free Parking Space Layout

Parking Pattern (degrees)	Maneuvering Lane Width	Space Width	Space Length	Width of Maneuvering Lane Plus:	
				One Row	Two Rows
0° (parallel)	12 feet	9 feet	23 feet	20 feet (one way) 32 feet (two way)	28 feet (one way) 40 feet (two way)
30° to 53°	12 feet	9 feet	20 feet	32 feet	54 feet
54° to 74°	15 feet	9 feet	18 feet	36 feet	58 feet
75° to 90°	20 feet	9 feet	18 feet	40 feet	60 feet

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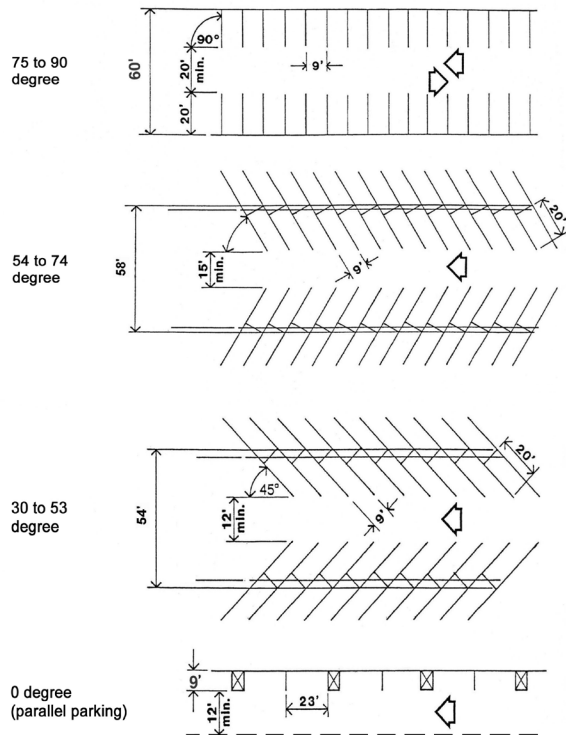
## ARTICLE 7: GENERAL PROVISIONS

### SECTION 7.1.11 • LANDSCAPING AND LIGHTING

Landscaping shall be provided as required by Article 7, Chapter 2 and lighting shall be provided as required Article 7, Chapter 3.

### SECTION 7.1.12 • PARKING LAYOUT

The layout of off-street parking facilities shall be in accordance with the following minimum requirements:



Parking Layouts

- A. The depth and width of parking spaces and the width of maneuvering lanes shall be measured from the back of the curb, or when no curb is proposed, parking spaces and maneuvering lanes shall be measured from the edge of pavement. If any fixed objects, including, but not limited to, bollards, posts, building edges, bumper posts and light poles, are located within the pavement area of a parking space or maneuvering lane, the depth and width of the parking space and the width of the maneuvering lane shall be measured from the edge of the fixed object.
- B. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree and parallel pattern may permit two-way movement.
- C. Parking aisles shall not exceed 300 feet without a break in circulation.
- D. Parking structures may be built to satisfy off street parking

regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which it is located.

- E. When a wall extends to an alley which is a means of ingress and egress to and from an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 20 feet from any adjacent property located in any single-family residential district.

### SECTION 7.1.13 • OFF-STREET LOADING

There shall be provided and maintained on the same premises with every structure, use or part thereof involving the receipt or distribution of vehicles, equipment, materials or merchandise adequate space for standing, loading, and unloading to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- A. **Spaces Required – C-1 and C-2, Districts.** At least one (1) off-street loading space shall be provided in the rear yard. Alternatively, off-street loading may be provided in the side yard upon Planning Commission review and approval of a plan depicting the method of screening or obscuring the loading area. All loading spaces in these districts shall have a minimum width of 10 feet and a minimum length of 40 feet.
- B. **Spaces Required – I-1 District.** Loading spaces shall be laid out in the dimension of at least 10 by 50 feet with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent durable and dustless surface. All spaces shall be provided in the following ratio of spaces to usable floor area:
  1. Buildings up to and including 2,000 square feet of floor area shall not be required to provide a dedicated loading space.
  2. Buildings with more than 2,000 square feet in floor area, but less than 20,000 square feet of gross floor area shall provide at least one (1) space.
  3. Buildings with more than 20,000 square feet in floor area, but less than 100,000 square feet shall provide a minimum of one (1) space plus one space for each 20,000 square feet in excess of 20,001 square feet.
  4. Buildings 100,001 square feet and greater in floor area shall provide five (5) spaces plus one (1) space for each additional 40,000 square feet or fraction thereof.
- C. **Location of Loading Spaces.** The location and arrangement of loading spaces shall be subject to the following:
  1. Off-street loading space may be completely enclosed within

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a building, or may occupy a portion of the site outside of the building. Where any portion of a loading space is open to public view, screening shall be provided in accordance with Article 7, Chapter 3.

- 2. All loading and unloading in an industrial district shall be provided off-street in the rear yard. Loading and unloading spaces may be permitted in an interior side yard provided a setback of fifty feet (50') is maintained. Loading and unloading facilities shall be prohibited in the front yard.
3. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.
4. Off-street loading facilities shall be located so as to not interfere with pedestrian access.

D. Loading Restrictions. Delivery vehicles and trailers shall load or unload or park only in designated loading/unloading zones as indicated on the approved site plan. Delivery vehicles and trailers shall not park or load or unload elsewhere on the premises. Under no circumstances shall a delivery vehicle or trailer park or be allowed to park in a designated loading/unloading zone for longer than 48 hours.

E. Modification of Loading Space Requirements. The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

SECTION 7.1.14 • PAVEMENT STRIPING

All spaces shall be outlined with three (3) inch stripes of paint, the color of which contrasts with the parking lot surface.

SECTION 7.1.15 • STACKING SPACES

Where required by this article, stacking spaces shall be 9 feet wide by 18 feet long. Stacking spaces shall not intrude into any street right-of-way or interior maneuvering lane.

SECTION 7.1.16 • GRADING AND DRAINAGE

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Village. Surface water shall not drain on to adjoining lots, towards buildings or across a public street, except in accordance with an approved drainage plan.

SECTION 7.1.17 • CONSTRUCTION

The entire parking area, including parking spaces and maneuvering lanes required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Village. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Village.

SECTION 7.1.18 • MAINTENANCE

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- A. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.
B. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.
C. Parking and loading areas shall be kept entirely free of snow. Snow may be stored in a parking area provided adequate on-site parking is provided in an amount equal to that required for the use or uses of the parcel.
D. Parking lots shall be maintained in a clean and debris free manner.

SECTION 7.1.19 • ADDITIONAL REQUIREMENTS

In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as necessary by the Planning Commission for the protections of abutting properties in a residential district.

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### Chapter 2: Landscaping

#### SECTION 7.2.1 • PURPOSE

Screening and land use buffers are necessary for the protection and enhancement of the Village and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contribute to a healthy development pattern and increase the level of privacy for residential uses in the Village.

The purposes of this Chapter is to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; to establish reasonable standards for the screening of uses of a significantly different scale or character; and buffering of parking lots, storage areas, and similar activities from street rights-of-way and adjacent lots. It is the intent of this Chapter that required screening and buffering elements shall be immediately effective in achieving the purpose of this Chapter, and shall maintain that effectiveness as the plant materials mature.

#### SECTION 7.2.2 • SCOPE

The standards of this Chapter shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject site plan approval or planned unit development approval. Uses and activities exempt from site plan approval shall be exempt from the requirements of this Chapter.

The standards of this Chapter shall be considered the minimum necessary to achieve the purposes of this Chapter and Ordinance. No provision of this Chapter shall preclude a developer and the Village from agreeing to more extensive landscaping or screening. Where existing sites have been developed without adequate screening or buffering, the purposes of this Chapter shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

#### SECTION 7.2.3 • GENERAL STANDARDS

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

##### A. Design Standards.

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 6.1.11, and shall not conflict with visibility for motorists or pedestrian access.
2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.

3. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
4. **Irrigation.** To assist in maintaining plant materials in a healthy condition, all landscaped areas shall be provided with an automatic, underground, or drip irrigation system, subject to the following:
  - a.) The Planning Commission may approve an alternative form of irrigation for a particular site, or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
  - b.) All automatic irrigation systems shall be designed to minimize water usage, and shall be manually shut off during water emergencies or water rationing periods.

##### B. Plant Material Standards.

1. **General.** The following shall apply to all plant materials:
  - a.) All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI 260.1, 1996).
  - b.) All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Village.
  - c.) All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack.
  - d.) Artificial plant material shall be prohibited within required screening areas.
2. **Groundcovers.** The following shall apply to all groundcover materials:
  - a.) Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease. Sod shall be provided for all lawn areas located within the road right-of-way.
  - b.) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall



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be planted to present a finished appearance after one (1) complete growing season.

- c.) Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

3. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
4. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers, and planting beds.

- C. Standards for Size and Variety of Plant Materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Street Trees	4.0 caliper-inches diameter
Deciduous Shade Trees	3.5 caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	36 inches in height or 30 inches in spread

- D. Existing Plant Materials.** Healthy existing trees and other plant materials on a site may be used to satisfy specific screening standards of this Chapter, subject to Planning Commission approval and the following:

1. The location, size, and species of individual trees and other plant materials to be preserved shall be identified on the site plan.
2. The Planning Commission may require Village inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials. Such inspections shall be performed by qualified Village staff or by a certified arborist or similar qualified consultant.
3. Where plant materials are to be saved, prior approval shall be obtained by the property owner from the Building Official or their designee prior to any delimiting, root pruning, or similar work.
4. Protective fencing shall be placed at the drip-line of existing

trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas.

5. In the event that trees or other plant materials identified to be preserved on an approved site plan are destroyed or damaged, as determined by the Building Official or their designee, the owner, developer or contractor shall replace the plant material with a comparable size, amount, and species.

### SECTION 7.2.4 • METHODS OF SCREENING

For those zoning districts listed below, and as required elsewhere in this ordinance, there shall be provided and maintained on those sides abutting or adjacent to any residential district a decorative obscuring wall as required below. A greenbelt buffer, berm, or evergreen screen may be utilized in place of a wall, subject to the review and approval of the Planning Commission.

Zoning District	Requirements
P-1 Vehicular Parking District	4'-6" high wall
Off-street Parking Lot (Other than P-1 Districts)	4'-6" high wall
C-1 and C-2 Districts	4'-6" high wall
I-1 Districts, open storage areas (when permitted), loading or unloading areas, service areas.	6'-0" to 8'-0" high wall

- A. Screening Wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):

1. Walls shall have a minimum height of four and one half (4½) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening. The wall shall have a minimum height of six (6) feet, and shall not exceed eight (8) feet in height above grade for the I-1 District, open storage areas, and loading/unloading and service areas.
2. The height of the wall may be reduced to three (3) feet in height when located within 20 feet of a street right-of-way line, to allow for adequate visibility for entering and exiting vehicular and pedestrian traffic.
3. Required walls shall be located on the lot line except where underground utilities interfere with such location or where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable

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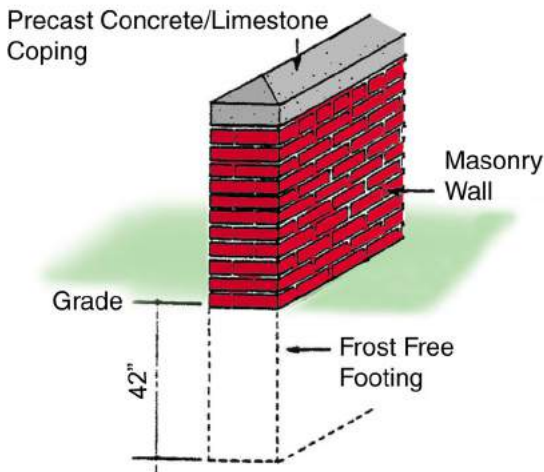
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to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.

4. In the P-1 District, the Planning Commission may require bumper block to protect walls from accidental collisions by vehicles.
5. Wall materials shall be subject to approval by the Planning Commission. The Planning Commission shall determine whether or not the proposed materials are appropriate based on the following criteria:
  - a.) The material is aesthetically compatible with the surroundings, especially the principal structure on the site.
  - b.) The material is suitably durable for the proposed location.
  - c.) The material provides adequate separation for nearby residents, and will prevent excess noise, dust, debris, and light from negatively impacting residential property.
  - d.) The material provides an adequate safety barrier from trespass, vehicle crashes, and other dangers.
  - e.) If necessary, Landscaping has been provided to soften the appearance of the wall or to increase the effectiveness of the screening/buffering that the wall provides.

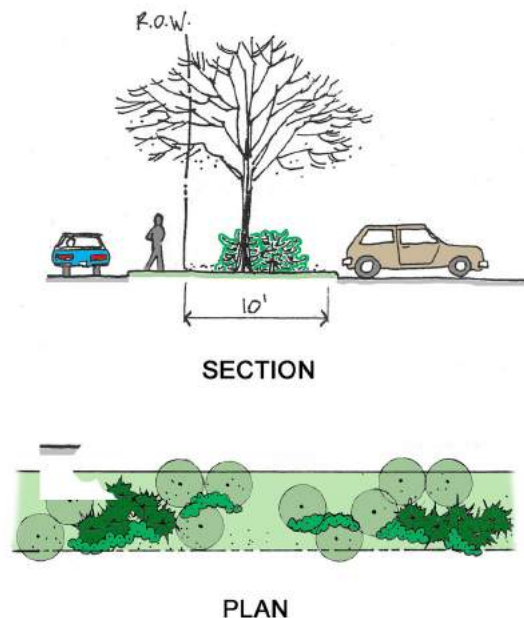


Screen Wall Example

- B. Greenbelt Buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent street rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are less intense than the use of the subject site. Greenbelt

buffers shall consist of the following:

1. Greenbelts shall have a minimum width of ten (10) feet and may be interrupted only to provide for pedestrian or vehicular access.
2. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.
3. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length along a property line or street frontage.
  - a.) Such required plant materials may be placed at uniform intervals, at random or in groupings.
  - b.) The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.



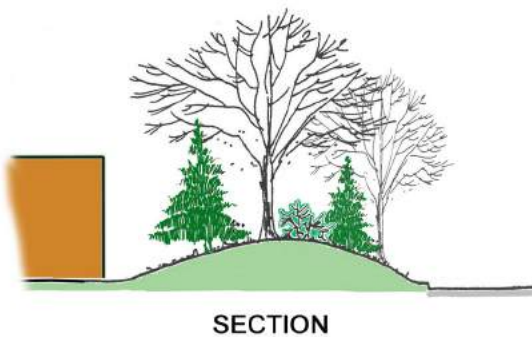
Greenbelt Buffer

- C. Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or street rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards:
1. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).
  2. Berms shall have a minimum height of three (3) feet above

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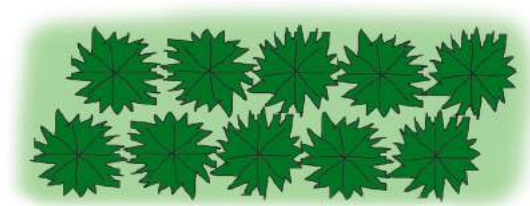
the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.

3. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
4. The berm shall be designed and graded to blend with existing topography and sodded, hydro-seeded or planted with appropriate groundcovers.
5. The Planning Commission may require greenbelt plantings on the berm, per Section 7.2.4B. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.



*Berm*

- D. **Evergreen Screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Chapter. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.
- E. This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows.



**PLAN**



**ELEVATION**



**SECTION**

*Evergreen Screen*

**SECTION 7.2.5 • STANDARDS FOR SPECIFIC AREAS**

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Chapter:

- A. **Parking Lot Landscaping and Perimeter Screening.** Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrian and motorists; guide traffic movement; define egress/ingress points, interior circulation system, and fire lanes; and improve the appearance of the parking area. Parking lot landscaping and perimeter screening shall be subject to the following:
  1. **Perimeter Screening.** Parking lots shall be screened from all abutting Residential Uses, residential districts, and street rights-of-way per Section 7.2.4. The Planning Commission may permit decorative wrought iron type fencing with brick piers in lieu of a solid wall along street rights-of-way. Such fencing shall have a minimum height of three (3) feet and a maximum height of four (4) feet.
  2. **Snow Storage Area.** Adequate snow storage area shall be provided within the site or taken off-site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.

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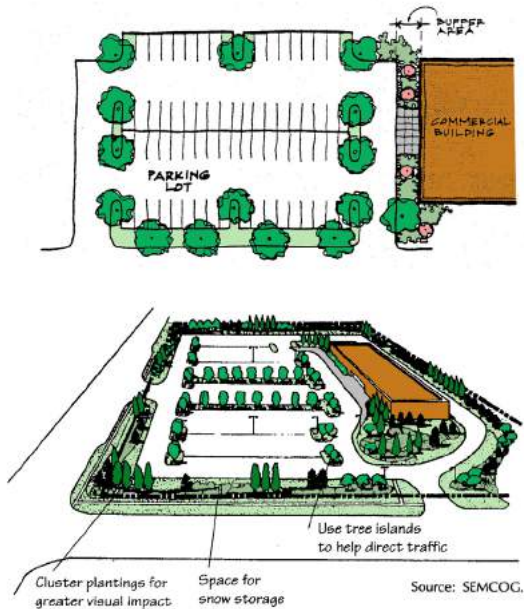
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3. **Landscaping Within Parking Lots.** The Planning Commission may require installation of planting islands within parking lots that exceed 20 parking spaces or 6,000 square feet of paved surface area. Such planting islands shall be subject to the following:

- a.) Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 160 square feet.
- b.) A minimum of one (1) deciduous shade tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.
- c.) Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.
- d.) All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.



Landscaping within Parking Lots

**B. Loading, Storage, and Service Area Screening.** Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from street rights-of-way and adjacent uses in accordance with Section 7.2.4.

**C. Outdoor Trash Storage Area Screening.** Outdoor trash storage areas shall be screened and secured in accordance with the following:

1. Outdoor trash storage areas shall be screened by a six (6) foot high masonry wall enclosing three (3) sides of the storage area, subject to the standards of Section 7.2.4A.
  - a.) The enclosure shall be secured by steel-reinforced and lockable gates designed to obscure visibility into the enclosure.
2. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the walls.
3. A concrete pad that conforms to State Construction Code standards shall be provided under the trash storage area, and extending out a minimum of ten (10) feet in front of the enclosure's gates.
4. Such storage area shall be located and arranged as to minimize visibility from adjacent street rights-of-way and residential uses. In no instance shall any trash storage area be located in a front yard.
5. Outdoor trash storage shall be limited to normal refuse collected on a regular basis and maintained in a neat, orderly and sanitary condition. In no instance shall any refuse be visible above required screening.

**D. Detention and Retention Basin Screening.** Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

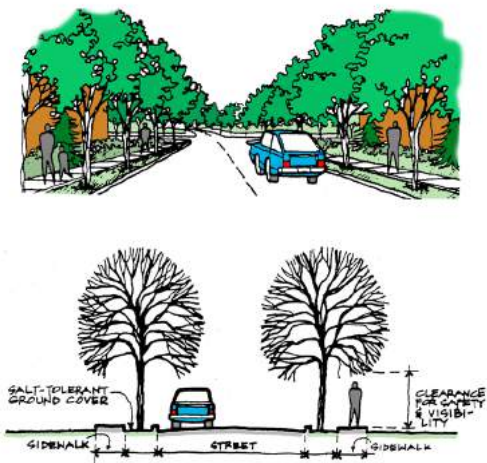
1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with Section 7.2.4B and the following:
  - a.) Plantings shall be clustered around the basin to achieve a variety of plant materials and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
  - b.) Trees shall be planted above the freeboard line of the



basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

**E. Rights-of-Way and Other Adjacent Public Open-Space Areas.** Public rights-of-way and other public open-space areas adjacent to required landscaped areas and development sites shall be landscaped in a manner that enhances the visual character of Village streets and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping shall be subject to the following:

1. **Street Trees.** Street tree plantings shall be required for all development projects along the margins of street rights-of-way in the Village, subject to the following:
  - a.) Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per 40 linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings.



Street Trees

- b.) Existing trees near or within street rights-of-way shall be preserved where feasible.
  - c.) Permits may be required by the Village, or county or state road authorities for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a street right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the Planning Commission.
2. **Groundcover Plantings Within Street Rights-Of-Way.** Street rights-of-way shall be planted with grass or other suitable ground cover.

3. **Maintenance of Right-Of-Way Landscaping.** Right-of-way landscaping shall be maintained by the owner of the abutting lot(s).

**SECTION 7.2.6 • PROHIBITED PLANT MATERIALS**

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Genus/Species	Common Name
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and undeveloped areas of a site
Populus x	Poplar varieties
Genus/Species	Common Name
Prunus serotina	Black cherry
Ligustrum Vulgare	Common privet
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

**SECTION 7.2.7 • INSTALLATION**

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

- A. Deadline for installation.** Installation of required screening elements and plant materials shall be completed prior to certification of occupancy.
- B. Extension.** The Building Official or their designee may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
- C. Performance Guarantee.** The Building Official or their designee may require submittal of a performance guarantee, per Article 9, Chapter 4, to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Building Official or Code Enforcement Officer shall conduct an inspection of the plant materials before the

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guarantee may be released.

### SECTION 7.2.8 • MAINTENANCE

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

- A. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
- B. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris, and refuse. Tree stakes, guy wires, and tree wrap shall be removed after one (1) year.
- C. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
- D. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
- E. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
- F. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

### SECTION 7.2.9 • EXCEPTIONS

The Planning Commission may reduce or waive the specific standards of this Chapter, upon determination that the screening requirements and purposes of this Chapter have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.



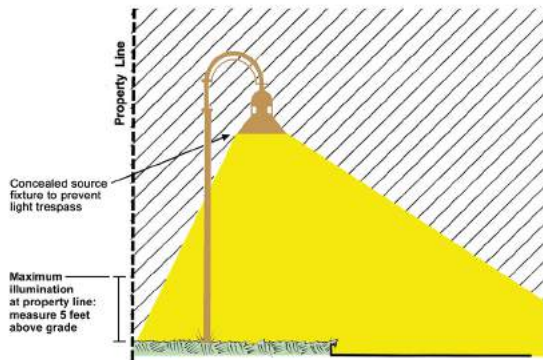
## Chapter 3: Lighting

### SECTION 7.3.1 • PURPOSE

The purpose of this chapter is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the Village through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this chapter to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community while preserving the nighttime visual environment.

### SECTION 7.3.2 • GENERAL PROVISIONS

The design and illumination standards of this chapter shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement, or adjacent parcels, except where specifically exempted herein.



Light Fixture Orientation and Shielding

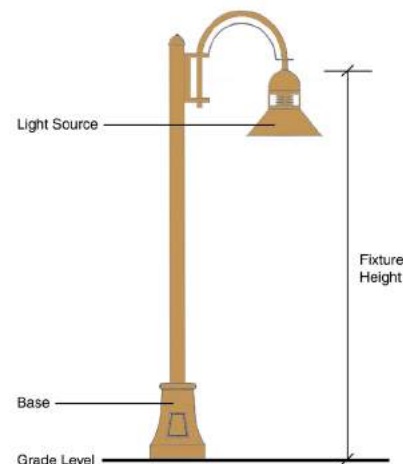
- A. Shielding.** Exterior lighting shall be fully shielded and directed downward at a 90 degree angle. Oblique lenses (such as on many wall-pack fixtures) are prohibited. All fixtures shall incorporate full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution. Only flat lenses are permitted on light fixtures; sag or protruding lenses are prohibited.
- B. Intensity.** The following light intensity requirements shall apply on all sites within the Village.
  1. The intensity of light within a site shall not exceed 10 footcandles. Exception: the maximum intensity permitted in areas of intensive vehicular use, such as the area underneath gas station pump canopies or outdoor sales areas shall be 20 foot candles.

2. The maximum light intensity permitted at a street right-of-way line shall be one (1) footcandle.
3. The maximum light intensity permitted at any property line other than a street right-of-way shall be 0.5 foot candles.

- C. Glare and Light Trespass.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or street rights-of-way. In general, the hot spot, or light emitting element of any light fixture shall not be directly visible from a neighboring property, as this is the primary cause of glare.
- D. Lamps.** Lamps with a maximum wattage of 250 watts per fixture are permitted for use in the Village to maintain a unified lighting standard and to minimize light pollution. The Planning Commission may permit the use of lamps with wattages up to 400 watts if the applicant can demonstrate that the higher wattage fixture is necessary to provide adequate lighting on the site and that the light fixture is in compliance with all other requirements of this chapter. The exemption for higher wattage lamps shall not be granted if the same lighting effect can be reasonably accomplished on the site by incorporating additional 250 watt fixtures into the site design.
- E. Animated Lighting.** Permanent exterior lighting shall not be of a flashing, moving, animated, or intermittent type.
- F. Measurement.** Light intensity shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane at the property or street-right-of-way boundaries of the site at a height of five feet (5') above grade level.

### SECTION 7.3.3 • STANDARDS BY TYPE OF FIXTURE

- A. Freestanding Pole and Building Mounted Lighting.** The maximum height of such fixtures is 25 feet. Where a pole or building mounted fixture is located within 50 feet of a residentially zoned or used property, the maximum pole height shall be 15 feet.



Light Fixture Height

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- B. Decorative Light Fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps with a maximum wattage of one-hundred watts (100w) per fixture.

### SECTION 7.3.4 • EXEMPT LIGHTING

The following exterior lighting types are exempt from the requirements of this Chapter, except that the Building official may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

- A.** Holiday decorations.
- B.** Pedestrian walkway lighting.
- C.** Single Family residential lighting.
- D.** Instances where federal or state laws, rules or regulations take precedence over the provisions of this chapter.
- E.** Temporary emergency lighting.

### SECTION 7.3.5 • EXCEPTIONS

It is recognized by the Village that there are certain uses or circumstances not otherwise addressed in this chapter, such as sports stadiums, street lighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The Planning Commission or the Building Official may waive or modify specific provisions of this chapter for a particular use or circumstance upon determining that all of the following conditions have been satisfied. The Planning Commission shall be the deciding body in all cases where site plan or special use approval is required, while the Building Official shall decide in all other cases.

- A.** The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- B.** The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
- C.** For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.
- D.** Additional conditions or limitations may be imposed by the review authority to protect the public health, safety or welfare, or to fulfill the purpose of this chapter.

## Chapter 4: Signs

### SECTION 7.4.1 • PURPOSE AND INTENT

It is hereby determined that regulation of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, to safeguard public health and welfare, and to facilitate police and fire protection.

These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement, and excessive height, bulk, and area.

In addition, it is the intent of this Ordinance to assure the attractiveness of the scenic, historical, aesthetic, and economic values of the Village, as well as preserve the first amendment right to Freedom of Speech, through the adoption of zoning regulations.

### SECTION 7.4.2 • DEFINITIONS

The following words and phrases shall have the meanings set forth in this section when they are used in this Article:

**Accessory Sign:** A sign which is incidental to the use of a lot.

**Awning:** A roof-like cover intended to shade a window or door opening or provide protection from the weather and which is constructed of canvas or other opaque material stretched over a supporting frame attached directly to a building and which may or may not be constructed so as to be raised or retracted to a position against the building when not in use. For purposes of this Ordinance, “canopies” shall be defined in the same way as “awnings.”

**Balloon:** A bag made of thin rubber or other light material inflated with air or with a lighter-than air gas.

**Banner Sign:** A sign made of flexible materials temporarily attached to a structure or sign.

**Billboard:** See Article II.

**Building Frontage:** The length of the portion of a building facing a street abutting to the lot on which a business is located or, if the building does not abut a street, the side facing the street from which the building gets its address.

**Commercial Sign:** A sign whose message advertises a business, product, or commercial transaction of any type.

**Construction Sign:** A sign located on a construction site.

**Electronic Display Sign:** A sign that uses changing lights or video screen(s) to form a sign message or messages in text or graphic or video display form wherein the sequence of messages and the rate of change can be modified by electronic process.

**Flag:** A piece of non-rigid cloth.

**Freestanding Sign:** A sign supported by a base placed in or upon the ground and not attached to any building or other structure.

**Illuminated Sign:** A sign which has characters, letters, figures, or designs which are lit up either internally or with external shielded

lights. LED and neon signs shall be considered internally illuminated for purposes of this ordinance.

**Interior Sign:** See “window sign.”

**Marquee:** A tall projection on the front of a building.

**Marquee Sign:** A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.



Marquee Sign

**Message Board:** A portable sign mounted on wheels or other conveyance mechanism. The advertising message is temporary with movable, replaceable letters or characters.

**Moving Sign:** A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination.

**Mural:** A picture or photograph painted on or directly attached to a wall, intended to serve as a cosmetic adornment for the building, rather than to convey a message.

**Non-Commercial Sign:** A sign whose message does not advertise a business, product, or commercial transaction of any type.

**Pennant:** A long, tapering piece of non-rigid cloth.

**Permanent Sign:** Any sign constructed and intended to be displayed for an indefinite, long-term period of time. Any sign, regardless of construction and intention, that is in place for more than one year shall be considered a permanent sign.

