

Zoning Ordinance



Village of Armada, Michigan

HOW TO USE THIS ORDINANCE

IF YOU HAVE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

Step 1: Find your zoning district by looking at the Official Zoning Map (available in the Village offices).

Step 2: Look up the zoning district purpose, found in Article 2 (Zoning Districts and Maps).

Step 3: Go to Article 5 (Dimensional Standards) for details on minimum lot size, required yards, and other standards for the zoning district.

Step 4: Go to Article 4 (Land Use Tables) for details on permitted uses in the zoning district.

IF YOU WANT TO ESTABLISH A PARTICULAR USE:

Step 1: Go to Article 4 (Land Use Tables) to determine if the proposed use is permitted in the zoning district. The table may note that there are supplemental design standards for this use in Article 6 (Design Standards for Specific Uses).

Step 2: Go to Article 6 (Design Standards for Specific Uses) to look up design standards for your proposed use.

Step 3: Look up the appropriate zoning district in Article 5 (Dimensional Standards) for details on minimum lot size, required yards, and other district standards. You may also be referred to Article 9 through 15 for general parking, landscaping, lighting or sign regulations.

Step 4: Go to Article 18 (Site Plan Review) for details about the approval process. If the proposed use is identified as a “special approval use,” then also look up Article 17 (Special Approval Uses).

IF YOU WANT TO FIND OUT WHICH ZONING DISTRICT YOUR PROPERTY IS IN:

Visit the Village offices and find your property on the Official Village Zoning Map. For more information on the district, look up Article 2 (Zoning Districts) and Article 4 (Land Use Tables).

IF YOU WANT TO VARY FROM THE STANDARDS THAT APPLY:

The Zoning Board of Appeals is authorized to grant variances from some of the regulations in this Ordinance in cases of special hardship. See Article 24 (Zoning Board of Appeals), Section 24.07 (Variances) for more information.

IF YOU WANT TO...

...BUILD A FENCE: See Article 8, Section 8.101 (Fences).

...INSTALL A SIGN: See Article 13 (Signs).

...INSTALL A SATELLITE DISH: See Article 15 (Wireless Communications Facilities).

...BUILD A GARAGE, SHED OR POOL: See Article 7 (Accessory Buildings and Uses).

...BUILD A DECK, PATIO OR PORCH: See Article 5 (Dimensional Standards).

Village of Armada

Zoning Ordinance

Public Hearing: May 20, 2024

Adopted: September 23, 2024

Effective: October 1, 2024

Village Council

President: David Coenen

Clerk: Michelle Poulos

Treasurer: Anne Porter

Trustees: Stephen Clark
Mike Shall
Ross Boelke
Michael Stirrett
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VILLAGE OF ARMADA ZONING ORDINANCE

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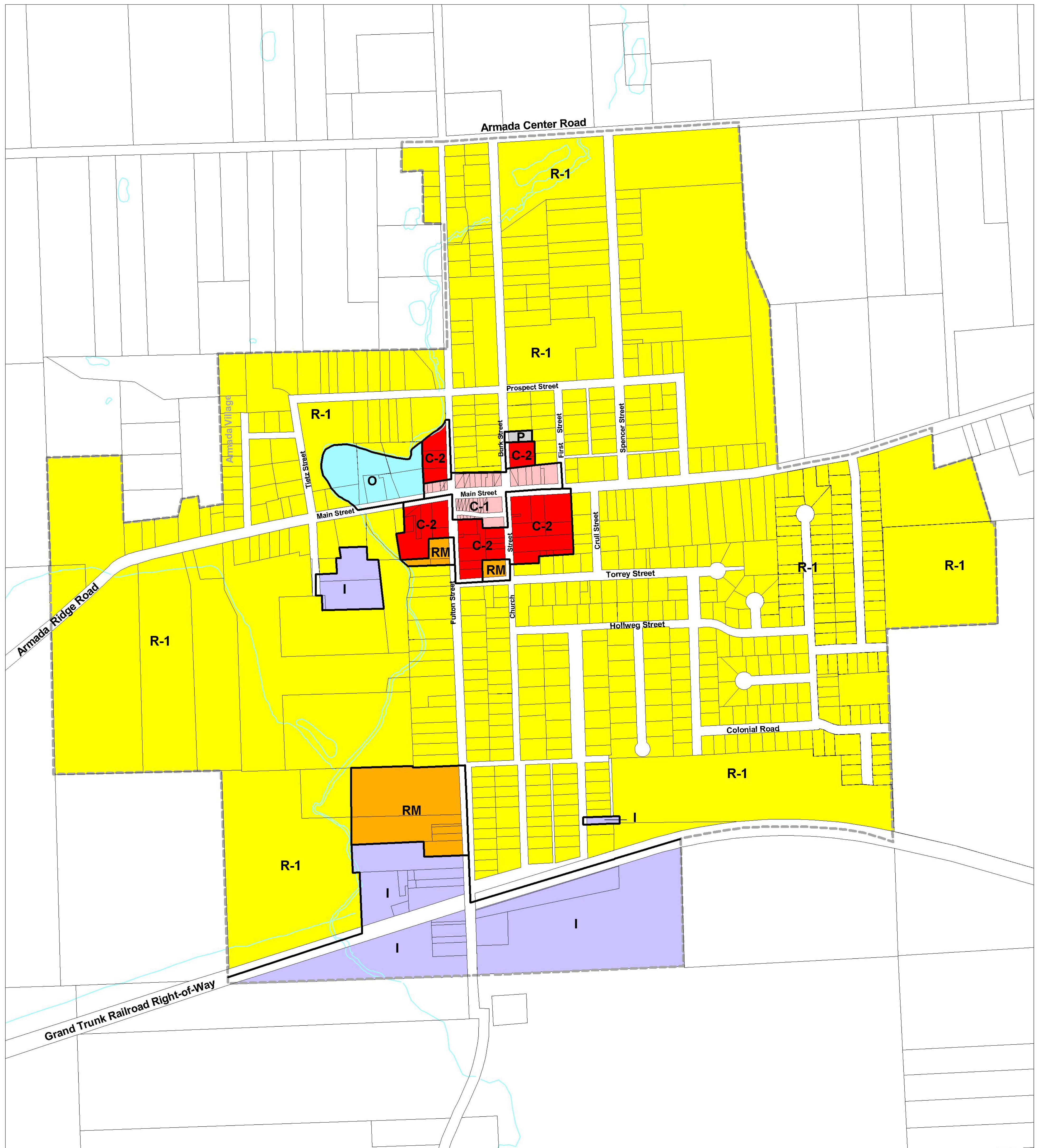
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Adoption of the Zoning Ordinance		
Notice of Adoption		



R-1	Single Family Residential
RM	Multiple Family Residential
C-1	Central Business District
C-2	General Business District
O	Office
P	Parking
I	Industrial
	Armada Village Boundary

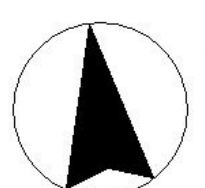
THIS IS TO CERTIFY THAT THIS IS A COPY OF THE OFFICIAL
ZONING MAP ADOPTED _____, 2002 AND REFERRED TO IN THE
ZONING ORDINANCE OF THE VILLAGE OF ARMADA, MICHIGAN.

VILLAGE PRESIDENT _____
NANCY W. PARMENTER

VILLAGE CLERK _____
JERI POMPILIUS

Official Zoning Map

Basemap Source: Village of Armada
Data Source: Village of Armada Planning Commission



Effective
01/01/03

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

Section 1.01 Purpose and Intent.

The purpose of this Ordinance is to:

- A. Promote the public health, safety, morals, and general welfare of the Village of Armada.
- B. Encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.
- C. Avoid the overcrowding of population, provide adequate light and air, lessen congestion on the public roads and streets, and reduce hazards to life and property.
- D. Facilitate adequate provisions for a multi-modal transportation system; safe and adequate water supply and sewage disposal; education; recreation and other public requirements.
- E. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
- F. Reasonably consider the character of each district, including its suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within the Village Master Plan and any sub-area plans.

Section 1.02 Scope.

No structure shall be erected, converted, enlarged, reconstructed or altered, nor shall any structure or land be used, occupied, designed or arranged for any purpose other than as is permitted in the district where the structure or land is located. No yard or open space surrounding any structure shall be encroached upon or reduced in any manner, except in conformity with the regulations established for the district where such structure is located.

Section 1.03 Short Title.

This Ordinance shall be known as the Zoning Ordinance of the Village of Armada, and will be referred to herein as "this Ordinance."

Section 1.04 Withholding of Approval.

The Village may withhold approval of any use, site plan, planned development, variance, rezoning, text amendment, or other approval required by this Ordinance where violations of this Ordinance or other Village ordinances are determined to exist, or where permits or approvals by outside agencies are required and have not been issued.

Section 1.05 Schedule of Fees, Charges and Expenses.

The Village Council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for matters pertaining to this Ordinance. The schedule of fees shall be on file in the Clerk's Office. The schedule of fees, charges, and expenses may be altered or amended by resolution of the Village Council.

- A. **Necessary fees and expenses.** Fees, charges, and expenses shall be assessed as part of the application for review of matters pertaining to this Ordinance to defray expenses incurred in processing such application.

- B. **Required upon application.** No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full.
- C. **Fees in Escrow for Professional Reviews.** Any application for matters requiring approval under this Ordinance may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project which requires a traffic impact study under Section 10.04, an impact assessment under Section 1.13, or any project that is subject to site plan review under Article 18 of this Ordinance (Site Plan Review). An escrow fee may be required by the Village Council, Planning Commission, Zoning Board of Appeals or Building Inspector where professional input and review is desired before a decision to approve, deny or approve with conditions is made about any project that may create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties.
1. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Village values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the Village indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Village and a copy of the statement of expenses for the professional services rendered, if requested.
 2. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the Village Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within sixty (60) days of final Village action on the applicant's request, or within sixty (60) days of withdrawal of the request by the applicant.
 3. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any building or zoning permit or other approval issued by the Village in response to the applicant's request. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

Section 1.06 Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, an approving authority (Building Inspector, Planning Commission or Village Council as appropriate) may require that the applicant deposit with the Village Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be subject to the following:

- A. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Village and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.
- B. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety form acceptable to the Village Council. The amount of the guarantee shall be determined by the Building Inspector and shall cover the full cost of any uncompleted site plan improvements and inspections. If the improvements are planned for the following construction season, any necessary adjustments in anticipated costs shall be made to the amount of the guarantee. The performance guarantee shall be deposited prior to the start of work or issuance of any permits.
- C. Performance guarantees shall continue until such time as the Village notifies the surety that the conditions imposed upon the development have been met. The approving authority shall not release the performance

guarantee until the Building Inspector and approving authority are satisfied that the conditions for such action have been met.

- D. As work progresses, the Village may adjust cash deposits in reasonable proportion to the ratio of work completed on the required improvements, provided that ten percent (10%) of the guarantee shall be retained by the Village pending a successful final inspection by the Building Inspector of all required improvements.

Section 1.07 Permits.

The Building Inspector shall have the authority to grant permits and to make inspections of structures or sites necessary to carry out duties in the enforcement of this Ordinance.

- A. **Building permits.** It shall be unlawful to build, alter, repair, change or enlarge any structures or part thereof until a building permit has been issued by the Building Inspector in accordance with the provisions of this Ordinance and other Village ordinances. A building permit shall be required in accordance with the provisions of the State Construction Code enforced by the Village of Armada. For the purposes of this Section, the terms “altered” and “repaired” shall include any changes in structural parts, stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress or other changes affecting or regulated by the State Construction Code enforced by the Village of Armada, this Ordinance or other applicable Village ordinances.
- B. **Zoning permits.** Wherever a provision of this Ordinance requires approval of a permit for an activity not addressed or regulated by the State Construction Code enforced by the Village of Armada, a “zoning permit” shall be required, subject to the same rules and procedures as a “building permit” specified in this Ordinance.
- C. **Permit issuance.** Issuance of permits under this Ordinance shall be subject to the following:
1. It shall be unlawful for the Building Inspector to approve any plans, or to issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.
 2. No permit shall be issued until the Building Inspector has received the following information, as applicable:
 - a. Notification of final approval of a site plan, special approval use or other necessary approval from the Planning Commission, including any conditions of approval.
 - b. Proof of acquisition of all other applicable outside agency permits or approvals.
 3. Whenever the structures, lands and uses described in the application are determined to be in full and complete conformity with the provisions of this Ordinance and other Village ordinances, it shall be the duty of the Building Inspector to issue a permit within ten (10) business days after the receipt of such application.
 4. All permits, when issued, shall be conspicuously posted upon the premises.
 5. In all cases where the Building Inspector shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
- D. **Plans and specifications.** Applications for permits required by this Section shall be filed with the Building Inspector. Each application shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Building Inspector to determine whether the proposed improvements conform with the provisions of this Ordinance, the State Construction Code

enforced by the Village of Armada and other applicable Village ordinances. All applications for building permits shall be accompanied by plans and specifications drawn to scale and showing the following:

1. The shape, location, dimensions, address and tax identification (Sidwell) number of the lot, and the name and address of all persons having an ownership interest with a written statement indicating knowledge of and agreement with the proposal.
 2. The shape, size and location of all structures to be erected, altered or moved, and any existing structures on the parcel or adjacent parcels.
 3. The existing and proposed use of the lot and of all structures upon it.
 4. All information necessary for determining compliance with the State Construction Code enforced by the Village of Armada, this Ordinance, or other applicable Village ordinances.
- E. **Duration of permit.** A permit issued by the Building Inspector shall expire six (6) months following the date of issuance if no permitted work has commenced by the applicant, except where the applicant has applied for and received an extension within ninety (90) days following the end of the six (6) month period. The Building Inspector is hereby authorized to grant one such extension per permit.
- F. **Revocation of permit.** The applicant shall be notified in writing of the revocation of a permit within ten (10) working days of such action by the Building Inspector. The reasons for the action shall be provided in the written notice. Any permit issued under the provisions of this Ordinance may be revoked by the Building Inspector if the permit holder has:
1. Made false or fraudulent statement in the application or exercise of a permit.
 2. Violated or failed to satisfy any of the provisions of this Ordinance or any condition of approval.
 3. Performed work or used materials that do not conform to the approved plans or specifications.
 4. Caused, created or maintained, in the exercise of a permit, a nuisance or danger to the public health, safety or welfare.
- G. **Zoning inspections.** It shall be the duty of the holder of every permit to notify the Building Inspector of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Building Inspector to inspect work performed under an approved permit to verify compliance with the provisions of this Ordinance.

Section 1.08 Buildings Under Construction.

Any building or structure for which a permit has been issued and permitted work has been started prior to the effective date of this Ordinance may be completed and used in accordance with the approved adoption or amendment of plans and building permit. Any such permit for a use that would become nonconforming after the effective date of this Ordinance shall not be renewed if permitted work has not commenced within three hundred sixty-five (365) days from the date of issuance. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any structure upon which actual construction was lawfully begun prior to the adoption or amendment of this Ordinance and has been diligently carried out to completion.

Section 1.09 Buildings to be Moved.

Any structure which has been wholly or partially erected on any premises within or outside the Village of Armada shall not be moved to or placed upon any premises in the Village unless a permit for the structure has been secured from the Building Inspector. The structure shall fully conform to all the provisions of this Ordinance in the same manner as a new structure. Before a permit may be issued for moving a structure, the Building Inspector shall

determine whether it is in a safe condition to be moved and whether it complies with the State Construction Code enforced by the Village of Armada. Special inspection fees may be charged to cover costs of inspecting the old site and the new site of the structure to be moved.

Section 1.10 Restoring Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by the Building Inspector, except as specified in Article 22 (Nonconformities).

Section 1.11 Certificates of Occupancy.

- A. **Purpose.** The purpose of a certificate of occupancy is to permit the occupancy or use of land or structures. The certificate of occupancy shall be issued only upon the determination by the Building Inspector that the site is in compliance with the provisions of this Ordinance, the requirements of State Construction Code enforced by the Village of Armada and other applicable Village ordinances.
- B. **Certificates required.** No land or structure hereafter erected or altered shall be occupied, used or changed in use, as described in Land Use Table located in Section 4, until a certificate of occupancy has been issued by the Building Inspector. A certificate of occupancy shall be required prior to occupancy or re-occupancy of any use of land or structure. It shall be unlawful for any person, firm or corporation to occupy or permit the occupation of any structure or portion thereof until a certificate of occupancy has been issued.
- C. **Application and issuance.** An application for a certificate of occupancy shall be made on forms supplied by the Building Inspector and must be accompanied by the fees specified.
1. A certificate of occupancy may be processed concurrently with an application for a permit if a permit is required.
 2. The Building Inspector shall determine if a nonresidential occupancy change requires approval of a site plan and/or special approval prior to issuance of a certificate of occupancy.
 3. Certificates of occupancy shall be issued within ten (10) days after a determination by the Building Inspector that the erection or alteration of a structure or use of land has been completed in conformity with the provisions of this Ordinance. In new construction or construction of new structures, a certificate of occupancy may be issued upon a satisfactory final inspection. In such cases, a request for final inspection may constitute a request for a certificate of occupancy.
 4. Certificates of occupancy shall be issued for new or existing buildings or structures, or parts thereof, or for existing or new uses of land upon determination by the Building Inspector that any alterations, extensions, repairs or new construction have been completed in conformity with the provisions of this Ordinance and that the proposed use is fully in compliance with this Ordinance. Failure to obtain a certificate of occupancy prior to commencing a use of property shall constitute a violation of this Ordinance.
- D. **Temporary certificate of occupancy.** The Building Inspector may issue a temporary certificate of occupancy for a portion of a structure prior to occupancy of the entire structure, provided that such portion is in conformity with the provisions of this Ordinance and that no threat to public safety exists. The temporary certificate shall remain in force for a period, set by the Building Inspector, of up to a maximum of one hundred eighty (180) days, and shall expire five (5) days after the structure is fully completed and ready for occupancy. The owner, at the time of application for the temporary certificate of occupancy, shall agree in writing to comply with all conditions set forth in the certificate. A performance guarantee may be required in accordance with Section 1.06 of this Ordinance (Performance Guarantees). Failure to obtain a final certificate of occupancy within the specified time shall constitute a violation of this Ordinance.

- E. **Accessory structures.** Structures that are accessory to a primary use shall not require a separate certificate of occupancy, unless required at the discretion of the Building Inspector.
- F. **Period of validity.** A final certificate of occupancy shall remain in effect for the life of the structure's existence, unless the Building Inspector determines that the certificate should be revoked due to health, safety, and welfare concerns in observance of the Michigan Building Code. The certificate may also be revoked if a zoning review determines that the property's use has changed, in which case a new certificate must be obtained.
- G. **Records of certificates.** A record of all certificates of occupancy shall be kept by the Village. Copies of such certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

Section 1.12 Public Hearing Procedures.

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a complete and accurate application, select a reasonable time and place for such hearing. Anyone wishing to speak during a public hearing will have a time limit determined by the Chair prior to the hearing. Such hearings shall be subject to the following procedures:

- A. **General public hearing procedures.** The following procedures are applicable to all public hearings. Zoning ordinance text and map amendments, Special Approval Land Uses, and other zoning procedures calling for a public hearing are subject to the additional procedures described in Section 1.12.B. below.
 - 1. **Publication in a newspaper of general circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
 - 2. **Personal and mailed notice.**
 - a. Notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered.
 - b. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
 - c. Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except if a structure contains more than one dwelling unit or spatial area leased by different persons, in which case one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
 - d. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US postal service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
 - e. The Village shall prepare a list of property owners and occupants to whom notice was mailed.