**Portable Sidewalk Sign:** A temporary sign which may include “A” Frame, “T” Frame or other temporary styles, which are not permanently affixed to the ground.

**Projecting Sign:** A sign constructed as to be attached, at one end, to a building, and extending therefrom.

**Roof Sign:** A sign which is constructed and maintained on or above the roof of a building or any portion thereof.

**Sign:** See Article II.

**Sign Height:** The distance from grade or sidewalk to the highest edge of the sign surface or its projecting structure.

**Temporary Sign:** A sign constructed and intended to be displayed for

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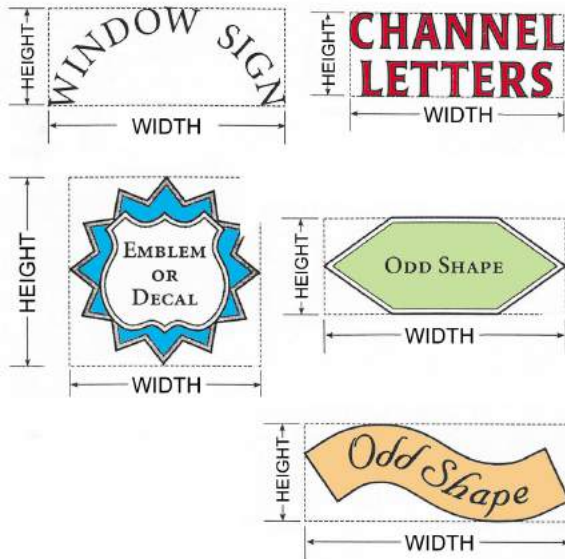
a limited time. Any sign, regardless of construction and intention, that is in place for more than one year shall be considered a permanent sign.

**Wall Sign:** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building.

**Window Sign:** A sign, located within a building or affixed upon a window, which is intended to be visible from any public street, sidewalk, alley, park or public property.

### SECTION 7.4.3 • GENERAL STANDARDS

**A. Sign Area.** The entire area within a rectangle or square enclosing the extreme limits of the sign structure, regardless of the shape of the structure; excluding the necessary supports or uprights on which such sign is placed.



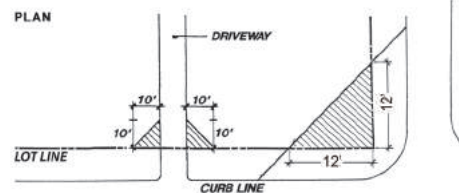
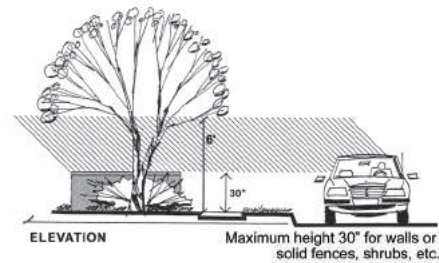
Computation of Sign Area

1. Where a sign has two or more faces, the area of all faces shall be included in determining the sign area, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as either:
  - a.) the area of one face, if the two faces are of equal area, or
  - b.) the area of the larger face, if the two faces are of unequal area.
2. For ground signs, the area shall include the entire area of the sign upon which copy, lettering, drawings or photographs could be placed, excluding necessary uprights or supports.

**B.**

**C. Traffic Interference.** Traffic Interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

**D. Clear Corner Vision.** No sign at an intersection above a height of thirty (30) inches shall block the view through a triangle formed by tow points, one on each cross street, each 25 feet from the intersection, and the straight line connecting them, unless visual under-clearance can be assured on the plans.



Clear Vision Area

**E. Fire Escapes.** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape or escape routes.

**F. Wall Sign Location.** No wall sign extend outside the limits of the wall it is attached to and shall not project above or beyond the highest point of the roof or parapet. Wall signs shall not cover or otherwise obscure windowsills, lintels, or other projecting architectural details.



Wall Sign Location



## ARTICLE 7: GENERAL PROVISIONS

- G. Liability Insurance.** If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto or impacts public property in any manner, then the owner of such sign shall keep in force a public liability insurance policy in the amount of one hundred thousand (\$100,000.00) dollars for injury to one (1) person and three hundred thousand (\$300,000.00) dollars for injury to more than one (1) person and property damage insurance in the amount of twenty five thousand (\$25,000.00) dollars for damage to property. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the Village Attorney that said owner is financially capable of self-insurance in the above amounts.
- H. LED Tubes.** LED tubes may be permitted along the roof line of a building, provided that the color of the tubes does not change and that there is no motion or flashing of the light.

### SECTION 7.4.4 • PERMIT REQUIRED FOR SIGNS

- A. Sign Erection Permit.** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Building Official, except as provided in Section 7.4.7 (Signs Exempt from Permit Requirements). Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size. Signs erected without a permit will be removed by the Code Enforcement Officer.
- B. Sign Erector Requirements.** Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of Section 7.4.5, Sign Erector Requirements.
- C. Permit Applications.** Applications for non-temporary sign permits shall be made upon forms provided by the Building Official for this purpose and shall contain the following information:
  1. Name, address and phone number of applicant.
  2. Location of the building, structure, or lot on which the sign is to be attached or erected.
  3. Calculation of total allowable sign area and description of the allocation of signage among tenants.
  4. Evidence of permission from the property owner to erect the sign.
  5. Location of the sign on the building, structure or lot on which the sign is to be attached or erected.
  6. Location of the sign in relation to nearby buildings, structures, signs, property lines, and rights of way, existing or proposed.
  7. Zoning district in which the sign is to be located.
  8. Specifications for method of construction and attachment to the building or in the ground. All pertinent data must

be included, including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

9. Name and address of the sign erector.
10. Insurance policy and/or performance bond as required in this ordinance.
11. Such other information as the Building Official may require to show full compliance with this and all other applicable laws of the Village and the State of Michigan.

- D. Sign Erection Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.
- E. Temporary Sign Permits.** Applications for temporary signs, as permitted in Section 7.4.8.B, shall submit the information listed in numbers 1,4,5,6, and 11 above.

### SECTION 7.4.5 • DETERMINATION OF COMPLIANCE

- A. Administrative Approval.** All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Article, shall be approved by the Building Official. The Building Official shall cause existing signs to be inspected if deemed necessary to determine continuation of compliance with the provisions of this ordinance.
- B. Responsibility of Compliance.** The owner of any property on which a sign is placed and the person maintaining said sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to provisions of Section 7.4.10 (Construction and Maintenance Requirements).

### SECTION 7.4.6 • SIGNS EXEMPT FROM PERMIT REQUIREMENTS

No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for proper location, erection, and maintenance of the sign. The signs in this section shall not count against the total permitted signage on a lot. All signs not listed in this section shall require a permit.

- A. Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body.
- B. Flags.** Up to three flags per lot. Additional flags shall be considered temporary commercial signage and shall be subject to the relevant provisions of this Ordinance.
- C. All signs under three square feet in area, unless they are illuminated.** Illuminated signs under three square feet shall require a permit and shall be subject to all relevant standards of this Ordinance.
- D. All signs required to be erected by law.**
- E. Architectural Features/Artwork.** Integral decorative or

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architectural features of buildings or works of art, including murals, so long as such features or works do not contain an explicit message, moving parts, or illumination. Murals must be painted with the permission of the property owner.

**F. Temporary Non-Commercial Signs.** Temporary non-commercial signs shall not require a permit in any zoning district provided that the following standards are met:

1. All signs must be freestanding signs or window signs. Window signs are only permitted in zoning districts where permanent window signs are permitted.
2. Illumination is prohibited.
3. The total area of temporary non-commercial signs on a single lot shall not exceed thirty-six (6) square feet.
4. The maximum sign height of each freestanding temporary non-commercial sign shall be four (4) feet.
5. Temporary non-commercial signs shall be located solely on private property outside of any street right-of-way or corner clearance area.
6. Any temporary non-commercial sign in place for more than a year shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance.

**G. Temporary Commercial Signs in Residential Districts.**

Temporary commercial signs shall not require a permit in the R-1 and RM districts provided that the following standards are met:

1. Illumination is prohibited.
2. In the R-1 district, one (1) freestanding temporary commercial sign is permitted up to a maximum of six (6) square feet per sign and a maximum height of four (4) feet.
3. In the RM district, one (1) temporary commercial sign is permitted per street frontage of the lot up to a maximum of six (6) feet per sign and a maximum height of four (4) feet. The sign may be a wall sign or freestanding sign.
4. Any temporary commercial sign in place for more than a year shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance.

**H. Temporary Commercial Signs on Non-Residential Property for Sale or Lease.** In the C-1 Core, C-1 Transition, C-O, and C-2 zoning districts, a sign may be erected on a lot that contains land or space for sale lease. The sign shall not count against the total permitted signage on the lot, and shall not require a permit, provided that the following standards are met,

1. Only one sign is permitted per lot, except for buildings with storefronts, which may have one sign per vacant storefront.
2. The sign shall not exceed sixteen (16) square feet in area and a maximum height of four (4) feet.
3. The sign may be a wall sign on any lot.

4. The sign may be a window sign in zoning districts where window signs are permitted.
  5. The sign may be a freestanding sign only if the lot in question is permitted to have a freestanding sign but does not currently have a freestanding sign. Only one freestanding temporary commercial sign is permitted on any lot, regardless of the number of vacant storefronts on the lot.
  6. Any temporary commercial sign in place for more than a year shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance.
- I. Sign Maintenance or Change of Message.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign.

### SECTION 7.4.7 • SIGNS PROHIBITED THROUGHOUT THE VILLAGE

The following signs are prohibited throughout the Village, notwithstanding anything to the contrary in this Article:

- A.** Signs which incorporate in any manner or are illuminated by any flashing or moving lights, or where any illumination can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area, or into any window of any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device.



*Prohibited Flags and Pennants*

## ARTICLE 7: GENERAL PROVISIONS

- B.** Exterior pennants, pennant strings, feather flags, spinners, and streamers.
- C.** Exterior string lights used in connection with a commercial lot, other than holiday decorations used from the day after Thanksgiving through the following January 15th. String lights are also permitted in the vicinity of outdoor dining as approved by the Planning Commission.
- D.** Any sign or object which has any visible motion, moving or animated parts or image, whether movement is caused by machinery, wind, or otherwise, except for electronic message signs. GRAPHIC 7
- E.** Any sign which is structurally or electrically unsafe, or which obstructs any fire escape.
- F.** Any sign erected on a tree or utility pole.
- G.** Any sign structure or frame that no longer contains a sign.
- H.** Any sign on a motor vehicle or trailer which is parked in front of a business on a public street for the sole purpose of advertising that business.
- I.** Any vehicle bearing advertising signage parked in a space in a publicly-owned lot that not designated for employee parking for the sole purpose of advertising.
- J.** Roof signs or any sign which projects above the roof line.
- K.** Any sign or sign part, cable or support, except those established for emergency services purposes and maintained a public entity, located in, projecting into, or overhanging a public right-of-way or dedicated public easement, except on the Polly Ann Trail Bridge (see Section 7.4.8.B.2). The Village Manager is authorized to cause the removal of any signs posted or placed in any public right-of-way, provided any such sign shall be kept for a period of sixty (60) days for pick up by any person who might claim it, and thereafter may be destroyed by the Village.
- L.** Any sign erected on any property, public or private, without the consent of the owner and occupant thereof.
- M.** Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers or motorized vehicles.
- N.** Any sign which incorporates any open spark or flame.
- O.** Backlit awnings or canopies.



*Prohibited*

- P.** Message board signs and other signs with manually changeable letters.



*Prohibited*

- Q.** Pylon or pole-mounted signs.
- R.** Signs and murals shall not depict the “Specified Anatomical Areas” as described in Section 4.1.4B.7, nor the “Specified Sexual Activities” described in Section 4.1.4B.8, nor “Sexual Intercourse” as described in Section 4.1.4B.9, nor “Sodomy” as described in Section 4.1.4B.10.
- S.** Billboards as defined in Article II and other off-site advertising.
- T.** Any additional signage for a business that has a non-conforming sign.
- U.** Electronic Message Signs
- V.** Banners on the Polly Ann Trail Bridge

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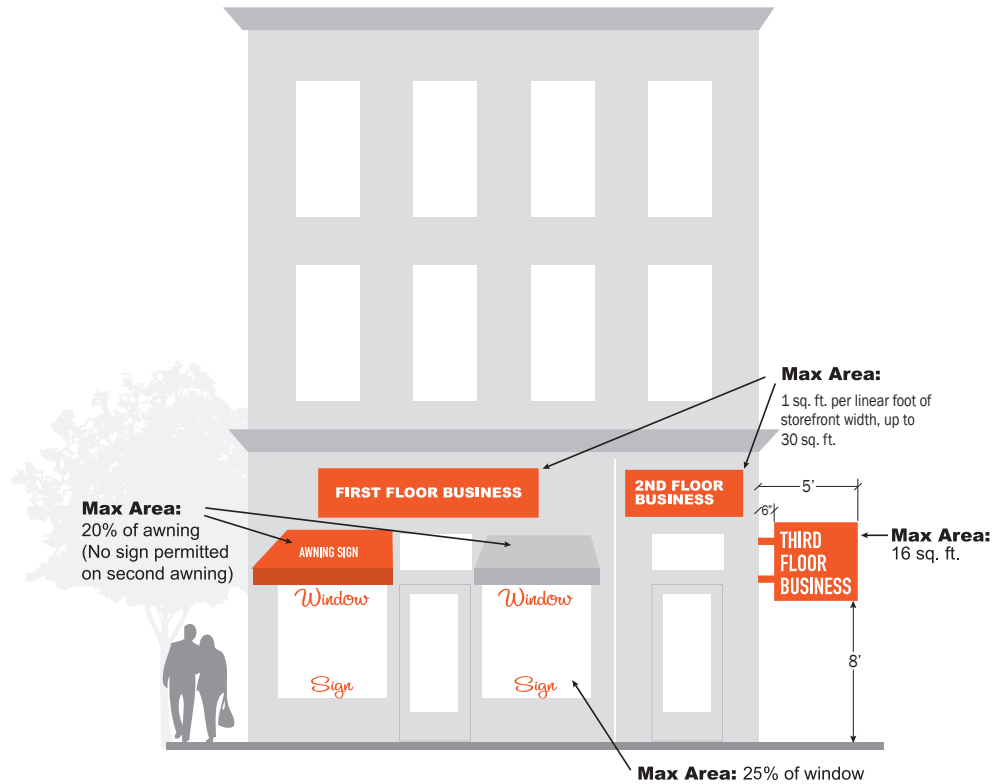
### SECTION 7.4.8 • DISTRICT REGULATIONS