3. **Content.** Any notice published in a newspaper or delivered by mail shall:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request.
 - c. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
 - d. Indicate when and where the public hearing will occur.
 - e. Indicate when and where written comments may be submitted concerning the request.
 4. **Procedure for Holding a Public Hearing.** A public hearing shall include the following:
 - a. A presentation by the applicant, staff, or Village consultants describing the nature of the request and scope of the project.
 - b. Opening of the public comment period by the acting Chair of the Commission or Council holding the hearing.
 - c. Receipt of verbal or written comments by the public at large. Verbal comments may be limited at the direction of the Chair of the meeting; such time limitation shall be applied equally to any member of the public wishing to submit comment.
 - d. Closing of the public comment period by the acting Chair of the Commission or Council holding the hearing.
 5. **Action by the Village.** Action on the request may be taken after the hearing is closed in accordance with this Ordinance.
- B. **Zoning Ordinance Amendment Procedures.** Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:
1. **Map or text amendments affecting 10 or fewer parcels.** If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in Section 1.12.A, above.
 2. **Map or text amendments affecting 11 or more parcels.** If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in Section 1.12.A, above, with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.
 3. **Notice to other entities.** Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the Village Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.
 4. **Additional information required in notice.** Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.
- C. **Special Approval Land Use Procedures.** See Article 17.

- D. **Pre-hearing examination.** Any person may examine the application and documents on file with the Village pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents, upon reasonable request and payment of fees established by the Village Council to cover the cost of making such copies.
- E. **Right to submit written statements.** Any person may submit written comments about the subject and purpose of a hearing prior to the hearing date. Such statements shall be made a part of the public record of the hearing.
- F. **Timeframe for hearings.** The public hearing shall be scheduled for a date not more than sixty (60) days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless the applicant shall agree to some later time.
- G. **Rights of all persons.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.
- H. **Adjournment.** The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time and place for the purpose of giving further notice, or for other reasons that the body finds to be sufficient.
- I. **Governance.** All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

Section 1.13 Impact Assessments.

The applicant for a rezoning, planned development, special approval use or other matter specified in this Ordinance, or a use or development determined by the Planning Commission to have significant potential impacts upon the environment, traffic, infrastructure or demands for public services, may be required to provide an impact assessment. The Village reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant. The minimum contents of this impact assessment shall be the following:

- A. **Qualifications of preparer.** Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment, and a brief statement of their qualifications.
- B. **Site description.** An area plan or aerial photograph illustrating the entire site and nearby properties, overlaid with illustrations of adjacent land uses, zoning, public roads, utilities, significant woodlands, soil types, 100-year floodplains, drains and general topography. The area described shall be within one-quarter (¼) mile for sites up to twenty (20) acres, and within one (1) mile radius for larger sites.
- C. **Conceptual site plan.** Illustration of the general layout and phasing of proposed uses upon which the impact analysis is based.
- D. **Land use impacts.** Description of the types of proposed uses and other man-made facilities, including any project phasing, and an indication of how any proposed uses conform or conflict with existing and planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties.
- E. **Environmental impact.** Description of any expected environmental impacts on site and area natural features. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction. Documentation by a qualified wetland specialist shall be required wherever a regulated wetland may be impacted by the proposed project.

- F. **Impact on public facilities and services.** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to area fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- G. **Utility impacts.** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long-range development on the site. For sites served with sanitary sewer and public water, general calculations for water flows and water demands shall be provided in comparison with sewer line capacity.
- H. **Drainage.** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as stormwater basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Macomb County Drain Commissioner shall be attached indicating their concerns and suggestions.
- I. **Storage and handling of waste and hazardous materials.** Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. A Pollution Incident Prevention Plan (PIPP) and documentation of compliance with federal and state requirements shall be submitted as appropriate.
- J. **Traffic impacts.** A traffic study developed in accordance with Section 10.04 (Traffic Impact Studies).

Section 1.14 Compliance Required.

No structure, or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this Ordinance.

Section 1.15 Enforcement.

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or other authorized agents of the Village. The Code Enforcer shall investigate all complaints of Ordinance violations:

- A. Upon determining that a violation has occurred, the Code Enforcer shall be authorized to inform the violator of the violation and any necessary actions to resolve the violation, and to take such actions as deemed necessary to resolve the violation. Where necessary, written notice of the violation shall be served on the violator stating:
 - 1. The nature of the violation.
 - 2. The actions or changes required to resolve the violation.
 - 3. The time by which the violation must be remedied.
 - 4. That further enforcement action may be taken by the Village to remedy the violation if it is not remedied within the time specified.
- B. If the violation is not remedied by the time specified in the notice, the Code Enforcer shall investigate and shall use all available means to remedy the violation, including, but not limited to citations, or the pursuit of Court approval to remedy the violation at the expense of the property owner. All expenses related to such enforcement actions may be placed upon the tax rolls for the property unless immediately reimbursed by the property owner.

Section 1.16 Violation and Penalties.

- A. **Duty of person in charge.** It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use or the erecting, altering, changing, or remodeling of any structure to see that proper permits have been granted and that such work is not in violation of this Ordinance before undertaking such work. Architects, builders, contractors or other persons performing such work without a permit or in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the owner of the property, and shall be subject to the penalties herein prescribed for such violation.
- B. **Fines, compliance and nuisance abatement.** The violation of any provision of this Zoning Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation, is a municipal civil infraction that shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) per infraction, plus costs and other sanctions ordered by the court. Each day that a violation is permitted to exist shall constitute a separate offense.
1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
 2. Any violation of this Ordinance is a nuisance per se and may be abated by the Court through injunctive relief.
- C. The Code Enforcer and police officers serving the Village of Armada shall be authorized to issue civil infractions for violations of this Ordinance. The Building Inspector or Village Council may authorize additional persons as necessary to issue civil infractions for violations of this Ordinance.

ARTICLE 2

ZONING DISTRICTS AND MAPS

CHAPTER I

DISTRICTS

Section 2.101 Zoning Districts.

For the purpose of this Ordinance, the Village of Armada is hereby divided into districts to be known as the following:

NAME	SYMBOL
Single Family Residential District	R-1
Multiple-Family Residential District	R-M
Office District	O
Central Business District	C-1
General Business District	C-2
Industrial District	I
Parking District	P
Transitional Overlay District	TO

Section 2.102 Zoning Map.

The municipality is hereby divided into districts, with the district areas and boundaries as shown on the Official Village Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signature of the Village President and attested by the Village Clerk, and bearing the seal of the municipality under the following words: "This is to certify that this is the Official Zoning Map of the Village of Armada, effective as of _____, the ____ day of _____, ____."

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment has been approved by the Village Council. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in Section 26.03 (Amendments) or in conformity with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCLA 125.3101 et seq.) for adoption of a new Official Zoning Map. The Official Zoning Map shall be kept in the office of the Village Clerk, and shall be the final authority as to the current zoning status of land and water areas and structures in the Village.

Section 2.103 Single-Family Residential (R-1) District.

The Single-Family Residential (R-1) District is hereby established for the purpose of providing a range of choices of living environments, encouraging the development and maintenance of suitable neighborhoods for families and children, prohibiting uses of land that would adversely impact residential neighborhoods, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood. The intent of the district is to provide for an environment of predominantly single-family dwellings, with duplex units where

appropriate, along with other associated uses and facilities that serve the residents in the district, including but not limited to educational, cultural and religious land uses, parks and playgrounds.

Section 2.104 Multiple-Family Residential (R-M) District.

The Multiple-Family Residential (R-M) District is hereby established to promote a harmonious mixture of housing options and related educational, cultural and religious land uses in a primarily residential environment. Various types and sizes of moderate density residential units shall be provided at planned locations in the community to meet the needs of the different age and family groups. This district shall generally be located along major streets, and shall be served by public water and sewerage systems and other appropriate urban facilities and services. Uses in this district shall be subject to appropriate design, density and development standards (including, but not limited to density, bulk, setback and separation, adequate light and air, privacy and recreation areas) that are intended to prevent congestion on public streets, reduce hazards to life and property, and provide adequate recreation areas and basic amenities. There is no intent to promote by these regulations a district of lower quality of desirability than any other residential district, although a higher density of population and a greater variety of dwelling types are permitted herein.

The further intent of this district is to provide for the location and regulation of manufactured housing parks (formerly known as “mobile home parks”), as defined by the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.) and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district (including but not limited to educational, cultural and religious land uses, parks and playgrounds) in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Village residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Village. Further, the district is intended to meet the needs of the different age and family groups in the community, to provide for standards that ensure adequate light and air to windows and for privacy and open spaces to serve the residents of these districts, to prevent congestion on the public streets, and to reduce hazards to life and property.

Section 2.105 Office (O) District.

The Office (O) District is hereby established for the purpose of accommodating various types of executive, administrative, business, medical, governmental or professional offices, as well as certain personal service businesses. The Office (O) District is intended to be located along major streets, in close proximity to commercial and institutional uses, to serve as a transitional use between these more intensive land uses and less intensive residential uses. This district is intended to prohibit those types of retail uses and other activities that typically generate large volumes of traffic, traffic congestion, parking problems, or other impacts that could negatively affect the use or enjoyment of adjoining property.

Section 2.106 Central Business (C-1) District.

The Central Business (C-1) District is hereby established for the purpose of promoting the orderly development, expansion and continuation of the Village’s downtown commercial core, which serves the comparison, convenience, service, and cultural needs of Village residents, visitors and surrounding rural areas for convenience and durable goods, personal services, food, entertainment, shopping and related activities. It is the intent of the Central Business (C-1) District to preserve the existing downtown character, to strengthen and extend the historic development pattern, and to promote a highly concentrated and pedestrian-accessible mix of retail, restaurant and food service, entertainment, office and service uses. These objectives shall be accomplished through land use standards, regulation of site layout, building design, vehicular and pedestrian circulation, and careful coordination of site

features between adjoining sites. It is further the intent of this district to encourage concentrations of complementary businesses in a manner harmonious with the character of the Village, and to the mutual advantage of neighborhood residents and district merchants.

Uses in the Central Business (C-1) District are encouraged to provide or enhance public spaces, contribute to centralized parking arrangements and develop innovative combinations of permitted uses that allow for the rehabilitation of existing historic structures or the creation of complementary new structures. Parking facilities in the district shall be designed to serve the area rather than of individual businesses. Automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation, disrupt the functioning of this district, or create hazards, offensive or loud noises, vibration, smoke, glare or heavy traffic shall be prohibited.

Building owners are encouraged to provide retail or personal service uses at the street level of buildings in the C-1 district. In buildings without such uses, other active uses of visual interest to pedestrians should be displayed, including office or lobby areas, showrooms, classrooms, kitchens or similar activities. Upper stories of buildings in this district are anticipated to be primarily residential in nature.

Section 2.107 General Business (C-2) District.

The General Business (C-2) District is hereby established for the purpose of providing a wider range of business and entertainment activities than those permitted in the Central Business (C-1) District. This district is intended to provide opportunities for automobile-related businesses and other businesses and services that would be incompatible with the pedestrian-oriented character, scale and mix of permitted uses of the Central Business (C-1) District, or that usually generate large volumes of vehicular traffic or require substantial access for off-street parking and loading. Accordingly, this district should be generally located near major streets and thoroughfares to prevent potential nuisances and conflicts with incompatible uses and districts.

Because of the types of uses permitted in the General Business (C-2) District, detailed attention must be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Accordingly, development in the General Business (C-2) District shall be compatible in design with the overall Village character, designed in coordination with adjoining sites, buffered from or located away from residential areas, and served by major streets or thoroughfares.

Section 2.108 Industrial (I) District.

The Industrial (I) District is hereby established for the purpose of permitting certain industries of a light manufacturing, research, warehousing or wholesaling character to locate in planned areas of the Village and in a manner that ensures that such uses will not have a detrimental impact on surrounding neighborhoods. These areas are intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared materials. This district is not intended for the processing of raw materials for bulk shipment or use in industrial operations at other locations.

The further intent of the Industrial (I) District is to permit other more intensive industrial uses (such as manufacturing, assembling, compounding, processing, packaging, assembly, treatment, and fabricating, including large-scale or specialized industrial operations requiring extensive road or railroad access, or needing special sites or public and utility services) to be located in areas of the Village separated or buffered from residential neighborhoods. Reasonable regulations apply to uses in these more intense areas so as to permit the location of industries that eliminate any adverse effects on other areas of the Village. To integrate such uses with nearby land uses and avoid adverse effects, limitations have been incorporated to address the degree of noise, smoke, glare, waste and other features of such industrial operations.

It is further intended that the Industrial (I) District provide special land use and development regulations to promote the creation of high quality industrial and manufacturing jobs, establish flexible site design standards based on coordinated planning in the district, including the development of shared parking facilities. To meet the purpose and intent of this district, certain land uses are prohibited, including, but not limited to uses that create excessive or

unusual danger of fire, explosion, toxicity, or exposure to radiation or other unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration.

Section 2.109 Parking (P) District.

The Parking (P) District is hereby established to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use in another zoning district, to serve a district that has developed without adequate off-street parking facilities. Accordingly, all Parking (P) Districts shall be contiguous to an office, commercial or industrial district, and lots used for parking shall be limited to the adjacent successive lots from the business or industrial block. No land shall be used and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided for in this Article, for any use other than automobile parking. All design and development standards applicable to the principal use of the contiguous zoning district to which the parking use is accessory shall apply to the design, layout, construction and maintenance of the accessory parking facilities and use in this district.

Section 2.110 Transitional Overlay (TO) District.

The Transitional Overlay (TO) District is hereby established for the purpose of encouraging recycling of underutilized properties and consolidation of developable land, thereby achieving more efficient land use and improved site designs, while providing a smooth transition between residential and commercial properties. The transitional area therefore requires enhanced design and site plan review to ensure that future development lessens the adverse impacts on the adjoining properties. To integrate such uses with nearby land uses and avoid adverse effects, limitations may be incorporated to address the degree of noise, smoke, glare, waste, and other features of such industrial operations.

CHAPTER II

GENERAL REQUIREMENTS AND STANDARDS

Section 2.201 Principal Uses and Special Approval Uses.

In all districts, no structure or land shall be used or occupied, except in conformance with Section 4.02 (Table of Permitted Land Uses by District), and as otherwise provided for in this Ordinance. Special approval uses may be permitted in accordance with Section 4.02 (Table of Permitted Land Uses by District), subject to a public hearing and approval by the Planning Commission in accordance with the procedures and conditions defined in Article 17 (Special Approval Uses).

Section 2.202 Prohibited Uses.

Uses that are not specifically listed as a principal or special approval use permitted by this Ordinance in a zoning district, or otherwise determined to be similar to a listed and permitted use, shall be prohibited in the district.

Section 2.203 Design and Development Requirements.

All principal permitted uses and special land uses shall comply with any applicable requirements of Article 6 (Design Standards for Specific Uses), and all other applicable provisions of this Ordinance and other Village Codes and Ordinances. No structure shall be erected, reconstructed, altered or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Ordinance and other Village Codes and Ordinances.

Section 2.204 District Boundaries.

The boundaries of zoning districts, as shown on the map accompanying and made a part of this Ordinance, unless otherwise shown, are lot or tract lines or the center lines of streets, roads or alleys, or the extension thereof, right-of-way lines and the corporate limits of the Village of Armada.

Section 2.205 Street, Alley and Rights-of-Way.

All streets, alleys and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys or rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

Section 2.206 Conflicting Regulations.

Where the conditions imposed by any provisions of this article are either more or less restrictive than comparable conditions imposed by any other provisions of this article or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

Section 2.207 Zoning of Annexed Areas.

All territory annexed to the Village shall automatically be classified R-1 single-family residential, pending immediate review by the planning commission of land use, zoning, and master plan considerations concerning such annexed territory. If deemed appropriate following such review, the planning commission may recommend zoning map revisions to the Village Council.

ARTICLE 3 RESERVED

ARTICLE 4

LAND USE TABLES

Section 4.01 Key to Designations in Tables of Uses.

SYMBOL	KEY	
P	Permitted Uses	Principal Uses
S		Special Approval Uses
[Blank]	Prohibited Uses in the District	

Section 4.02 Table of Permitted Uses by District.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups, based upon certain characteristics that the grouped uses may share. These use groups are described below:

- A. **ANIMAL AND AGRICULTURAL USES.** The uses primarily involve the professional care and commercial or not-for-profit sheltering of animals allowed by Village Ordinance.
- B. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
- C. **OFFICE AND SERVICE USES.** These are generally private-owned or operated uses, or uses of a for-profit nature, that include personal service establishments, financial, executive, administrative, medical and professional offices, workshops and studios, and similar associated uses.
- D. **COMMUNITY USES.** These are generally public-owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population or are uses that serve as focal or gathering points for members of the community.
- E. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
- F. **INDUSTRIAL, RESEARCH AND LABORATORY USES.** These are uses that are generally of a light manufacturing, research, warehousing or wholesaling character, or that involve compounding, processing, packaging, assembly, storage or treatment of products or materials.
- G. **TEMPORARY, SPECIAL EVENT AND OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use								
	S	Special Approval Use								
		Prohibited Use								
	R-1	R-M	O	C-1	C-2	I	P			
ANIMAL AND AGRICULTURAL USES										
Veterinary Clinics, Kennels and Animal Shelters	S	S			P	P		Section 6.101 Section 6.102		
RESIDENTIAL USES										
Apartments, Accessory	S	P	P	P	P			Section 6.201		
Adult Care Facility	S	S								
Adult Foster Care Family Home	P	P								
Adult Foster Care Facilities Not Otherwise Listed In This Table	S	P								
Bed and Breakfast Inns	S	S						Section 6.202		
Boarding Houses	S	S								
Family Child Day Care Homes	P	P						Section 6.203		
Group Child Day Care Homes	S	S						Section 6.203		
Home Occupations listed in Section 6.204	P	P						Section 6.204		
Home Occupations not listed in Section 6.204	S	S						Section 6.204		
Manufactured Housing Parks		P						Section 6.205		
Multiple-Family Dwellings and Developments		P						Section 6.206		
Single Family Dwellings, Detached	P	P						Section 6.207		
State-Licensed Residential Facilities not otherwise listed in this table	S	S								
Townhouses and Stacked Flats		P						Section 6.208		
Two-Family or Duplex Dwellings	S	P						Section 6.209		
OFFICE AND SERVICE USES										
Banks and Financial Institutions			P	P	P	P				

Section 4.02 Table of Permitted Uses by District.									
USES	SYMBOL	KEY	DISTRICTS						SUPPLEMENTAL USE STANDARDS
	P	Principal Use							
	S	Special Approval Use							
		Prohibited Use	R-1	R-M	O	C-1	C-2	I	P
Barber Shops, Beauty Salons and Nail Care					P	P	P		
Catering Facilities					S	S	P		Section 6.301
Funeral Parlors or Mortuaries	S	S	P				P		Section 6.302
Hospitals							P	P	Section 6.303
Medical, Osteopathic, Chiropractic and Dental Offices, Medical Clinics, Urgent Care or Rehabilitation Centers					P	P	P	P	
Massage Therapists					P	P	P	P	Section 6.304
Nursing and Convalescent Homes, Foster Care Group Homes, Assisted Living Facilities and Senior Housing	S	P	S				S		Section 6.305
Offices for Professional, Executive, or Administrative Uses, Attorneys, Accountants, Realtors, Architects, Insurance and Similar Occupations					P	P	P	P	
Tattoo Parlors and Body Piercing Salons							P		Section 6.306
Workshops, Showrooms, Studios or Offices of Photographers, Skilled Trades, Decorators, Artists, Upholsterers, Tailors, Taxidermists and Similar Businesses, or for Repair and Service of Bicycles, Electronics, Small Appliances, Furniture, Shoes, and Similar Items					P	P	P	P	
COMMUNITY USES									
Auditoriums and Performing Arts Theaters					P	P	P		Section 6.511
Cemeteries	S	S	S						
Child Care or Day Care Centers and Child Caring Institutions			S		S		P	S	
Churches, Temples and Other Places of Worship	S	P	P		S		S		Section 6.401
Colleges, Universities and Other Institutions of Higher Education, Business Colleges and Commercial or Technical Schools					P	P	P	P	
Fire and Police Stations	S	P	P		P		P	P	