- A.** The standards of Section 7.4.3 shall apply to all Zoning Districts.
- B. Temporary Commercial Signs and Banners.** Temporary commercial signs and banners shall be permitted in the C-0, C-1 Core, C-1 Transition, C-2, and I-1 Districts, subject to the following:
1. A permit shall be required as described in Section 7.4.4.
  2. Such signs and banners shall not be displayed for more than a total of thirty consecutive days.
  3. Temporary signs and banners shall be limited to a total of thirty (30) square feet.
  4. Temporary interior or window signs shall comply with the requirements of Section 7.4.9.E.6 (Interior and Window Signs).
- C. Signs Permitted in R-1 (Single Family) Districts.**
1. One (1) sign may be permitted on private property at the entrance to a neighborhood, subject to the following standards:
    - a.) The sign must be proposed by a developer, homeowners association, or other neighborhood group.
    - b.) The sign shall not exceed twenty (20) square feet in area or a height of four (4) feet above grade.
    - c.) The sign must be at least 6 feet from all property lines.
  2. Non-Residential Uses, other than Home Occupations, in Residential Districts shall be subject to the standards of the C-2 district, except that illumination of signage shall be prohibited.
  3. Home Occupations in residential districts shall be permitted one freestanding sign, not to exceed 6 square feet in area and 4 feet in height OR one wall sign, not to exceed 6 square feet in area and to be placed on the first floor of the building. Home occupations in non-residential districts shall be subject to the standards of the district that they are located within.
- D. Signs Permitted in RM (Multiple Family) Districts.**
1. All signs permitted in the R1 district.
  2. Multiple-family residential buildings or complexes, and the permitted accessory uses associated with them, shall be permitted:
    - a.) One freestanding sign per road frontage, not to exceed 24 square feet in area and six feet in height, and located at least 6 feet from all property lines.
    - b.) One wall sign per road frontage, not to exceed 30 square feet.
    - c.) Internal road networks shall count as road frontages for purposes of this Ordinance.
- E. RESERVED.**

F. Signs Permitted in C-1 Core and C-1 Transition, and C-2 Districts.

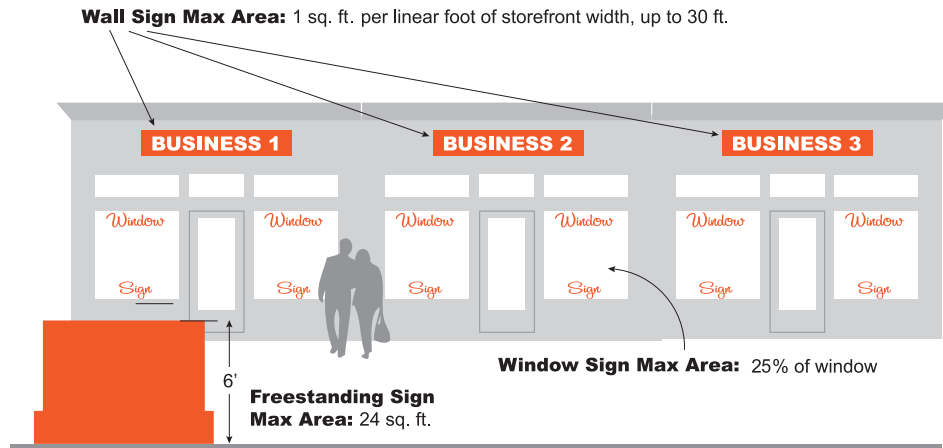
**Example Building: C-1 District**

NOTE: Graphic does not show all permitted options.



**Example Building: C-2 District**

NOTE: Graphic does not show all permitted options.



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## ARTICLE 7: GENERAL PROVISIONS

### 1. Wall Signs.

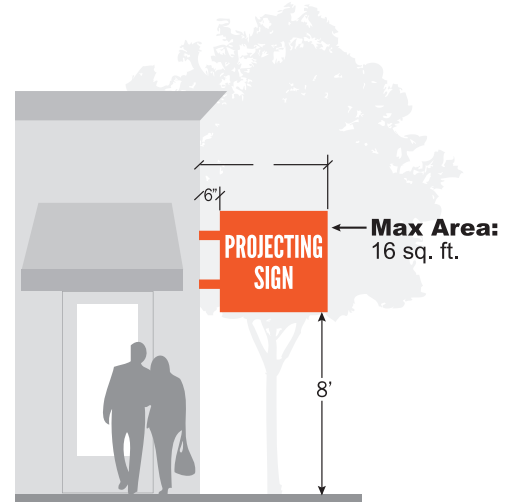
- a.) Square footage of wall signage permitted:
  - i. Each first-floor tenant in a commercial building in the C-1 or C-2 districts shall be permitted one (1) square foot of wall signage per linear foot of their storefront or business frontage, up to a maximum of 30 square feet.
  - ii. Five square feet of signage is permitted above the entranceway to upper floor businesses. If two or more upper-floor businesses share an entrance, the permitted square footage shall be shared equally between them.
  - iii. Where a business has frontage along two or more streets, the permitted wall signage for both frontages shall be calculated independently and both frontages shall be permitted one (1) square foot of wall signage per linear foot of frontage, up to 30 square feet.
  - iv. Where a business has a rear entrance, the same calculation shall be used to determine the total square footage of wall signage permitted (i.e. one (1) square foot per linear foot of the business frontage).
  - v. Multi-Story Office Buildings. In the C-0, C-1 Core, C-1 Transition, and C-2 districts, office buildings without storefronts which are designed for multiple tenants shall be permitted one square foot of wall signage per linear foot of lot frontage. However, the signage for any one tenant shall not exceed 30 square feet. Signage on such buildings must be proposed by the owner, but must have the permission of all tenants before being approved for a permit.
- b.) In the C-1 Core and C-1 Transition District internally illuminated signs may be permitted subject to design approval by the Planning Commission.

In the C-2 District, internally illuminated signs are permitted and are not subject to design approval by the Planning Commission.

Signs may also be externally illuminated with external light fixtures attached to the building or ground, or may be backlit (i.e. halo effect) when the sign lettering is entirely opaque. Such lighting shall be located and directed toward the building or sign in such a manner that glare is not visible by pedestrians or vehicles. Externally illuminated signs are permitted in the C-1 Core, C-1 Transition, and C-2 districts and do not require design approval by the Planning Commission.

- c.) Wall signs shall be placed on an architecturally continuous wall surface uninterrupted by doors, windows, and architectural detail. Signs shall not obscure windows, grillwork, piers, pilasters, and other ornamental features.

### 2. Projecting Signs:



- a.) One (1) projecting sign shall be permitted per business. In the case of multiple upper-floor businesses sharing a single entry way, only one projecting sign may be permitted. However, the projecting sign may be designed in such a way as to give each business separate advertising space.
- b.) The opposite faces of a projecting sign shall not be separated by more than six (6) inches.

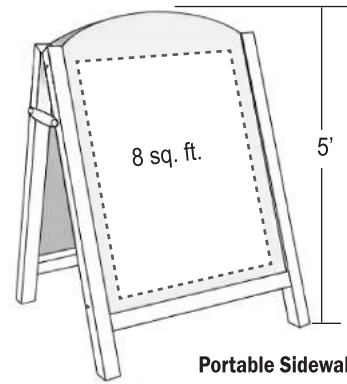
Each projecting sign shall have a maximum surface display area of sixteen (16) square feet, subject to the following:

- i. Ornamental, decorative border elements shall not be considered part of the sign for the purposes of calculating the square footage.
- c.) A projecting sign shall be attached to the building so that no part of the sign or sign support structure is less than eight (8) feet from the surface of the established grade under the sign. Projecting signs may not be mounted above the first story on a multi-story building.
- d.) Sign overhang into public right-of-way. A projecting sign may protrude into the air space over a public sidewalk by not more than five (5) feet.
- e.) Lighting. Projecting signs shall not be internally illuminated.



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3. **Freestanding Signs.** One freestanding sign may be permitted per lot, except as described below. Such freestanding sign shall be subject to the following requirements:
  - a.) The sign shall not exceed six (6) feet in height and twenty-four (24) square feet in area.
  - b.) The sign must be set back at least three (3) feet from all lot lines and public sidewalks, and must meet the clear corner vision standards in section 7.4.3.c.
4. **Awning and canopy signs.** Signage is permitted on one awning per business.
  - a.) Sign lettering and/or logo shall comprise no more than 20 percent of the total exterior surface of an awning or canopy.
  - b.) Awnings and canopies must be permanently attached to buildings.
  - c.) The minimum height of awnings/canopies shall be eight feet from the lowest point of the awning/canopy to the sidewalk. Awning and canopy signs may be located over a public right of way, however such signs shall not project over a roadway.
  - d.) Awnings with back-lit graphics or other kinds of interior illumination are prohibited.
5. **Marquee Signs.** Existing marquee signs are permitted to remain and are not considered non-conforming. New marquee signs are only permitted by Special Use as described in Section 7.4.10.
6. **Interior and Window signs.** Window signs not to exceed twenty-five (25) percent of the area of any window shall be permitted, provided no one sign shall exceed twenty (20) square feet in area. Window signs may not be installed in windows that are less than six square feet.
7. **Portable Sidewalk Signs.** Portable sidewalk signs are permitted in all commercial districts, and may be placed at the public entrances to businesses, on either private property or the public sidewalk. All portable sidewalk signs shall require a permit and shall comply with the following specifications:



Portable Sidewalk Sign

- a.) Signs shall not exceed eight (8) square feet in area or five (5) feet in height. No sign shall be placed within a distance of ten (10) feet from any fire hydrant, or twenty-five (25) feet from any intersection.
- b.) For businesses with front and rear customer entrances, or frontages on two streets, one additional portable sidewalk sign may be permitted at the second entrance.
- c.) Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times.
- d.) The sign must be placed at least five feet from the curb. A clear path of five (5) feet of sidewalk must be maintained at all times.
- e.) Portable sidewalk signs shall not have more than two (2) sign faces.
- f.) The following design requirements shall apply to all sidewalk signs:
  - i. Portable sidewalk signs shall be made of durable materials and shall be architecturally compatible with the style, composition, materials, and details of the building.
  - ii. Portable signs on wheels shall be prohibited.
  - iii. The sign shall be kept in good repair at all times.
- g.) As of the effective date of this ordinance and any amendments thereto, all non-conforming portable, temporary, sidewalk signs shall be prohibited within the Village and must be removed as required in Section 7.4.4.

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- G. Signs Permitted in I-1 (Industrial) Districts.** Signage permitted in the I-1 district shall be the same as the signage permitted in the C-2 district.
- H. Signs Permitted in P-1 (Parking) District.** No signs shall be permitted in the P-1 district, except by Special Use approval as described in Section 7.4.10.

### SECTION 7.4.9 • NONCONFORMING SIGNS

- A. Intent.** It is the intent of this Chapter to encourage eventual elimination of signs that as a result of the adoption of this Chapter become nonconforming, to administer this Article to realize the removal of illegal nonconforming signs, and to avoid any unreasonable invasion of established private property rights.
- B. Lawful Existing Signs.** Any sign lawfully existing at the time of this Chapter which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
- C. Continuance.** A non conforming sign shall not:
1. Be expanded or changed to another nonconforming sign;
  2. Be relocated;
  3. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination;
  4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any twelve (12) month period, would cost more than fifty (50) percent of the cost of an identical new sign. If deemed necessary by the Building Official, the cost of an identical new sign shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
  5. Be altered unless the alteration or reconstruction be in compliance with the provisions of this Chapter. For the purpose of this Chapter only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.
- D. Termination of Business.** Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the business or use to which they are accessory.
- E. Change of Property.** If the owner of a sign or the lot on which a sign is located changes the location of a building so that any

sign on the lot is rendered nonconforming, such sign must be removed or made to conform to this Chapter.

### SECTION 7.4.10 • SPECIAL USE SIGNS

When a sign is proposed to be constructed in the Village and the proposed sign does not meet the specific requirements of these regulations, the following review procedures shall apply to that sign. The Zoning Board of Appeals shall not have the authority to vary the standards of this Chapter of the Zoning Ordinance.

**A. Village Administration Response to Sign Permit Application.**

The Village Building Official or other administrative representative designated by the Village shall deny the application. The Village representative shall advise the applicant that the proposed sign may be considered by the Planning Commission as a special use, subject to the application procedures for special uses as described in Article 9, Chapter 3 of this Ordinance.

**B. Planning Commission.** Consideration of Special Use Sign Application. The Planning Commission shall consider the following criteria for an application for a proposed Special Use Sign in addition to other applicable criteria established in Article 9.

1. The sign shall not endanger the public health, safety and welfare by obscuring the vision of drivers on adjacent roads and streets.
2. The sign shall be constructed of materials that are consistent with the materials used for construction on other lots in the Village within three-hundred (300) feet of the proposed sign location.
3. No part of the sign shall extend to a height greater than the height of any other structure within three-hundred (300) feet of the sign location.
4. The sign shall not be located so as to block the view of other signs on adjacent or nearby sites, thereby adversely affecting the ability of an existing commercial enterprise to continue to do business in the Village.
5. The sign shall not be constructed or located so as to be a visual nuisance to nearby residential uses.
6. The sign shall be generally compatible with the overall community character and shall not create a disruptive visual appearance that will adversely affect property value in the Village.
7. The Planning Commission may seek the advice and recommendation of the Oxford Downtown Development Authority or other experts regarding the proposed special use sign.

# Article 8: Nonconformities

## SECTION 8.1 • INTENT

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

## SECTION 8.2 • NONCONFORMING USES OF LAND

A nonconforming use of land occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

Where, on the effective date of this ordinance, or the effective date of an amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion of Use.** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. Moving.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

- C. Discontinuation of Use.** If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. In applying this Section to seasonal uses, the time during the off-season shall not be counted, provided that the off-season time for such uses is reported to the Village.

## SECTION 8.3 • NONCONFORMING STRUCTURE

A nonconforming structure exists when the height, size, minimum floor area, or lot coverage of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion of Structure.** No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase nonconformity.
- B. Damage to Structure.** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its fair market value (as determined by the Assessor), it shall be reconstructed only in conformity with the provisions of this Ordinance.
- C. Moving.** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is relocated after it is moved.

## SECTION 8.4 • NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion of Structure.** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Expansion of Use.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such

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use shall be extended to occupy any land outside such building.

- C. Change to Another Nonconforming Use.** If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.

Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- D. Change to Permitted Use.** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Discontinuation of Uses.** If a nonconforming use of a structure, or structure and land in combination, ceases for any reason for a period of six (6) months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. In applying this Section to seasonal uses, the time off-season shall not be counted, provided that the off-season time for such uses are reported to the Village.
- F. Moving.** No building in which a nonconforming use exists shall be moved to any other part of the lot or parcel upon which same was located at the effective date of the adoption or amendment of this Ordinance.
- G. Removal of Structure.** Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

### SECTION 8.5 • NONCONFORMING LOTS

A nonconforming lot is a lot of record or a lot described in a deed or land contract existing at the effective date of this Ordinance that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. The following regulations shall apply to any nonconforming lot:

- A. Use of Nonconforming Lot.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located.
- B. Single Family Dwellings.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, that

are generally applicable in the district, provided that:

1. The lot width, area and open space are not less than seventy-five percent (75%) of the requirements established for the district in which the lot is located.
2. The lot is in conformance with all other applicable yard and lot requirements for the district in which it is located.
3. The lot cannot be reasonably developed for the use proposed without such deviations.
4. The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety.

- C. Variation from Area or Bulk Requirements.** If the use of a nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- D. Contiguous Lots in Same Ownership.** When two (2) or more contiguous nonconforming lots or parts of nonconforming lots are in a single ownership at the time of, or subsequent to the adoption or amendment of this Ordinance, said lots shall be considered to be a single lot for the purposes of this Ordinance, and no portion of said lot shall be used, occupied, divided, or sold in any manner which would diminish compliance with minimum lot width and area requirements of this Ordinance.

### SECTION 8.6 • ALTERATIONS, REPAIRS AND MAINTENANCE

- A. Repairs and Maintenance.** On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the market value of the building as determined by the Assessor, provided that the volume in cubic feet of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Alterations that Decrease Nonconformity.** Any nonconforming structure or any structure or portion thereof containing a nonconforming use may be altered if such alterations serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the nonconforming nature of the structure or use.
- C. Protecting Public Safety.** Repairs or maintenance deemed necessary by the Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which is located.

**SECTION 8.7 • DAMAGE BY FIRE OR OTHER CATASTROPHE**

Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of fifty (50) percent of the structure’s pre-catastrophe fair market value (as determined by the Assessor) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance.

**SECTION 8.8 • VILLAGE REMOVAL OF NONCONFORMING USES AND STRUCTURES**

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Village, pursuant to Public Act 110 of 2006, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of the nonconformity.

**SECTION 8.9 • CHANGE IN TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

**SECTION 8.10 • ENCUMBERING LAND REQUIRED TO SATISFY REGULATIONS**

No portion of a lot necessary for compliance with the provisions of this Ordinance in regard to area, height, bulk, and placement regulations in connection with an existing or proposed building, structure, or use, shall through sale or otherwise again be used as a part of the lot required in connection with any other building or structure or use.

**SECTION 8.11 • UNLAWFUL NONCONFORMITIES**

No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

**SECTION 8.12 • RECORDING OF NONCONFORMING USES AND STRUCTURES**

The Village shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Village with necessary information to determine legal nonconforming status may result in denial of a required or requested permits.

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# Article 9: Administration and Enforcement

## Chapter 1: Site Plan Review

### SECTION 9.1.1 • PURPOSE AND INTENT

The purposes of site plan review are to determine the following:

- A. Compliance with this Zoning Ordinance;
- B. To promote the orderly development and redevelopment of the Village through an open and predictable review process;
- C. To promote the stability of land values and investments and the general welfare;
- D. To help prevent the impairment or depreciation of land values and development/redevelopment by the erection of structures or additions thereto without proper attention to siting and appearance;
- E. To require the gradual upgrade of existing sites that do not conform with current standards of this Zoning Ordinance; and
- F. To ensure that the arrangement, location, design and materials within a site are consistent with the character of the Village and the goals and objectives of the Master Plan.

### SECTION 9.1.2 • SITE PLAN REQUIREMENT

- A. Submission of a site plan shall be required prior to the erection of any building or structure in any zoning district for any principal permitted use in the Village, any land use requiring special land use approval, or Planned Unit Development approval, other than one single-family residence and accessory buildings and structures thereto, subject to the procedures set forth in this section unless otherwise provided in Section 9.1.3B, below.
- B. A sketch plan, rather than a complete site plan package, may be submitted for minor modifications to a legally existing and conforming use and building which is permitted in the zoning district including alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards, as set forth in Section 9.1.3, sub-section B.2. Sketch plans are further subject to the following restrictions:
  - 1. Submittal of a sketch plan shall be limited to proposals eligible for Building Official review and approval.
  - 2. Uses requiring special land use approval, conditional rezoning, and Planned Unit Developments are not eligible for sketch plan review.
- C. Construction, moving, relocating structurally altering a single or

two-family home including any customarily incidental accessory structure shall not require a site plan.

### SECTION 9.1.3 • AUTHORITY TO APPROVE SITE PLANS

**A. Planning Commission Approval.** Planning Commission approval of a site plan is required prior to establishment, construction, expansion, or structural alteration of any structure or use, as follows:

1. All special land uses and Planned Unit Development requests, subject to the provisions of this Ordinance.
2. All residential subdivision and condominium developments, single and multiple family, subject to the provisions of this Ordinance, except that Planning Commission approval of a site plan is not required for the construction, moving, relocating or structurally altering of a single or two-family home, including any customarily incidental accessory structure.
3. All office, commercial, and industrial developments, subject to the provisions of this Ordinance.
4. All other uses, not specifically mentioned in sub-section B, below, subject to the provisions of this Ordinance.
5. Any construction, expansion or alteration greater than 500 square feet to an existing building or use.
6. Construction, expansion or alteration of a manufactured housing park, as defined in Article 2 (Definitions), shall be subject to the requirements of Section 4.1.20.
7. Construction, expansion or alteration of a condominium, as defined in Article 2 (Definitions).
8. Construction, expansion or alteration of a Planned Unit Development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 5 (Planned Unit Development).
9. Essential services and public utilities and facilities, subject to the provisions of this Ordinance.
10. Development of a non-single family residential use in a single family district, subject to the provisions of this Ordinance.
11. Any excavation, filling, soil removal, mining or creation of ponds related to a residential, office, commercial or industrial development project, subject to the provisions of this Ordinance.
12. Any development that proposes a new means of ingress

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and egress onto a public or private road, subject to the provisions of this Ordinance.

13. Vacation of a road or road easement.
14. Any proposal that involves a variance or non-conforming use and/or structure, subject to the provisions of this Ordinance.
15. Modifications to an approved site plan for a special land use and/or Planned Unit Development.
16. Modifications to an approved site plan deemed not minor, in accordance with Section 9.1.9I.

- B. Administrative Review.** Projects eligible for administrative approval include development projects, uses, and activities, which have been determined to be appropriate for an administrative site plan review and approval of the Building Official.
- C.** In the case of reuse or expansion of an existing building or structure, an approved site plan must be on file at the Village to be eligible for administrative review. The following provisions shall apply to administrative reviews:

1. **Review by the Building Official.** Building Official approval of a site plan or sketch plan shall be required prior to the establishment, construction, expansion, or structural alteration of any structure or change of use, as follows:
  - a.) Construction, moving, relocating, or structurally altering a single or two-family home, including any customarily incidental accessory structure.
  - b.) Construction of an addition to an existing and conforming building or expansion of an existing, conforming use, subject to the following:
    - i. No variances to the requirements of this Ordinance are required.
    - ii. The proposed addition or expansion shall not increase the total square footage of the building or area occupied by the use by more than 500 square feet, provided further that no other expansion has occurred within the past three (3) years.
  - c.) Re-use or re-occupancy of an existing and conforming non-residential structure or building, subject to the following:
    - i. The proposed use shall not require substantial modifications and improvements to the existing site or building.
    - ii. The proposed use shall not require special land use approval, as set forth in this Ordinance.
    - iii. No variances to the requirements of this

Ordinance shall be required.

- d.) Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan, which do not change the intent of the approved site plan.
- e.) Minor building modifications that do not alter the façade beyond normal repairs, height or floor area of a multiple-family or non-residential building.
- f.) For a multiple-family or non-residential uses, construction of accessory structures or fences or construction of a wall around a waste receptacle, or installation of a fence around a mechanical unit or other similar equipment, subject to the provisions of this Ordinance.
- g.) Changes to a site required by the Building Official to comply with State Construction Code requirements.
- h.) Modifications to an approved site deemed minor, in accordance with Section 9.1.8H.
- i.) Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
- j.) Accessory structures and uses.
- k.) Modifications to an approved site plan for a special land use or Planned Unit Development project are not eligible for review by the Building Official.
- l.) The Building Official or applicant shall have the option to request Planning Commission review of a project that would otherwise be eligible for approval by the Building Official, with all costs associated with such review borne by the applicant.

### SECTION 9.1.4 • APPLICATION PROCEDURE; REQUIRED INFORMATION

- A. Application Procedure, Contents.** The following information shall accompany all site plans and sketch plans submitted for all reviews:
1. An application for site plan review by the Planning Commission, supplied by the Village, shall be submitted to the Village, along with the required application fee and fifteen (15) copies of the site plan at the following scales:
    - a.) A scale of not less than one inch equals twenty feet for property less than one acre;
    - b.) One inch equals thirty feet for property larger than one acre but less than three acres; and
    - c.) One inch equals fifty feet for property larger than three acres.

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2. A completed site plan application and site plan materials must be submitted at least 20 days prior to the Planning Commission meeting at which the review is requested. Upon confirmation from the Village Planning Consultant, and other Village consultants, and all other appropriate Village officials, including but not limited to police, fire, and public works, that the site plan substantially meets the requirements of this ordinance, the application shall be placed on the next available Planning Commission agenda. The Commission may prepare forms and require the use of such forms in site plan preparation. A separate escrow deposit may be required for administrative charges to review the site plan submittal.
3. Current proof of ownership of the land to be utilized or evidence of a contractual arrangement to acquire such land, such as an option or purchase agreement, and a title search or other evidence of any applicable easements or deed restrictions.
4. An application for sketch plan approval shall be submitted to the Village on forms supplied by the Village along with any required fees and two copies of the sketch plan. The sketch plan shall contain the information required in Section 9.1.6.

### B. Distribution of Plans.

1. **Planning Commission Review.** Upon submission of all required application materials, the site plan proposal shall be distributed, to the Village Planning Consultant and all appropriate Village officials, including, but not limited to police, fire, and public works, and other Village consultants, as applicable, for review. Determination of compliance with Village ordinances and regulation shall be made within 15 days of receiving an application for site plan review. Site plans determined to be in substantial compliance proceed to Site Plan Review (9.1.7B). For site plans determined not to be in substantial compliance, the applicant may be required to complete revisions and re-submit the plans for further review prior to final action. Upon receipt of the revised site plans, determination of compliance shall be made within 15 days.
2. **Building Official Review.** If the Building Official or applicant requests a review by the Planning Commission, in accordance with Section 9.1.3, sub-section B.1.I above, the site plan proposal shall be distributed in accordance with Section 9.1.4 sub-section B.1, above.
3. **DDA Review.** The exterior appearance and placement on the site of any building located within the DDA District has an effect on the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property assets in the area, permit the most appropriate development of the DDA District and prevent attendant

deterioration of conditions affecting the general welfare of the property owners of the Village of Oxford. For developments proposed within the geographic boundaries of the DDA District, the Planning Commission shall request comments from the DDA Director regarding the proposed site plan prior to taking action on the request for site plan approval. All review comments from the DDA Director shall be transmitted to the Village offices not less than five (5) days prior to the Planning Commission meeting where the site plan will be considered for approval.

### SECTION 9.1.5 • REQUIRED SITE PLAN INFORMATION

Each site plan submitted for review shall have a sheet size of at least twenty four (24) inches by thirty six (36) inches and shall include the following information:

#### A. Descriptive and Identification Data.

1. Applicant's name and address, and telephone number.
2. Title block indicating the name of the development.
3. Scale.
4. Northpoint.
5. Dates of submission and revisions (month, day, and year).
6. Location map drawn to scale with northpoint.
7. Legal and common description of property.
8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
9. A schedule for completing the project, including the phasing or timing of all proposed developments.
10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
11. Written description of proposed land use.
12. Zoning classification of applicant's parcel and all abutting parcels.
13. Proximity to driveways serving adjacent parcels.
14. Proximity to section corner and major thoroughfares.
15. Notation of any variances which have or must be secured.
16. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

#### B. Site Data.

1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
2. Front, side, and rear setback dimensions.

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3. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
4. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Acceleration, deceleration, and passing lanes, where required.
7. Proposed location of driveway entrances and on-site driveways.
8. Typical cross-section of proposed roads and driveways.
9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
10. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
11. Location of sidewalks within the site and within the right-of-way.
12. Exterior lighting locations and method of shielding lights from shining off the site.
13. Trash receptacle locations and method of screening, if applicable.
14. Transformer pad location and method of screening, if applicable.
15. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
16. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
17. The location of lawns and landscaped areas, including required landscaped greenbelts.
18. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material, and method of irrigation.
19. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.
20. Cross-section of proposed berms.
21. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.
22. Designation of fire lanes.
23. Loading/unloading area.
24. The location of any outdoor storage of materials and the

manner by which it will be screened.

### C. Building and Structure Details.

1. Location, height, and outside dimensions of all proposed buildings or structures.
2. Indication of the number of stores and number of commercial or office units contained in the building.
3. Building floor plans.
4. Total floor area.
5. Location, size, height, and lighting of all proposed signs.
6. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
7. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Building Official and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights of way. Such screening shall be designed to be perceived as an integral part of the building design.

### D. Information Concerning Utilities, Drainage, and Related Issues.

1. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, and telephone lines.
2. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
3. Indication of site grading and drainage patterns.
4. The following information shall be submitted as part of an application for permission to commence any type of development within a flood hazard area:
  - a.) The elevation in relation to mean sea level of the floor, including basement, of all structures.
  - b.) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.



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c.) Proof of development permission from appropriate local, state, and federal agencies as required by this Zoning Ordinance, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968, the Flood Plain Regulatory Authority.

d.) Base flood elevation data where the proposed development is subject to Act 288 of the Public Acts of 1967, the Subdivision Control Act, or greater than five (5) acres in size.

5. Additional information which may be reasonably necessary to determine compliance with the provisions of this Zoning Ordinance.
6. Soil erosion and sedimentation control measures.
7. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
8. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
9. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior area.
10. Underground storage tanks locations.
11. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

### E. Information Concerning Residential Development.

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
2. Density calculations by type of residential unit (dwelling units per acre).
3. Lot coverage calculations.
4. Floor plans of typical buildings with square feet of floor area.
5. Garage and carport locations and details, if proposed.
6. Pedestrian circulation system.
7. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.
8. Community building location, dimensions, floor plans, and

facade elevations, if applicable.