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use								
	S	Special Approval Use								
		Prohibited Use	R-1	R-M	O	C-1	C-2	I	P	
Government Offices			S	P	P	P	P			
Halls for Civic Clubs and Membership Organizations			S	S	P	S	P			
Health Club or Fitness Center				S	P	P	P	P		
Libraries, Museums and Fine Art Centers			S	P	P	P	P			
Post Offices					S	P	P	P		
Public Utility and Essential Service Structures and Uses			S	S	P	P	P	P		Section 6.402
Public Works or Road Maintenance Yards			S	S			P	P		Section 6.402 Section 6.601
Recreation Facilities, Indoor - (such as tennis/racquet courts, swimming pools, roller/in-line and ice-skating rinks and fitness tracks)			S	P	P	S	P	S		Section 6.403
Recreation Facilities, Outdoor - (such as parks, playgrounds, athletic fields or courts, swimming pools, golf driving ranges, roller/in-line and ice-skating rinks, fitness tracks and similar facilities)			P	P	S	S	S	S		Section 6.403 Section 7.03
Schools, Elementary			P	P	P					
Schools, Secondary			S	P	P					
COMMERCIAL USES										
Antique Shops and Art Galleries						P	P			
Arcades and Indoor or Outdoor Amusement Centers, Miniature Golf, Golf Driving Ranges, Bowling Alleys, Batting Cages or Similar Facilities						S	P			Section 6.403
Auto Parts Stores (without repair services)						P	P			Section 6.509
Automobile, Truck and other Motor Vehicle Fueling Stations, Gas Stations and Similar Facilities						S	S	S		Section 6.501
Automobile, Truck and other Motor Vehicle Repair Stations for minor repair, including but not limited to body shops, painting, welding, and engine or transmission repair or replacement)							P	P		Section 6.501

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use								
	S	Special Approval Use								
		Prohibited Use	R-1	R-M	O	C-1	C-2	I	P	
Automobile, Truck and other Motor Vehicle Service Centers for minor repair, including but not limited to brakes, tires, shocks and struts, undercoating, mufflers, oil and fluid changes and detailing shops)							P	P		Section 6.501
Bakeries						P	P	S		
Car Washes, Automatic or Self-service							P	S		Section 6.502
Drive-In or Drive-Through Facilities							S			Section 6.503
Dry Cleaner Central Cleaning/Processing Facilities							S	P		
Florists, Gift Shops and Specialty Shops					P	P	P			
Gunsmiths and Licensed Firearms Dealers							S			
Hardware and Home Improvement Stores and Building Supply Yards (indoor)						P	P	S		Section 6.507 Section 6.603
Hotels and Motels					S	P	P			Section 6.504
Laundromat and Dry Cleaning Customer Pick-up/Drop-Off Only						P	P	S		
Manufactured Housing Sales				S			S	S		Section 6.205 Section 6.506
Outdoor Cafés and Eating Areas						P	P			Section 6.505
Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items						S	S	S		Section 6.506
Pawnshops and Dealers of Second-Hand Merchandise (except for used or vintage clothing and children's goods)							S			Section 6.507
Printing or Copy Centers					P	P	P	S		
Recording Studios					S	S	P			Section 6.508
Restaurants, Coffeehouses, Doughnut Shops or Delicatessens					P	P	P	S		Section 6.503

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS						SUPPLEMENTAL USE STANDARDS	
	P	Principal Use								
	S	Special Approval Use								
		Prohibited Use	R-1	R-M	O	C-1	C-2	I	P	
Retail Stores and COMMERCIAL USES with up to 10,000 square feet of total gross floor area.						P	P			
Retail Stores and COMMERCIAL USES with 10,000 to 40,000 square-feet of total gross floor area						S	P			
Retail Stores and COMMERCIAL USES with more than 40,000 square-feet of total gross floor area							S			Section 6.509
Showroom or Sales Office for Sales or Rentals of Automobiles, Recreational Vehicles, Boats, Equipment, Machinery or Other Durable Goods						S	P			
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club						S	P			Section 6.510
Tobacconist or Cigar/Cigarette Shop						P	P			Section 6.512
INDUSTRIAL, RESEARCH AND LABORATORY USES										
Brewery, Distillery or Winery							S	P		
Carpet and Rug Cleaning and Similar Cleaning Businesses							S	P		
Crematoriums								S		
Fabrication or Repair of Manufactured Housing or Temporary Offices								S		

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use								
	S	Special Approval Use								
		Prohibited Use								
R-1	R-M	O	C-1	C-2	I	P				
Light Industrial Activities, such as: <ul style="list-style-type: none">Warehousing and Bulk Indoor Storage FacilitiesAssembly of Pre-manufactured Parts for Goods, Products, Equipment, Machinery, Hardware or Similar ItemsBlacksmithing, Furniture or Cabinet Repair or Manufacture, Machine Shops and Welding Shops, Stone Finishing and Carving, Printing, Bookbinding, or Publishing, Woodworking Shops and Similar UsesManufacture of Products from Aluminum, Brass, Other Metals, Bone, Leather, Paper or RubberManufacture of Artificial Flowers, Ornaments, Awnings, Tents, Bags, Cleaning or Polishing Preparations, Brooms and Brushes, Buttons and Novelties, Canvas Products, Clothing for Wholesale Trade, Basket Material, Bicycles, Shoes, Caskets, Bottling Works, Feed or Flour Mills, Grain Elevators, Smoking, Curing or Packing Plants and similar Food Processing Uses					S	P				
Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items					S	P		Section 6.601		
Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items						S		Section 6.602		
Research and Development Facilities, Technical Centers and Laboratories			S			P				
Self-Storage Warehouses						P		Section 6.603		
Truck Terminals and Distribution Facilities, Wholesaling and Trucking Operations, and Truck Storage						S		Section 6.604		
Warehousing and Bulk Indoor Storage Facilities						P				
TEMPORARY, SPECIAL EVENT AND OTHER USES										

Section 4.02 Table of Permitted Uses by District.									
USES	SYMBOL	KEY	DISTRICTS						SUPPLEMENTAL USE STANDARDS
	P	Principal Use							
	S	Special Approval Use							
		Prohibited Use	R-1	R-M	O	C-1	C-2	I	P
Accessory Off-Street Parking Lot for Private Passenger Automobiles			P	P	P	P	P	P	Article 9
Accessory Structures and Uses Customarily Incidental to any Permitted Use			P	P	P	P	P	P	Article 7
Adult Uses and Sexually-Oriented Businesses							S		Section 6.701
Circuses, Fairs, Carnivals and Similar Uses			S	S			S		Section 6.702
Construction Buildings and Uses			P	P	P	P	P	P	
Garage for Commercial Vehicles			S	S	S	S	P	P	Section 6.703
Garage Sales, Estate Sales and Private Auctions			P	P					Section 6.704
Temporary Structures and Uses			S	S	S	S	S	S	Section 6.705

ARTICLE 5

DIMENSIONAL STANDARDS

CHAPTER I

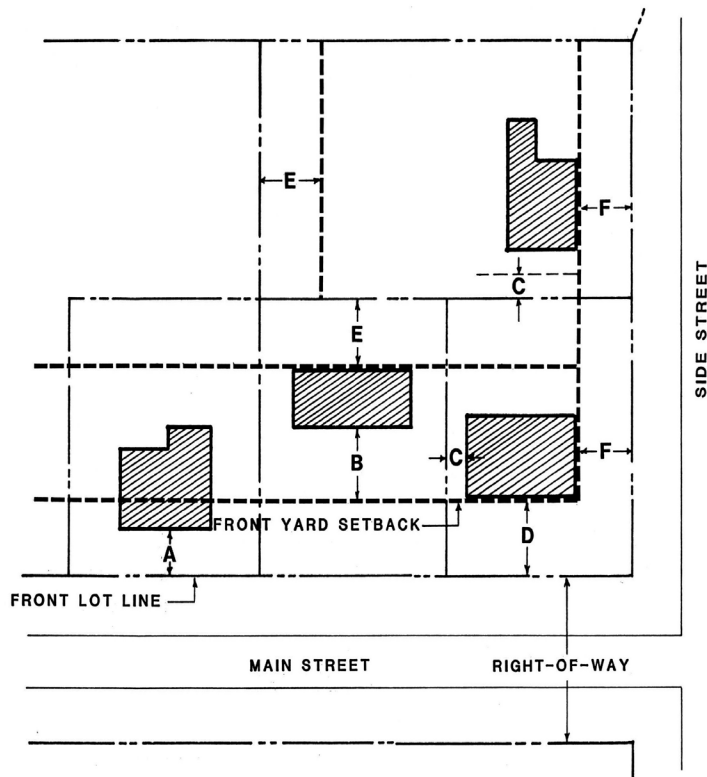
TABLE OF DIMENSIONAL STANDARDS BY DISTRICT

Section 5.101 Table of Dimensional Standards by District.

STANDARDS			DISTRICTS							Supplemental Provisions & Exceptions
			R-1	R-M	O	C-1	C-2	I	P	
BUILDING HEIGHT (feet)	Maximum	Feet	30’	35’	30’	40’	35’	40’	15’	Section 5.203
		Stories	2.5	3	2	3			1	
	Minimum	Stories	1	1	2	2	2	1		
LOT STANDARDS (per unit)	Minimum Width (feet)		70’	150’	60’	0’	60’	100’	60’	Section 22.04 (Nonconforming Lots of Record)
	Minimum Depth (feet)		120’	150’						
	Minimum Area (square-feet)		8400	22,500	7200	0’	7200	20000	7200	
	Maximum Coverage (%)		35%	25%	35%	100%	40%	50%	30%	
YARD or SETBACK STANDARDS (feet)	Front Yard	Minimum	20’	20’	20’	0’	20’	25’	20’	Section 5.201 Sections 5.302 – 5.304 Article 7 (Accessory Structures and Uses)
		Maximum or Build-to-Line				10’				
	Minimum Side Yard	Side Yard	6’	20’	10’	0’	10’	10’	5’	Section 5.204 Section 5.302
		Total of Two	16’	40’	20’	0’	20’	20’	10’	
	Minimum Rear Yard		40’	40’	40’	0’	20’	20’	20’	Section 5.202 Section 5.204 Section 5.302
	MINIMUM BUILDING SEPARATION (feet)			10’	20’	20’	0’	20’	20’	10’
MINIMUM GROSS FLOOR AREA (per unit - square-feet)			1100	450	1200					

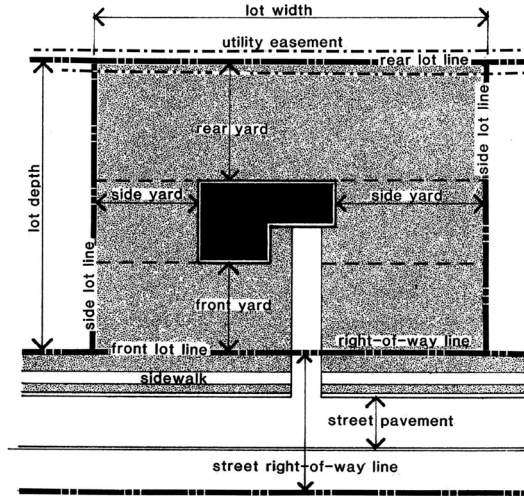
Article 5 – Dimensional Standards

ILLUSTRATIONS

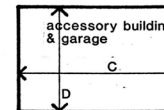
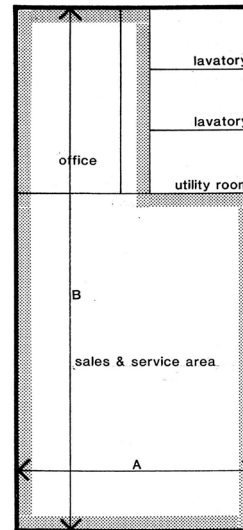


- A ----- DEFICIENT FRONT YARD
- B ----- FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED
- C ----- MINIMUM SIDE YARD REQUIRED
- D ----- MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE
- E ----- MINIMUM REAR YARD REQUIRED
- F ----- MINIMUM YARD REQUIRED ON SIDE STREET EQUAL TO FRONT SETBACK REQUIREMENT

Yard Requirements



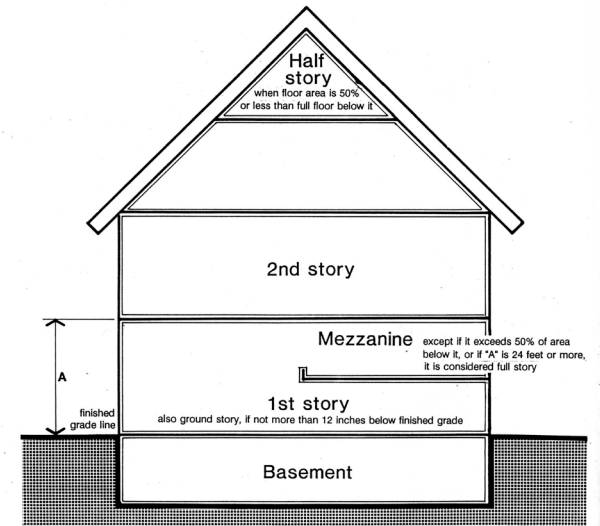
Yard Terms



$$A \times B + C \times D = \text{GROSS FLOOR AREA}$$

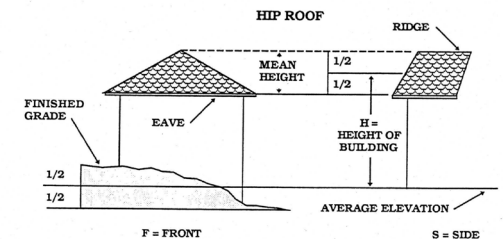
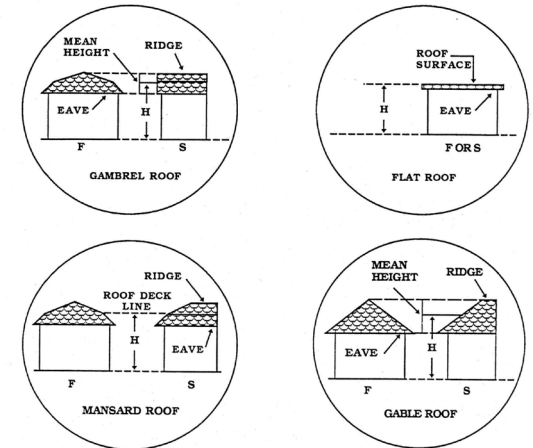
USABLE FLOOR AREA

Floor Area Terminology



Basic Structural Terms

BUILDING HEIGHT



CHAPTER II

SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

Section 5.201 Front Yards.

- A. **Existing neighborhoods in the R-1 district.** Where the predominant pattern of front yard setbacks for primary dwellings on a block in the R-1 District (i.e. more than fifty percent (50%) of the lots on one side of the street) is less than the required setback specified in Section 5.101 (Tables of Dimensional Standards by District), the minimum front yard setback for any new primary dwelling on a lot on the block may be reduced to the average depth of front yards of existing dwellings on the block on the same side of the street.
- B. **Use.** Any portion of a lot in front of the building line shall be used for ornamental purposes only and nothing shall be placed thereon except porches, fences, trees, shrubs or items of similar nature.
- C. **Setbacks along major streets.** The minimum front yard setback required in Section 5.101 of this Ordinance shall be increased by five feet (5') for all front yards abutting a major street as defined in the Village of Armada Master Plan.
- D. **Corner lots.** Buildings and structures located on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way. Such lots shall be deemed to have two (2) front yards, for the purposes of this Ordinance.
- E. **Double frontage lots.** Where a block of double frontage lots exist, one (1) street may be designated by the Building Inspector as the front street for all lots in the block, otherwise all buildings and structures located on such lots shall comply with the minimum front yard setback requirements from all street rights-of-way.

Section 5.202 Rear Yards.

In all districts where alleys exist, the measurement of the rear yard setback for primary buildings may include one-half (1/2) the width of the alley.

Section 5.203 Height Exceptions.

Chimneys, elevator towers, stage scenery lofts, water towers, mechanical equipment and similar structures shall not be included in calculating the height of the primary building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

Section 5.204 Permitted Yard Encroachments.

- A. **Architectural features.** Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters and similar features may project no farther than three feet (3') into a required front yard, five feet (5') into a required rear yard, and two feet (2') into a required side yard.
- B. **Porches, decks and patios.** An unenclosed deck, balcony, porch, patio or window awning may project up to eight feet (8') into a required front yard, and up to twelve feet (12') into a required rear yard. Projection into a required side yard shall be prohibited. In no case shall a deck, balcony, porch, patio or window awning be placed closer than five feet (5') to any property line.

CHAPTER III

GENERAL DIMENSIONAL STANDARDS

Section 5.301 Standard Methods of Measurement.

When determining compliance with the provisions of this Ordinance, the following standardized method for measurement shall apply:

- A. **Overhangs.** When the overhang is twelve inches (12”) or less, not including the gutter, setback measurements shall be taken from the outside wall of the building. When the overhang exceeds twelve inches (12”), not including the gutter, setback measurements shall be taken from the edge of the overhang.
- B. **Lot coverage.** Accessory garages and other structures, porches, patios and decks shall be deemed a part of the primary building for the purpose of determining compliance with the lot coverage requirements of this Ordinance.
- C. **Grade.** The surface plane representing the average of the finished ground level at any point within a site shall be determined as follows:
 - 1. **Average grade.** The arithmetic average of the lowest and highest grade elevations in an area within five feet (5’) radius of any point on a site.
 - 2. **Finished (building) grade.** The lowest point of intersection between the vertical plane of the exterior wall of a structure and the horizontal plane of the ground surface. Where the ground is not level, the grade shall be determined by averaging the finished grade for each face of the building.
- D. **Buildable lot Area, open space and recreation area calculations.** In calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot, parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlets or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.
 - 1. Lakes, ponds, state or federally regulated wetlands, overhead utility easements, public street right-of-ways and private road easements are excluded from area calculations for buildable lot area.
 - 2. Areas lying within a delineated wetland area or drain easement shall be considered or counted for more than twenty percent (20%) of the total minimum open space requirement of this Ordinance.
 - 3. No area which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Ordinance may be counted or calculated to satisfy any open space or recreation area requirement of this Ordinance.
- C. **Floor area.** Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between center lines of common partition walls for each living unit, and the following:
 - 1. **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, including a basement floor area where more than one-half (½) of the basement height is above the established lot grade at the building.
 - 2. **Usable floor area (UFA).** Eighty percent (80%) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for

services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (for example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer or pantry areas - see illustration on page 5-2). Usable floor area shall have a minimum clear height of four feet (4') or more.

Section 5.302 Area and Yard Regulations.

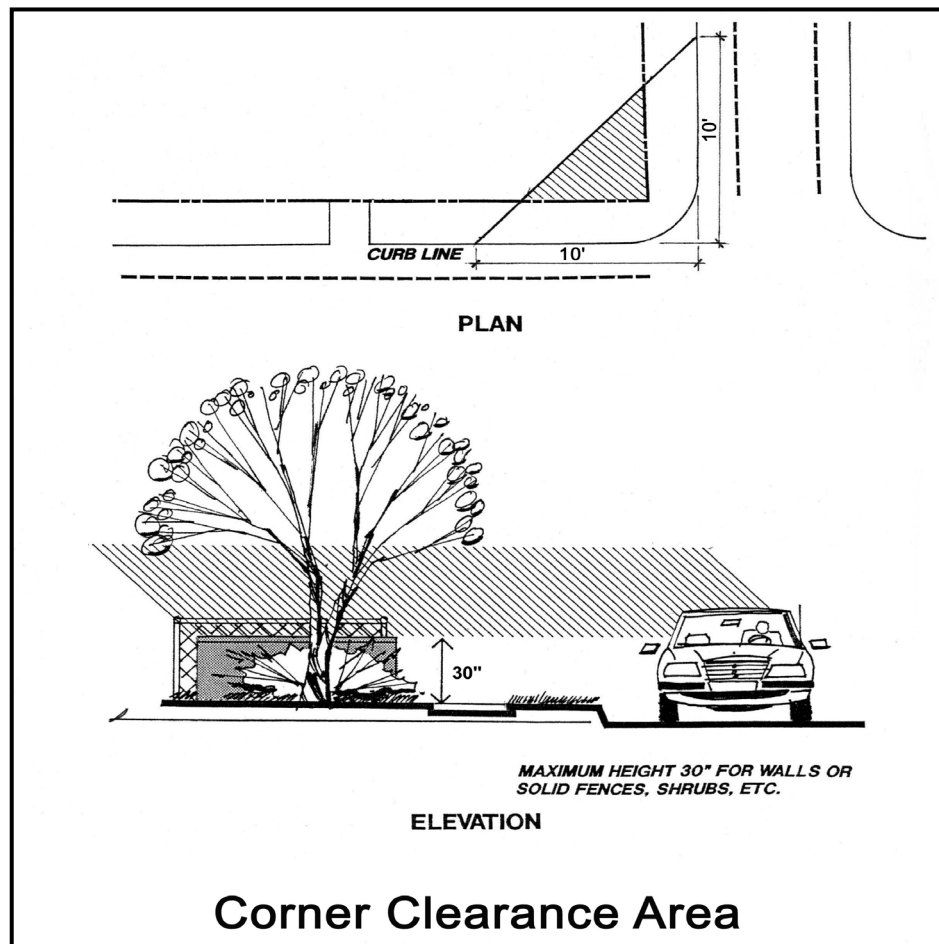
No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located. No new lot shall be created unless said lot complies with all of the dimensional standards (including lot area and width) of the zoning district where it is located. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.