9. Swimming pool fencing detail, including height and type of fence, if applicable.
10. Location and size of recreation open areas.
11. Indication of type of recreation facilities proposed for recreation area.

### F. Information Applicable to Mobile Home Parks.

1. Location and number of pads for mobile homes.
2. Distance between mobile homes.
3. Proposed placement of mobile home on each lot.
4. Average and range of size of mobile home lots.
5. Density calculations (dwelling units per acre).
6. Lot coverage calculations.
7. Garage and carport locations and details, if proposed.
8. Pedestrian circulation system.
9. Location and names of roads and internal drives.
10. Community building location, dimensions, floor plans, and facade elevations, if applicable.
11. Swimming pool fencing detail, including height and type of fence, if applicable.
12. Location and size of recreation open areas.
13. Indication of type of recreation facilities proposed for recreation area.

### G. Additional Information. Information Related to Condominium Development. The following information shall be provided with all site plans including condominium development:

1. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
2. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

### H. Items Not Applicable. If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

1. A list of each item considered not applicable.
2. The reason(s) why each listed item is not considered applicable.

### I. Other Data Which May Be Required. Other data may be required if deemed necessary by the Village administrative

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request an optional pre-application site plan meeting with the Village Planning Consultant and Building Official, and the Village Engineering Consultant, as may be applicable. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The Village Planning Consultant's and Village Engineering Consultant's fees for any such pre-application conference shall be paid by the applicant. Optional Pre-application meeting request shall be handled as follows:

1. A request for a pre-application meeting shall be made in writing to the Building Department, and any required fees deposited with the Village.
2. The Village shall distribute a copy of the written request to the Planning Consultant and the Engineering Consultant, in the event the Engineering Consultant's attendance is required.
3. The Village shall coordinate the scheduling of the meeting.

**B. Site Plan Review.** Upon determination that the site plans substantially complies with Village ordinances and regulations, the site plans shall be placed on the next available Planning Commission agenda. All required revisions must be completed prior to the site plan being placed on the Planning Commission agenda for review.

**C. Public Hearings.** A public hearing conducted by the Planning Commission is required for all zoning amendments, and for all site plans involving uses that are subject to Special Land Use Approval, applications for rezoning and planned unit developments, subject to the provisions of Chapter 3 of this Article. After payment of appropriate fees, the Building Official, or his designee shall set the date of the public hearing.

**D. Authorization.** The Planning Commission, or when applicable, the Building Official shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Building Official, Village Planning Consultant, and/or other Village staff and reviewing agencies, as applicable.

1. The Planning Commission or Building Official (as per Section 9.1.3) is authorized to take the following action on the plan, subject to guidelines in the Zoning Ordinance: approval, approval with conditions, denial, or table the site plan, as follows:
  - a.) **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
  - b.) **Approval Subject to Conditions.** Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions

may include the need to obtain variances or obtain approvals from other agencies. If a plan is approved subject to conditions, the applicant shall submit four copies of a revised plan with a revision date, indicating compliance with the conditions of approval, to the Building Department. Upon subsequent review and approval of the Building Official or Village Planning Consultant, the plans shall be recorded, as provided in sub-section below.

- c.) **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.
- d.) **Tabling.** Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a future meeting.

**E. Recording of Site Plan Review Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission, as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

1. After the Planning Commission has taken final action on a site plan and all steps have been completed, three copies of the application and approved plans shall be stamped "APPROVED" and signed by the Building Official. One marked copy will be kept on file with the Village, and the other two copies will be returned to the applicant, where one stamped APPROVED plan will be submitted with the application for building permit.
2. The Building Official shall be responsible for final stamp approval for administrative reviews conducted per Section 9.1.3.B.2.
3. If the Planning Commission grants conditional approval of the site plan, the applicant shall submit two copies of the revised plans, indicating compliance with the conditions of approval, to the Building Official.

Upon subsequent review and verification that all conditions of approval have been met, the Building Official shall stamp all four copies of the plans "APPROVED," and the plans shall be distributed in accordance with Section 9.1.7.F.1 (Recording of Site Plan Action).

4. Once the site plan has been stamped "Approved," it shall be documented and provided as correspondence at the next Planning Commission meeting.

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### SECTION 9.1.8 • PROCEDURE AFTER SITE PLAN APPROVAL

**A. Application for Building Permit.** Following final approval of the site plan, the applicant may apply for a building permit, consistent with Section 9.6.1. It shall be the responsibility of the applicant to obtain all other applicable Village, County, or State permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the Village. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the Master Deed. No permit issued or work undertaken prior to recording of the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed.

**B. Performance Guarantee.** Performance guarantees shall be required subject to the standards in Chapter 4 of this Article.

**C. Expiration of Site Plan Approval.** If construction has not commenced within twelve (12) months of final approval of the site plan, or if construction has not been completed within twelve (12) months after it was commenced or if substantial or continual progress in construction has not been made, the site plan approval becomes null and void and a new application for site plan review shall be required. Upon written request from the applicant, the Planning Commission may grant an extension of up to twelve (12) months, upon a finding that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Ordinance standards, and further provided that construction has not commenced or if substantial or continual progress in construction has not been made.

**D. Application for Certificate of Occupancy.** Following completion of site work and building construction, the applicant may apply for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Building Official, consistent with Section 9.6.2. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

**E. Property Maintenance after Approval.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property

in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

**F. Recorded and As-Built Condominium Documents Submittal Requirements.**

1. Prior to the issuance of a building permit for a condominium project involving new construction, the condominium project developer or proprietor shall record all condominium documents and exhibits with the Oakland County Register of Deeds office in a manner and format acceptable to the County and furnish the Village with one copy of the recorded Condominium Master Deed, Bylaws, and all restrictive covenants as approved by the Village Attorney.
2. Upon completion of the project, the condominium project developer or proprietor shall furnish the Village with the following:
  - a.) Two copies of an "as built survey", sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the Village; and
  - b.) One copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one half by fourteen (10 ½ x 14) inches.
3. The as-built survey shall be reviewed by the Village's Engineering Consultant for compliance with Village Ordinances. Fees for this review shall be established by the Village Council.
4. The Building Official may withhold building permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Building Official to do so.

**G. Revocation.** Approval of a site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Building Official shall place the site plan on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

**H. Modification to Approved Plan.** A site plan approved in accordance with the provisions in this Section may be subsequently modified, subject to the following requirements:

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1. **Review of Minor Modifications.** Minor modifications to an approved site plan may be reviewed by the Building Official or his designee.
  - a.) **Minor Modification Defined.** Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards.
  - b.) **Examples of minor modifications include:**
    - i. An addition to an existing commercial or industrial building that does not increase the floor space by more than 500 square feet.
    - ii. Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.
    - iii. Changes to building height that do not add an additional floor.
    - iv. Reduction in the square footage of an existing or proposed building.
    - v. Additions or alterations to the landscape plan or landscape materials that do not result in the waiver of landscaping requirements.
    - vi. Relocation or screening of the trash receptacle.
    - vii. Alterations to the internal parking layout of an off-street lot.
    - viii. The construction of a new building or structure or the addition of curb cuts onto a public road are examples of modifications, which are not considered minor.
    - ix. Modifications to an approved site plan for a special land use or Planned Development project or which require a variance, shall not be considered a minor modification.
  - c.) **Determination of Minor Modification.** The Building Official or his designee shall determine if the proposed modifications are minor in accordance with the guidelines in this section.
2. **Modifications Not Deemed "Minor".** If the modifications are not deemed minor by the Building Official or his designee, then review and approval of the Planning Commission shall be required, as determined by the Building Official or his designee. A review by the Planning Commission shall be required for all site plans that involve a request for a variance, a Special Land Use, and Planned Unit Development proposals that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

- I. **Recording of Action.** Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the Village. The Planning Commission shall be advised of all minor site plan modifications approved by the Building Official and such modifications shall be noted on the site plan.
- J. **Fees.** Fees for the review of site plans and inspections as required by this article shall be established and may be amended by resolution by the Village Council.

### SECTION 9.1.9 • STANDARDS FOR SITE/SKETCH PLAN APPROVAL

All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development shall conform to all requirements of this Zoning Ordinance, (including those of the applicable zoning district(s)). The following criteria shall be used as a basis upon which site plans will be reviewed and approved, where applicable:

- A. **Adequacy of Information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. **Site Design Characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
- C. **Appearance.** Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. **Compliance with District Requirements.** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in Article 5, Schedule of Regulations, except as provided elsewhere in this Ordinance. New and conversion condominium projects shall conform to the provisions of this Ordinance, as applicable, and with Section 8.10, Condominium Regulations.
- E. **Preservation of Significant Natural Features.** Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan



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Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.

- F. Emergency Access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. Pedestrian access and circulation.** Existing and proposed sidewalks or pedestrian pathways connect to existing public sidewalks and pathways in the area, are insulated as completely as possible from the vehicular circulation system, and comply with applicable regulations regarding barrier-free access.
- H. Vehicular access and circulation.** Drives, streets, parking, site access, and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
- I. Building Design and Architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials. In addition to following design guidelines adopted in specific district or sub-area plans, where applicable.
- J. Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
- K. Exterior Lighting.** Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along streets.
- L. Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas, and storage areas from adjacent residential areas and public rights-of-way.
- M. Public Services.** Adequate services, including police and fire protection, and utilities, including water, sewage disposal, sanitary sewer, and stormwater controls services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- N. Soil Erosion and Sedimentation Control.** The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Village Engineer and Building Official.
- O. Stormwater Management.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected

at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

- P. Privacy.** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
- Q. Danger from Hazards.** The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Village to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Village shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and material, and emergency response plans and capabilities of the Village.
- R. Health and Safety Concerns.** Any use in any zoning district shall comply with Federal, state, county and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and hear; fire and explosive hazards; gases; electromagnetic radiation; and, toxic and hazardous materials.
- S. Sequence of Development.** All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- T. Coordination with Adjacent Sites.** All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, and common facilities, and open space shall be coordinated with adjacent properties.
- U. Other Agency Reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Oakland County Drain Commission, Oakland County Health Department, and other federal state, and county agencies, as applicable.

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### Chapter 2: Special Land Use Review

#### SECTION 9.2.1 • STATEMENT OF INTENT

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses.

In hearing and deciding upon special approvals, the Planning Commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

#### SECTION 9.2.2 • APPLICATION

The application for Special Land Use review shall be made on the forms and according to the guidelines provided by the Village. Each application shall be accompanied by the following:

- A. The section of this Ordinance under which the Special Use is sought.
- B. A detailed site plan which shall include all the information required by Section 9.1.5, except in the following cases. In the situations listed below, the site plan need only include the information deemed necessary by the Planning Commission to thoroughly review the proposal against the standards of this Ordinance:
  1. Home Occupations Requiring Special Land Use Approval.
  2. Special Use Signs.
  3. Special Uses that are proposed to occupy an existing building and are not proposing to, nor required to, make any exterior changes to the building or lot.
- C. A description of the proposed use of the property.

Other information which the Planning Commission may reasonably deem necessary for review.

The application shall be submitted by the owner of an interest in the land for which special land use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.

#### SECTION 9.2.3 • NOTICE OF PUBLIC HEARING

The Village shall schedule a public hearing in accordance with Chapter of 3 of this Article.

#### SECTION 9.2.4 • PLANNING COMMISSION DETERMINATION

Following the public hearing, the Planning Commission shall review the application for the special land use proposal, together with the public hearing findings and reports and recommendations of the Village Planner, Building Official, the Police and Fire Department, the Village Engineer, and other reviewing agencies. The Planning Commission is authorized to deny, approve, or approve with conditions, requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to approval.

Performance guarantees may be required by the Planning Commission, in accordance with Chapter 4 of this Article, to insure compliance with special approval conditions.

#### SECTION 9.2.5 • STANDARDS FOR GRANTING SPECIAL USE APPROVAL

Approval of a special land use proposal shall be based on the determination that the proposed use will comply with all requirements of this ordinance, including the site plan review criteria set forth in Section 9.1.9 and applicable use standards set forth for the specific use in Article 4. In addition, the following standards shall be met:

- A. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
- B. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Village as a whole.
- C. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Village Master Plan and shall promote the intent and purpose of this Ordinance.
- D. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
- E. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
  1. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
  2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  3. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
  4. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in

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relation to surrounding development.

5. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified house considered appropriate to ensure minimal impact on surrounding uses.
6. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
  - a.) Proximity and access to major thoroughfares.
  - b.) Estimated traffic generated by the proposed use.
  - c.) Proximity and relation to intersections.
  - d.) Location of and access to off-street parking.
  - e.) Required vehicular turning movements.
  - f.) Provision for pedestrian traffic.
7. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
9. The location of the proposed special land use shall not result in a small residential area being substantially surrounded by non-residential development, nor shall the location of the proposed special land use result in a small non-residential area being substantially surrounded by incompatible uses.
10. The proposed use shall be compatible with the natural environment and conserve natural resources and energy.

### SECTION 9.2.6 • RECORDING OF PLANNING COMMISSION ACTION

Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

### SECTION 9.2.7 • EFFECTIVE DURATION OF SPECIAL USE APPROVAL

Special use approvals shall run with the land and shall not be issued for specified periods, unless the use is clearly temporary or time-related in nature.

### SECTION 9.2.8 • AMENDMENTS TO SPECIAL LAND USES

When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special approval of land use.

### SECTION 9.2.9 • REVOCATION OF SPECIAL LAND USE APPROVAL

Approval of a special land use proposal and site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Building Official shall place the special land use on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

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### Chapter 3: Public Hearing Process

This Chapter shall present the basic provisions which shall apply to the following applications that require a public hearing: Amendments (including Rezoning), Variances, Special Land Uses, Planned Unit Development.

#### SECTION 9.3.1 • PUBLIC NOTICE

The following public notice procedure shall apply for any public hearing:

- A. Notice Contents.** The notice shall contain the following information, where applicable:
1. A description of the nature of the application and the purpose of the public hearing;
  2. A statement indicating the applicable sections of the Zoning Ordinance;
  3. A legal description and, when known, the address of the property;
  4. A statement of when and where the public hearing will be held;
  5. A statement of when and where written comments can be sent concerning the application.
- B. Newspaper Publication and Written Notification.** The general requirements for newspaper publication and written notification shall be as indicated in the following chart:

Action Requested	Newspaper Publication Requirements	Written Notification Requirements
Adoption of a New Ordinance (i, viii)	iii	vii
Ordinance Amendment (i, viii)	iii	vii
Rezoning (i, viii)	iii (see also v)	v
Special Land Use (i)	iii	iv
Planned Unit Development	See Article 5	
Variance (ii)	iii	vi

#### Footnotes:

- i. The Planning Commission must hold at least one public hearing.
- ii. The Zoning Board of Appeals must hold a public hearing.
- iii. Notices of public hearings must be published in a newspaper of general circulation within the Village not less than 15 days prior to the date of the hearing.
- iv. Notices must be mailed to owners and occupants of all properties and structures within 300 feet of the subject site, including those outside of the Village, if applicable. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- v. If 10 or fewer adjacent properties are involved, notice must be sent by mail to the owners and occupants of all property and structures within 300 feet of the subject site, including those outside of the Village, if applicable. If 11 or more adjacent properties are involved, no additional notification is necessary and addresses may be omitted from the notice published in the newspaper. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- vi. Notification of a dimensional variance request must be sent by mail to the owners and occupants of all property and structures within 300 feet of the subject site, including outside of the Village if applicable. Notification of an ordinance interpretation or decision appeal need not be sent by mail to surrounding property owners and occupants unless the interpretation or decision appeal involves a specific parcel, in which case notification must be sent by mail to the owners and occupants of all property within 300 feet of the subject site. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- vii. Notice must be mailed to each electric, gas and pipeline utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and each airport manager, that has registered its name and mailing address with the Clerk to receive such notice. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- viii. A property owner may request by certified mail, addressed to the Clerk, that the Village Council hold a public hearing to hear comments on a proposed ordinance provision (adoption of a new ordinance, ordinance amendment, rezoning or planned development). Newspaper publication and written notification requirements shall be made as set forth in this Section for the corresponding type of proposed ordinance provision. It shall be the responsibility of the property owner requesting the public hearing to pay for the costs incurred by the Village for notification of the public hearing.

## Chapter 4: Performance Guarantees

### SECTION 9.4.1 • PURPOSE

To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Zoning Board of Appeals may require that a performance guarantee be deposited with the Village to insure the faithful completion of improvements, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Village may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/deceleration lanes, traffic control devices, sewer or water line expansion, storm water retention areas and land reclamation activities.

### SECTION 9.4.2 • SCOPE OF REQUIREMENT

The performance guarantee can apply only to those specific features and actions which the Planning Commission or Zoning Board of Appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission or Zoning Board of Appeals.

### SECTION 9.4.3 • GENERAL REQUIREMENTS

A performance guarantee shall be required by the Planning Commission on the applicable portion(s) of a site plan under any of the following circumstances:

- A. To meet the costs of improvements required to be made by the applicant to public facilities owned by the Village as a condition of site plan approval.
- B. To ensure the completion of the common elements of site plan affecting two or more parties.
- C. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.
- D. The Planning Commission or Zoning Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the Village or the health, safety, or welfare of residents, project users, or the general public.

### SECTION 9.4.4 • GENERAL CONDITIONS

- A. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related Village permit shall be issued unless the Building Official is satisfied that the guarantee is in full compliance with this Article.

- B. The performance guarantee shall be in the form of:
  - 1. A cash deposit or deposit by certified check drawn on a bank authorized to do business in the State of Michigan, or
  - 2. An irrevocable letter of credit issued on behalf of the Village by a bank authorized to do business in the State of Michigan, or
  - 3. A surety bond in a form and manner acceptable to the Village Attorney. The costs of the review of a surety bond by the Village Attorney shall be paid by the applicant as part of the issuance of a permit.
- C. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval or zoning variance has been obtained. Accordingly, the applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The Building Official shall review the submitted costs for reasonableness and shall determine an accurate amount for the performance guarantee. In determining the amount, the Building Official may consider signed contracts or sub-contracts supplied by the applicant or the Building Official may secure or require that the applicant secure a sealed statement from a licensed architect or engineer verifying the estimates.
- D. Cash funds or a certified check made payable to the Village shall be deposited by the Village into an interest bearing account in a financial institution with which the Village regularly conducts business.
- E. In the case of a guarantee exceeding \$2000, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements, provided that a minimum of ten percent (10%) shall be retained on each element until the satisfactory completion of the entire project. The amount of work completed shall be based upon an inspection and determination by the Building Official.
- F. An amount not to exceed the actual cost of the installation of landscape materials may be retained by the Village for at least one (1) year following the installation of said materials to insure proper maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the Building Official that all landscape materials are being maintained in good condition.
- G. Prior to the acceptance of a public improvement by the Village and upon the recommendation of the Village Engineer, the Building Official shall require a maintenance bond for the public improvement in an amount not to exceed thirty-five (35) percent of the total cost of the improvement and to remain in effect for a period not to exceed three (3) years.

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- H. The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the appropriate Village officials and a positive determination by the Building Official that the required improvements have been satisfactorily completed and that all other requirements of this Article are met.

### **SECTION 9.4.5 • UNSATISFACTORY COMPLETION OF IMPROVEMENTS**

When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this Ordinance or as agreed upon between the applicant and the Planning Commission or Zoning Board of Appeals, the Building Official may order the improvements completed by the Village or by an independent contractor, or may order that the site be returned to its original condition.

The Building Official shall order the completion of the improvements and so notify the applicant by certified mail at least fourteen (14) calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the Village.

All costs incurred by the Village for the completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee including any interest accrued on any funds deposited in escrow.

### **SECTION 9.4.6 • SUBDIVISION IMPROVEMENTS**

This Chapter shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited with the Village by the applicant pursuant to the Subdivision Control Act (P.A. 288 of 1967, as amended).



## Chapter 5: Zoning Administration

### SECTION 9.5.1 • RESPONSIBILITIES

The Village Manager, or his duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following Village entities:

- A. Village Council
- B. Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Enforcement Officials, which shall include the Village Manager and his duly authorized assistants or representatives.

The purpose of this article is to set forth the scope of authority of these entities.

### SECTION 9.5.2 • VILLAGE COUNCIL

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

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Village Council shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction.
- B. **Review and Approval of Plans.** Village Council review and approval shall be required for all Planned Unit Developments, in accordance with Article 5.
- C. **Setting of Fees.** The Village Council shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Village Council to set a fee for a specific permit or application, the Village Manager shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Village President with the approval of the Village Council.

### SECTION 9.5.3 • VILLAGE PLANNING COMMISSION

- A. **Creation.** The Village Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended. The Planning Commission shall have all the powers and duties provided for zoning commissions created pursuant to Michigan Public Act 110 of 2006, as amended.
- B. **Jurisdiction.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. **Zoning Ordinance.** The Planning Commission is hereby designated as the commission specified in the Michigan Public Act 110 of 2006, as amended, and shall perform the zoning duties of said commission as provided in the statute Ordinance. The Planning Commission shall be responsible for formulation of the Zoning Ordinance; formulation, review, and recommendation of amendments to the Zoning Ordinance; holding hearings on a proposed Zoning Ordinance or amendments; and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to Village Council.
2. **Site Plan Approval.** The Planning Commission shall be responsible for reviewing site plans and making determinations to approve, approve subject to conditions or deny applications for site plan approval in accordance with this Ordinance.
3. **Special Use Approval.** The Planning Commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions or deny applications for special uses in accordance with this Ordinance.
4. **Planned Unit Development Review.** The Planning Commission shall be responsible for holding hearings and reviewing all applications for planned unit development approval in accordance with Article 5. The Planning Commission shall be responsible for making a recommendation to Village Council to grant approval, approval with conditions or denial of a proposed planned unit development.
5. **Master Plan.** The Planning Commission is hereby designated as the commission specified in Michigan Public Act 33 of 2008, as amended, and shall perform the planning duties of said commission as provided in the statute.
6. **Other Duties and Responsibilities.** The Planning Commission shall be responsible for review of plats and any other matters relating to land development referred to the Commission by Village Council. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. **Publicity and Education.** The Planning Commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education. The Planning Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the plan.

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### SECTION 9.5.4 • ZONING BOARD OF APPEALS

- A. Creation of Board.** A Zoning Board of Appeals is hereby created, which shall perform its duties and exercise its powers in accordance with Michigan Public Act 110 of 2006, as amended.
- B. Number of Members, Appointment.** The board shall consist of six (6) members, all appointed by the Village President with the consent of the Village Council. All members shall be residents of the Village. Appointments shall be as follows: One (1) member appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and three (3) members appointed for a period of three (3) years respectively. Thereafter, each member to hold office for a full three (3) year term. Two (2) members shall be appointed, one each from the membership of the Village Council and the Village Planning Commission. The Council member of the Board of Appeals shall be a resident of the Village of Oxford for at least one year prior to the date of his/her appointment, and shall be a qualified and registered elector of the Village on such a day and throughout his/her tenure of office. An appointed member shall not be an employee or contractor of the Village, or be a member of the Downtown Development Authority. There shall not be any ex-officio members. Appointed members may be removed for cause by the Village Council only after consideration of written charges. Any appointive vacancies in the Board of Appeals shall be filled by the Village Council for the remainder of the unexpired term.
- C. Alternate Members.** The Village Council may also appoint, in accordance with Act 110 of 2006, as amended, not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Board of Zoning Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in a case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. Election of Officers.** The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman, and Secretary. The compensation of the appointed members of the Board of Appeals shall be fixed by the Village Council.
- E. Resignations.** When members propose to resign, if reasonably feasible, they shall give notice of their intent in writing to the chairman or secretary, and make the date of resignation effective, in such a manner as to allow time for appointment of replacements. Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the chairman shall be construed as resignation from the board by absence. When a member dies or resigns (including resignation by absence), the secretary shall

promptly indicate to the Village Council that a vacancy exists.

- F. Meetings of Zoning Board of Appeals.** All meetings of the Board of Appeals shall be held at the call of the Chairman or upon written request of any two members of the Board. All hearings by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indication of such fact; and shall also keep records of its hearings and other official action.
- G. Jurisdiction.** The ZBA shall have the authority granted to it in Chapter 7 of this Article.

### SECTION 9.5.5 • ZONING ENFORCEMENT OFFICIALS

- A. Establishment of Enforcement Officials.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Village Manager or his duly authorized assistants or representatives. In carrying out designated duties, enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of this Ordinance.
- B. Responsibilities of the Zoning Official.** The Zoning Official shall be appointed by the Village Manager and shall serve under the direction of the Village Manager. The Village Zoning Official may have the following responsibilities:
1. Provide citizens and public officials with information relative to this Ordinance and related matters.
  2. Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
  3. Review all applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines in this Ordinance.
  4. Forward to the Planning Commission all applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this Ordinance, and other applications which must be reviewed by the Planning Commission.
  5. Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, of other matters on which the Zoning Board of Appeals is required to act.
  6. Forward to the Village Council all recommendations of the Planning Commission concerning matters on which the Village Council is required to take final action.
  7. Periodically report to the Planning Commission on the status of Village zoning and planning administration.
  8. Maintain up to date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.

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9. Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.
10. Perform other related duties, as specified by the Village Manager.

**C. Responsibilities of the Building Official.** As specified by the Village Manager, the Village Building Official may have the following responsibilities:

1. Enforce and administer the adopted Building Code.
2. Provide citizens and public officials with information relative to the Building Code, this Ordinance, and related matters.
3. Assist applicants in the completion of required application forms for permits and certificates.
4. Issue building or other appropriate permits when all provisions of this Ordinance and other applicable ordinances have been complied with.
5. Issue Certificates of Occupancy in accordance with this Ordinance when all provisions of this Ordinance and other applicable ordinances have been complied with.
6. Perform inspections of buildings, structures, and premises to insure that proposed land use changes or improvements are and will remain in compliance with this Ordinance.
7. Record all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and monitor and control such nonconformities.
8. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices and tickets, issuance of orders to stop work, and revoking of permits.
9. Perform other related duties as specified by the Village Manager.

**D. Conformance with this Ordinance.** It shall be unlawful for the Zoning Official or Building Official to approve any plans or issue any building permits or certificates of occupancy until he has inspected such plans in detail and found them to conform with this Ordinance.

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### Chapter 6: Enforcement

#### SECTION 9.6.1 • BUILDING PERMIT

- A. Permit Requirement.** No building or structure within the Village of Oxford shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair, or raze until a building permit shall have been obtained from the Building Official, nor shall any use be added to an existing use nor shall any change be made in the use of any building or land without a building permit having been obtained from the Building Official; except that no building permit shall be required for non structural alterations costing less than \$500. No such building permit shall be issued unless it is in conformity with the provisions of this Ordinance and all amendments hereto.
- B. Failure to Commence Construction.** Unless construction is started within twelve (12) months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The Building Official may reinstate a building permit that has become void for failure to commence construction without payment of further fees at his discretion as long as site plan approval, if required, has not expired.
- C. Application.** The Building Official shall require that all applications for building permits be accompanied by the required fee and by the required copies of a site plan approved by the Planning Commission when required under Chapter 1 of this Article. If site plan approval is not required, two (2) copies of a plot plan shall be submitted containing the following information:
1. Legal description of the property.
  2. North point and scale of not less than 1" = 100'.
  3. Exact dimensions of the property including bearings and distances as described in the legal description.
  4. Property relationship of subject property with all abutting property lines.
  5. Two (2) foot contours or pegged grade elevations at 50 feet on center for the entire property and for a distance not less than 50 feet outside the entire perimeter of the property. This requirement may be waived by the Zoning Official or Village Manager if deemed unnecessary. The Zoning Official shall give written notice of all waivers to the Planning Commission.
  6. The location of the existing and/or proposed buildings on the property shall be clearly shown and shall include the dimensions to front, side, and rear property lines and distances from the proposed building to any building on the lot within 50 feet of the proposed building.
  7. The finish grade elevations of all existing and proposed buildings or structures on or within 50 feet of the lot. This requirement may be waived by the Zoning Official or Village

Manager if deemed unnecessary. The Zoning Official shall give written notice of all waivers to the Planning Commission.

8. The location of all existing and/or proposed drives and parking areas.
  9. The location of all existing or proposed overhead and underground utilities.
  10. The location and widths of all existing and/or proposed rights of way and/or easements and all abutting streets and alleys.
  11. The point, area, ditch, or enclosure to which storm water is to drain, including discharge of sump pumps.
  12. Such other information concerning the lot or abutting lots as may be essential for determining whether the provisions of the ordinance are being observed.
- D. Issuance of Permit.** Whenever the building, land and uses thereof as set forth in the application are in conformity with the provisions of this ordinance, it shall be the duty of the Building Official to issue within fifteen (15) working days after the receipt of said application a building permit, and when such permit is refused, to state such refusal in writing with the reasons therefore.
- One (1) copy of the site plan or plot plan shall be returned to the applicant by the Building Official, after the Building Official shall have marked such copy either as approved or disapproved. The remaining copy shall be retained in the office of the Building Official.
- E. Violations of Contracts.** The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of private contracts, such as covenants or private agreements which may occur upon the granting of such permit.
- F. Footings.** Prior to pouring concrete for any footings, the builder shall demonstrate to the Building Official that the footing forms are properly located on the lot and that the footing grade is set to the proper elevation, both according to the dimensions and elevations as indicated on the site plan or plot plan.
- G. Completion of Work.** Upon the completion of the work authorized by a building permit, the holder thereof shall apply for a Certificate of Occupancy by notifying the Building Official who shall then make a final inspection promptly.