Section 5.303 Frontage and Access Required.

No building permit shall be issued for any construction located on any lot or parcel of land in the Village that does not abut and have adequate frontage on an approved street.

Section 5.304 Corner Clearance Areas.

No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted between the heights of thirty inches (30") and six feet (6') above the existing street grade within a triangular area formed by the intersection of two street right-of-way lines connected by a diagonal at points ten feet (10') from the point of



intersection.

Section 5.305 Building Grades.

- A. No person, firm or corporation shall alter an established surface drainage grade to the extent that normal surface drainage is materially obstructed or retarded.
- B. Any structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the structure. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- C. A sloping earth grade shall be maintained and established from the center of the front line to the finish grade line at the building front and from the rear wall of the buildings to the rear lot line. The height of the finish grade line of any dwelling shall not be less than twelve inches (12”) nor more than eighteen inches (18”) above the curb or crown of the abutting street measured from the center of the front of the building.
- D. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to prevent run-off of surface water flowing onto the adjacent properties.

Section 5.305 Driveway Entranceway

No structures, fences, landscaping, or other obstructions to visibility shall be higher than thirty inches (30”) measured from grade and must be setback twenty feet (20’) from Right-of-Way.

ARTICLE 6

DESIGN STANDARDS FOR SPECIFIC USES

CHAPTER I

ANIMAL AND AGRICULTURAL USES

Section 6.101 Kennels and Animal Shelters.

- A. **Minimum Site Size.** Sites shall have a minimum lot area of one (1) acre.
- B. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Performance Standards.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
- D. **Setbacks.** Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least fifty feet (50') from dwellings on adjacent lots.
- E. **Commercial Kennel Standards.** The following additional standards apply to commercial kennels:
 - 1. Commercial kennels shall comply with all permit and operational requirements established by county and state regulatory agencies.
 - 2. Structures in which animals are kept, animal runs, and exercise areas shall not be located in any required yard setback area, and shall be set back at least five hundred feet (500') from any residential district or use.
 - 3. All animal runs and exercise areas shall be enclosed on all sides by screening in compliance with Section 11.04 (Methods of Screening and Buffering), and shall have impervious surfaces and an approved system for runoff, waste collection and disposal.
 - 4. **Performance Standards.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

Section 6.102 Veterinary Clinics.

- A. **Setbacks.** Structures shall be set back at least twenty feet (20') from all side and rear property lines, and at least fifty feet (50') from abutting residential districts or uses, churches, schools or restaurants on the same side of the street.
- B. **Landscaping and Screening.** Outdoor enclosures or runs shall be enclosed by screening in accordance with Section 11.04 (Methods of Screening and Buffering) to buffer street rights-of-way and adjacent residential districts or uses.
- C. **Operating Requirements.** The clinic shall be operated by a licensed or registered veterinarian. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with Section 6.103 (Kennels and Animal Shelters). All activities shall be conducted within an enclosed building.
- D. **Performance Standards.** All veterinary clinics shall comply with the following:

1. Such buildings shall be constructed to ensure that noise and odors shall not be perceptible beyond the site's property lines.
2. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 8:00 a.m.

CHAPTER II

RESIDENTIAL USES

Section 6.201 Accessory Apartments.

- A. **Sketch Plan Review Required.** The applicant shall provide a sketch plan and building elevations for Planning Commission review and approval.
- B. **Apartments Accessory to Detached Single-Family Dwellings.** To assist in accommodating the needs of the growing number of senior citizens and other individuals with special needs for temporary housing close to relatives while preventing the undesirable proliferation of permanent two-family units in single family neighborhoods, it is the intent of this Section to permit apartments accessory to and within primary single-family dwellings the R-1 and R-M zoning districts:
1. All accessory apartments shall be located entirely within the principal building. Accessory apartments shall be prohibited in any accessory structures.
 2. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to accessory apartments shall be limited to a common front entrance foyer, or a separate entrance door on a side façade wall.
 3. A minimum of one thousand five hundred (1,500) square-feet of the gross floor area of the principal building shall be occupied by the owner of the property, and not more than twenty five percent (25%) of the principal building shall be occupied by accessory apartments. Each accessory apartment shall have a minimum gross floor area of six hundred (600) square-feet.
- C. **Apartments Accessory to permitted OFFICE AND SERVICES USES or COMMERCIAL USES.** Accessory apartments may be permitted in a building intended for office, service, or commercial uses subject to the following conditions:
1. Accessory apartments shall not be located on the first floor of the building or be located on any floor of the building on which a non-residential use is located. The first floor of a building with upper-level accessory apartments is intended for non-residential uses to encourage activity and provide goods and services to the community.
 2. Non-residential uses shall not be permitted above any floor used for residential purposes, including attic storage spaces.
 3. Each accessory apartment shall have separate kitchen, bath and toilet facilities and a private entrance (where there is more than one (1) accessory apartment in a building, such entrances may be provided from a common hallway).
 4. Accessory apartments shall be contained entirely within the primary building.
 5. Parking for accessory apartments shall be determined by an arrangement between a tenant and landlord. Where private parking spaces are not made available for residents, the arrangement shall be described in detail in a rental or lease agreement. Residents shall be responsible for following local parking regulations where dedicated parking spaces are not provided.

Section 6.202 **Bed and Breakfast Inns.**

- A. **Primary Residence.** The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
- B. **Guests.** There shall be a maximum of five (5) rooms for lodging, with a maximum of fifteen (15) guests at any given time. Guests may stay no longer than fourteen (14) days in succession or a total of sixty (60) days in any twelve (12) month period. Off-street parking areas shall be provided for guests outside of any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.
- C. **Landscaping.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with Section 11.04 (Methods of Screening and Buffering).

Section 6.203 **Family and Group Child Day Care Homes.**

- A. **Separation Requirements.** No group child day care home may be located less than fifteen hundred feet (1,500') 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.
- B. **Access.** Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children, in a manner that allows maneuvers without affecting traffic flow on the public street.
- C. **Play Area.** All day care homes shall provide a fenced, contiguous outdoor play area in the rear yard area of the day care home premises, with a minimum area of equal to one hundred fifty (150) square-feet per child at the maximum licensed capacity of the day care home.
- D. **Hours of Operation.** The day care home shall operate a maximum of sixteen (16) hours per day.

Section 6.204 **Home Occupations.**

- A. **Intensity of Use.** Home occupations must be conducted within a principal dwelling unit and permitted accessory structures, and shall not occupy more than twenty-five percent (25%) of the gross floor area of the structures. The exterior of the dwelling shall not be altered from its residential appearance.
- B. **Parking and Loading.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter (3/4) ton capacity, provided such vehicle is directly related to the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers. Deliveries shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.
- C. **Performance Standards.** The home occupation shall comply with Section 8.301 (Performance Standards), and the following:
 - 1. Customer or client visits to a home occupation are limited to between the hours of 8:00 a.m. to 8:00 p.m.
 - 2. The home occupation shall have no non-resident employees on the premises at any time. The number of non-resident employees working exclusively at other locations is not limited.
 - 3. Home occupation shall not be disruptive to the neighborhood through noise, traffic or other means.

- D. **Permitted Uses.** The following uses are permitted home occupations. Any home occupation not specifically listed may be permitted as a special approval use, subject to the requirements of Article 17 (Special Approval Uses).
1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, computer occupations and similar occupations.
 2. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
 3. Home office for a massage therapists, subject to the standards of Section 6.304 (Massage Therapy).
 4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
 5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.
 6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
 7. Internet Sales
- E. **Prohibited Uses.** The following uses are expressly prohibited as home occupations.
1. Kennels.
 2. Hospitals, medical and dental clinics and veterinary clinics
 3. Any eating and/or drinking establishments.
 4. Automobile, truck, recreation vehicle, boat or small engine repair.
 5. Undertaking and funeral homes.
 6. Retail sale of merchandise.
 7. Adult uses and sexually-oriented businesses.
 8. Any use disruptive to neighborhood.

Section 6.205 Manufactured Housing Parks.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.), the Manufactured Housing Commission General Rules, and the following minimum requirements:

- A. **Site Plan Review.** Site plans for a manufactured housing park shall be submitted to the Village and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The Planning Commission shall take action to approve or deny the site plan, or approve the plan subject to conditions, within sixty (60) days after the Village officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the sixty (60) day review period. A copy of the state-approved

final construction plan shall be submitted to the Village prior to the start of construction on the site. The final construction plan shall comply with the approved site plan and any Planning Commission conditions of approval.