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### SECTION 9.6.2 • CERTIFICATE OF OCCUPANCY

No land, building, structure, or part thereof shall be occupied by or for any use for which a building permit is required by this ordinance unless and until a Certificate of Occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate:

**A. Application for Certificates.** Application for Certificates of Occupancy shall be made in writing to the Building Official on forms furnished by the Village, and such application shall be reviewed for compliance to the stipulations, regulations and requirements of this Ordinance and the Building Code within ten (10) working days. If such certificate is refused for any cause, the applicant shall be notified in writing of reasons for such refusal.

**B. Certificates Include Zoning.** Certificates of Occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings, structures or lands shall also constitute Certificates of Occupancy as required by this ordinance.

No Certificate of Occupancy pursuant to the Building Code of the Village of Oxford shall be issued for any building, structure or part thereof, or for the use or change of use of any building or land, which is not in accordance with all the provisions of this Zoning Ordinance.

**C. Certificates for Existing Buildings.** Certificates of Occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land is in conformity with the provisions of this Ordinance.

**D. Grading Requirements.** A Certificate of Occupancy shall not be issued until the following requirements are complied with and are approved by the Building Official:

1. Prior to the official issuance of a Certificate of Occupancy the Building Official shall inspect the site to determine if the grading is in accordance with the approved site plan or plot plan. If, in the judgment of the Building Official, there is doubt that such grading is in accordance with the plan, the Building Official shall request that a grading certificate be prepared, signed and sealed by a registered professional civil engineer, architect or land surveyor be submitted to the Building Official, in duplicate, attesting to the fact that the site has been constructed and graded in accordance with the plot plan, that permanent irons at each lot corner are in evidence, and that the drainage pattern is in accordance with the plan as approved at the time of issuance of the building permit.
2. In lieu of a grading survey, a surety bond, letter of credit, or cash deposit in an amount set by the Building Official may be required to insure grading and submission of such survey at a later date when a building, land or structure is otherwise suitable for occupancy, but it is that season of the year when weather conditions make completion of

grading unfeasible. In such case a temporary Certificate of Occupancy may be issued and the date for completion of grading, not to exceed six (6) months from date of issuance, shall be indicated on the temporary Certificate of Occupancy or its related documents.

**E. Certificates for Buildings Accessory to Dwellings.** Buildings accessory shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

**F. Temporary Certificates.** The Building Official may issue a temporary Certificate of Occupancy for a portion of building or structure in the process of erection or alteration. The Building Official shall require a performance guarantee before the issuance of a temporary Certificate of Occupancy to guarantee completion.

Temporary Certificates of Occupancy shall specify a date for compliance; on this date the certificate shall be deemed to have expired. No temporary Certificate of Occupancy shall be effective for a period in excess of six (6) months. Failure to meet the requirements of this Section shall result in the revoking of the temporary Certificate of Occupancy.

Failure to meet the requirements of this Section shall result in the revoking of the temporary Certificate of Occupancy.

**G. Site Improvements.** No Certificate of Occupancy shall be issued unless the landscaping and paving shown on the site plan have been completed, except that the owner may furnish a performance guarantee equal to the cost of completion.

**H. Records of Certificates.** A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person.

### SECTION 9.6.3 • PLATS

In accordance to Village Subdivision Regulations (Village Ordinance 212), proposed plats of land hereafter to be platted into lots within the Village of Oxford shall be submitted to the Planning Commission for approval and subsequently to the Village Council for approval. Plats shall be in conformance to the design standards set forth in the Subdivision Regulations.

### SECTION 9.6.4 • ADMINISTRATION FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Official at the time of application. The amount of such fees shall be established in accordance with this Ordinance and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

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### SECTION 9.6.5 • VIOLATIONS AND PENALTIES

- A. Violation of this Ordinance.** Any person, firm or corporation failing to comply with any of the provisions of this Ordinance, including failure to comply with any of the conditions or safeguards established or imposed in connection with Site Plan Approval, Special Use Approval or the grant of a zoning variance, shall be deemed in violation of this Ordinance. Each day a violation occurs or continues shall constitute a separate violation of this Ordinance.
- B. Misdemeanor.** Any violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted of violating this Ordinance shall be fined, in addition to the costs of prosecution, not more than five hundred (\$500.00) dollars for each offense, or shall be punished by imprisonment for not more than 90 days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense. Furthermore, the owner or tenant of any building, structure, premise or part thereof, and any architect, engineer, builder, contractor, agent or other person who commits, participates in, assists in, or maintains any violation of this Ordinance may each be found guilty of a separate offense and may be subject to the penalties herein provided.

The imposition of any sentence shall not exempt the offense from compliance with the requirements of this Ordinance.

- C. Other Rights or Remedies are not Affected.** The rights and remedies provided in this Ordinance are cumulative and shall be deemed to be in addition to, and shall not adversely affect, any and all other rights and remedies provided by law.
- D. Rights and Remedies Preserved, No Waiver.** Any failure or omission to enforce the provisions of this Ordinance, and any failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this Ordinance.

### SECTION 9.6.6 • PUBLIC NUISANCE

Any building, structure, or use which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the effective date of this Ordinance and in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance. The Zoning Board of Appeals, any person designated by the Village Council, or any aggrieved person may institute a suit in a court of law to have a nuisance abated.

## Chapter 7: Variances and Appeals

### SECTION 9.7.1 • JURISDICTION, POWERS AND DUTIES

**A. Powers and Duties.** The Zoning Board of Appeals shall have the power and it shall be its duty to:

1. Hear and decide on all matters referred to it by the provisions of this Ordinance.
2. Hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the building, planning, or public services department in the enforcement of this ordinance. See Section 9.7.5 for additional considerations.
3. Interpret the text and map and all matters relating thereto whenever a question arises in the administration of this ordinance as to the meaning and intent of any provision or part of this ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general. See Section 9.7.6 and Section 9.7.7 for additional considerations.
4. Where there are practical difficulties or unnecessary hardships, within the meaning of state law and this ordinance, in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have the power upon appeal in specific cases to authorize such variation or modification of the provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done. See Section 9.7.8 and Section 9.7.9 for additional considerations.

**B. Review Considerations.** In consideration of all appeals and all proposed variances to this ordinance the Zoning Board of Appeals shall, before granting any variance to this ordinance in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village.

**C. Majority Vote Required.** Except for use variances, the concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the building department, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.

**D. Limitations of Authority.**

1. Nothing contained in this section shall be construed to

give or grant to the Zoning Board of Appeals the power or authority to alter or change this ordinance or the zoning map or to rezone, such power and authority being reserved to the Village Council.

2. Nothing in this section shall be construed to authorize the Zoning Board of Appeals to hear, review or decide any appeal from a decision of the Village Council or Planning Commission to approve, approve with conditions, or deny a site plan or special use.

**E. Conditions.** In authorizing a variance or taking any other action within its jurisdiction, the Zoning Board of Appeals may attach such conditions as may be deemed necessary in the furtherance of the purposes of this ordinance, provided any conditions are in compliance with the standards for imposing conditions as contained in the Michigan Public Act 110 of 2006, as amended.

### SECTION 9.7.2 • EXERCISING POWERS

In exercising the powers described in Section 9.7.1, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building department from whom the appeal is taken.

### SECTION 9.7.3 • NOTICE

The Zoning Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by such board. Notice such hearing shall be provided in the manner established in Michigan Public Act 110 of 2006, as amended. Refer to Chapter 3 of this Article for a summary of the noticing requirements and procedures.

### SECTION 9.7.4 • EFFECT OF ACTIONS

**A. Expiration of Approval.**

1. No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.
2. No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; however, where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

**B. Resubmittal.** No request or appeal which the Zoning Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Zoning Board of Appeals for a period of three

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hundred sixty five (365) days, unless, as determined by the Zoning Official, one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the Zoning Board of Appeals' application of the relevant review standards to the request or appeal.
2. New or additional information is available that was not available at the time of the original review that might reasonably affect the Zoning Board of Appeals' application of the relevant review standards to the request or appeal.
3. The new request or appeal is materially different from the prior request or appeal.

- C. Appeal.** The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for Oakland County, as provided in Public Act 110 of 2006. An appeal to the Circuit Court for Oakland County shall be filed within 30 days after the board certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

### SECTION 9.7.5 • APPEALS OF ADMINISTRATIVE DECISIONS

- A. Authority.** An appeal may be taken to the zoning board of appeals by any person, business or corporation or by an officer, department, board or bureau affected by a decision of the Zoning Official. Such appeal shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by filing with the Zoning Official and with the zoning board of appeals a notice of appeal, specifying the grounds of the appeal. The Building Official shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

In exercising the powers granted in this Chapter, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building inspector from whom the appeal is taken.

- B. Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certified to the zoning board of appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the zoning board of appeals or by a court of record on application, on notice to the Zoning Official and on due course shown.

- C. Public Hearing.** The board shall select a reasonable time and place for the hearing of the appeal and shall give due notice in accordance with the public hearing requirements of Michigan Public Act 110 of 2006, as amended, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

- D. Required Findings.** The Zoning Board of Appeals may reverse an administrative action only if it finds that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

### SECTION 9.7.6 • INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of Zoning Ordinance and Master Plan.

### SECTION 9.7.7 • INTERPRETATION OF ZONING ORDINANCE PROVISIONS

The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intents and purposes of the Zoning Ordinance and Master Plan.

### SECTION 9.7.8 • DIMENSIONAL VARIANCE

- A. Authority.** The Zoning Board of Appeals may grant a dimensional (non-use) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

- B. Practical Difficulty.** A non-use variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

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3. The plight of the applicant is due to the unique circumstances of the property.
4. The problem is not self-created.
5. The spirit of this Ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 9.7.1A.4.
7. The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance and may impose condition upon any variance granted based upon its findings under this subsection:
  - a.) The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.
  - b.) The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
  - c.) The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
  - d.) The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
  - e.) The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

### SECTION 9.7.9 • USE VARIANCE

- A. Authority.** The Zoning Board of Appeals may grant a use variance to authorize a land use which is not otherwise permitted by this Ordinance in the district where the property is located, upon the concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals.
- B. Remedies Exhausted.** An application for a use variance shall not be submitted or considered unless the applicant has first received a written determination from the Zoning Official that the proposed land use is not permitted under this Ordinance in the district where the property is located, and, second has received a final decision from the Village Council denying a rezoning of the property to a zoning district where the proposed land use would be permitted under this Ordinance.
- C. Unnecessary Hardship.** A use variance shall not be granted unless the Zoning Board of Appeals finds, on the basis of substantial evidence presented by the applicant, that there is an unnecessary hardship in the way of carrying out the strict letter of this Ordinance. In determining that an unnecessary hardship exists, the Zoning Board of Appeals must find that:
  1. The property in question cannot be reasonably used or

cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.

2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use to be authorized by the variance will not alter the essential character of the area and locality.
4. The problem is not self-created.
5. The spirit of this Ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 9.7.1B.
7. The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance and may impose condition upon any variance granted based upon its findings under this subsection:
  - a.) The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.
  - b.) The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
  - c.) The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
  - d.) The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
  - e.) The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

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### Chapter 8: Amendments to the Zoning Ordinance

#### SECTION 9.8.1 • STATEMENT OF INTENT

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Village, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the Village generally, to rezone an area, to extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Ordinance may be initiated by any person, firm, or corporation by filing an application with the Zoning Official; by motion of the Village Council; or by the Planning Commission requesting the Zoning Official to initiate an amendment procedure.

#### SECTION 9.8.2 • INITIATION OF AMENDMENT

The Village Council may, from time to time, on recommendation from the Planning Commission or on its own motion or on petition, amend, supplement, modify or change this ordinance in accordance with the authority of Public Act 110 of 2006, as amended. Upon presentation to the Village of a petition for amendment of such ordinance by an owner of real estate to be affected, such petition shall be accompanied by any required fees. The amount of such fee shall be set by resolution of the Village Council and shall be used to defray the expense of publishing the required notices and the expense of such Planning Commission.

#### SECTION 9.8.3 • AMENDMENT REVIEW PROCEDURE

The amendment and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

- A. Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Village staff and applicable outside agencies and designated Village consultants for review.
- B. Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in Michigan Public Act 110 of 2006, as amended, as outlined in Chapter 3 of this Article.
- C. Planning Commission Consideration of the Proposed Amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Village Council.
- D. Village Council Action on the Proposed Amendment.** Upon

receipt of the report and recommendation from the Planning Commission, the Village Council shall consider the proposed amendment. If determined to be necessary, the Village Council may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the Village Council shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section.

#### SECTION 9.8.4 • RE-APPLICATION

Whenever an application for an amendment to this Ordinance has been denied by the Village Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of three hundred sixty five (365) days, unless, upon recommendation by the Zoning Official, the Planning Commission determines that one or more of the following conditions has been met:

- A.** There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
- B.** New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
- C.** The new application is materially different from the prior application.

#### SECTION 9.8.5 • CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

In considering any petition for an amendment to the official zoning map, the Planning Commission and Village Council shall consider the following criteria in making its findings, recommendations, and decision:

- A.** Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
- B.** Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- C.** Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.
- D.** Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E.** The capacity of Village's utilities and services sufficient to accommodate the uses permitted in the requested district



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without compromising the health, safety and welfare of the Village.

- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- H. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Village's perspective than another zoning district.
- I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or conditional uses in the current zoning district to allow the use.
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

### SECTION 9.8.6 • PROTESTS

In case a protest is presented against a proposed amendment to the official zoning map, duly signed by the owners, or part owners, of 20 percent of the land proposed to be altered, or by the owners of at least 20 percent of the area of land included within the area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by the 3/4 vote of the Village Council.

If a parcel of land is owned by the entireties, by joint tenants, by tenants in common or by legal and equitable owners, any one of such owners may sign the protest for the parcel so owned. In determining the land area upon which percentages shall be calculated, there shall be included all the property in a common ownership as a single unit. For purposes of this subsection, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

### SECTION 9.8.7 • COMPREHENSIVE REVIEW OF ORDINANCE

The Planning Commission shall, from time to time at intervals of not more two (2) years, examine the provisions of this Ordinance and the location of district boundary lines and shall submit a report to Village Council recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare.

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