- B. **Minimum Area for a Manufactured Housing Park.** The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.
- C. **Minimum Manufactured Housing Site Size.** Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under sub-section “K” of this Section or the Manufactured Housing Commission rules.
- D. **Setbacks.** Manufactured houses shall comply with the following minimum setbacks:
1. Twenty feet (20') from any part of an adjacent manufactured house that is used for living purposes.
 2. Ten feet (10') from any on-site parking space of an adjacent manufactured housing site.
 3. Ten feet (10') from any attached or detached accessory structure of an adjacent mobile home.
 4. Fifty feet (50') from any permanent building.
 5. One hundred feet (100') from any baseball, softball or similar recreational field.
 6. Ten feet (10') from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured houses and other structures in a manufactured housing park shall be set back at least twenty feet (20') from the right-of-way line of a dedicated public road within the park.
 7. Seven feet (7') from any parking bay.
 8. Seven feet (7') from a common sidewalk.
 9. All mobile homes, accessory buildings and parking shall be set back not less than twenty feet (20') from any manufactured housing park boundary line, except that a minimum setback of fifty feet (50') shall be provided from the street rights-of-way of public streets abutting the park.
 10. Fifty feet (50') from the edge of any railroad right-of-way.
- E. **Maximum Height.** Buildings in a manufactured housing park shall not exceed two (2) stories or twenty-five feet (25'); storage sheds shall not exceed the height of the manufactured home.
- F. **Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have direct access to a public street by a permanent easement which shall be recorded by the developers. All roads shall be hard-surfaced.
- G. **Parking.** Each manufactured housing site shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules, and a minimum of one (1) parking space for every four (4) manufactured housing sites shall be provided for visitor parking located convenient to the area served.
- H. **Common storage areas.** A common outside storage area shall be provided for boats, motorcycles, recreation vehicles and similar equipment, and a mini warehouse building may be provided for storage of

household goods or equipment. All storage facilities in a manufactured housing park shall be shown on the site plan, and shall be limited to the exclusive use of the manufactured housing park residents. Such storage areas shall be screened from view by an opaque six-foot (6') high wooden fence or decorative wall with a landscaped greenbelt consisting of closely-spaced evergreen trees and shrubs, and shall not be located within any required yard on the perimeter of the manufactured housing park.

- I. **Sidewalks.** Concrete sidewalks having a minimum width of three feet (3') shall be provided on at least one side of internal manufactured housing park streets. In addition, a five foot (5') wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.
- J. **Accessory Buildings and Facilities.**
 1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
 2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the Village.
 3. Each manufactured house shall be permitted one accessory building, up to one-hundred (100) square feet in area. Outside storage on any manufactured housing site or underneath a manufactured house is prohibited.
- K. **Open Space.** Any manufactured housing park containing fifty (50) or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space. Manufactured housing parks with a gross acreage of twenty-nine (29) acres or larger shall dedicate a minimum of two percent (2%) of the gross acreage as contiguous open space. The open space shall be well drained and located conveniently in relation to the majority of dwelling units intended to be served. A "tot-lot" park area and other playground equipment shall be provided by the park owner within the open space. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.
- L. **Perimeter Landscaping.** All manufactured housing parks shall be screened from adjacent residential uses or districts by an opaque six-foot (6') high decorative fence or decorative masonry wall and a landscaped greenbelt consisting of closely-spaced deciduous and evergreen trees. The required fences or walls shall be placed inside and adjacent to the lot line. Where underground utilities would interfere or where the fence or wall would unreasonably obstruct the use of adjacent property, the fence or wall may be set back from the property line a sufficient distance to resolve such concerns.
- M. **Street Yard Landscaping.** A landscaped greenbelt shall be provided along all public streets abutting the manufactured housing park, which shall comply with the following requirements that are consistent with landscaping required for other types of development in the Village of Armada:

TYPE	STANDARDS	REQUIREMENTS
Deciduous street trees	two and one-half caliper-inch (2½") starting size	1 per 40 lineal feet of road frontage
Evergreen trees	six foot (6') starting height	1 per 40 lineal feet of road frontage
Deciduous or evergreen shrubs	thirty-inch (30") starting size	1 per 3 lineal feet of road frontage

- N. **Site Landscaping.** A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.
- O. **Parking Lot Landscaping.** Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:
1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
 2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
 3. Planting islands shall have a minimum width of five feet (5') and a minimum area of one hundred (100) square feet. A minimum of one (1) deciduous shade tree shall be provided for each one hundred (100) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
 4. Planting islands shall be provided with an automatic underground irrigation system, unless an alternate form of irrigation is approved by the Planning Commission.
- P. **Trash Dumpsters.** Trash dumpsters shall be provided, and shall comply with the following requirements:
1. Dumpsters shall be set back a minimum distance of fifty feet (50') from the perimeter of the manufactured housing park and at least fifteen feet (15') from any building, in a location that is clearly accessible to the servicing vehicle.
 2. Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six feet (6') in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
 3. Dumpsters shall be placed on a concrete pad which shall extend six feet (6') in front of the dumpster enclosure. Concrete filled metal bollards shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
- Q. **Awnings.** Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Article and shall require a permit.
- R. **Water and Sewer Service.** All manufactured housing parks shall be served by the public water and sanitary sewer systems. The plumbing connections to each manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
- S. **Storm Drainage.** All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable local, county, and state regulations.
- T. **Telephone and Electric Service.** All electric, telephone, cable TV, and other lines within the park shall be underground.

- U. **Fuel Oil and Gas.** Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
- V. **Operational Requirements.**
1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The Building Inspector shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Manufactured Housing Division, Michigan Department of Consumer and Industry Services.
 2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Building Inspector finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the Building Inspector shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Division, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
 3. **Inspections.** The Building Inspector or other authorized Village agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
 4. A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Consumer and Industry Services.
- W. **Sale of Mobile Homes.** Selling new or used manufactured houses as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park. New or used manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a licensed dealer or broker, or by a resident of the manufactured housing park provided the park's regulations permit such sale.
- X. **School Bus and Public Transit Stops.** The manufactured housing park developer shall provide one (1) or more paved locations for school bus stops in locations acceptable to the school district.
- Y. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred feet (200') from any intersection of a manufactured housing park road with a public road.

Section 6.206 Multiple-Family Dwellings and Developments.

Multiple-family dwellings and developments shall comply with the following:

- A. **Density.** The maximum density of a multiple-family development shall be eight (8) dwelling units per acre of net lot area.
- B. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings,

cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.

- C. **Street Design and Vehicle Circulation.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be twenty-four feet (24') in width.
- D. **Pedestrian Circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along collector roads and streets with a minimum width of six feet (6'), or tapered to match the existing adjacent sidewalk.
- E. **Parking.** The Planning Commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Section 11.04 (Methods of Screening and Buffering).
- F. **Recreation Areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
- G. **Utilities.** All multiple-family dwellings shall be connected to the public sewer and public water system.
- H. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 6.207 **Single-Family Dwelling, Detached.**

- A. Detached single-family dwellings, except manufactured houses located in an approved and licensed manufactured housing park, shall comply with the following standards:
 - 1. **All such dwellings shall have exterior materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood.** Such materials shall include siding, windows, porches, shingles and other roofing materials. New dwellings shall be constructed with a primary entrance on the front façade and connected to the public sidewalk or right-of-way by a paved path, with a front porch or stoop that is at least six feet (6') in width and depth, and seventy (70) square-feet in area.
 - 2. **All such dwellings shall incorporate exterior building wall, foundation and roof configurations that are similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.** The minimum width across any front, side or rear elevation shall be twenty-four feet (24'), and the average width-to-depth or depth-to-width ratio of the dwelling, as measured along the outside of the perimeter walls, shall not exceed two-and one-half to one (2.5:1). The roof over-hang shall be a minimum of six inches (6") on at least two (2) sides.

3. **All such dwellings shall be firmly attached to a permanent foundation.** The foundation wall shall be constructed on the site in accordance with the building code adopted by the Village, and shall have the same perimeter dimensions as the dwelling. All such dwellings shall be secured to the premises by an anchoring system or device that is in full compliance with all applicable codes and rules.
 4. **New dwellings shall include adequate storage area.** The dwelling shall include a total storage capacity, in the basement, attic, closets, pantry or similar locations, equal to ten percent (10%) of the gross floor area of the dwelling.
 5. **New dwellings shall be connected to the public sewer and water supply.**
- B. **Determinations.** This Section is not intended to prohibit innovated architectural design, or site features. The compatibility of design and appearance shall be determined by the Building Inspector, subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon these standards, with a comparison to the character, design and appearance of five (5) or more existing residential dwellings located in the Village, outside of any manufactured housing parks.

Section 6.208 Townhouses and Stacked Flats.

Townhouses and stacked flats shall comply with the following:

- A. **Density.** The maximum density of a townhouse or stacked flat development shall be seven (7) dwelling units per acre, exclusive of any land area occupied by water bodies.
- B. **Building layout and architecture.** The following architectural standards shall be met for all structures:
 1. **Orientation.** Parking areas, garages and any other accessory structures and uses shall be located within the established rear yard, with access provided by an alley or access drive. A minimum of seventy-five percent (75%) of the main entrances to the individual dwellings shall be located on the front façade of the building, and all shall include a front porch or stoop that is at least six feet (6') in width and depth, and seventy (70) square-feet in area.
 2. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- C. **Street design.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Alleys shall be provided where necessary for access to rear yard garages. Such alleys shall have a minimum pavement width of twenty feet (20') and shall be located within a minimum thirty-foot (30') wide private access easement. An alley shall be designed to provide only secondary frontage and access to dwellings.
- D. **Pedestrian circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided on both sides of all internal streets within a townhouse or stacked flat development, between the public sidewalk and all dwelling entrances, and within all open space areas. Sidewalks along collector roads and streets shall be at least six feet (6') wide.
- E. **Recreation Area.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross total area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not

exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

- F. **Utilities.** All townhouse and stacked-flat dwellings shall be connected to the public sewer and public water system.
- G. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 6.209 Two-Family Dwellings (Duplexes).

The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling as specified by Section 12.207 (Single-Family Dwellings, Detached). Two-family dwellings and façade entrances are permitted to be on a major road or corner lot.

CHAPTER III

OFFICE AND SERVICE USES

Section 6.301 Catering Facilities.

In the C-1 (Central Business) district, catering facilities shall only be permitted as an accessory use located entirely within the space occupied by a permitted restaurant use.

Section 6.302 Funeral Homes, Mortuaries and Crematoriums.

- A. **Minimum Lot Size.** Sites shall have a minimum lot area of one-half (0.5) acre, and a minimum lot width of one hundred fifty feet (150').
- B. **Parking and Circulation.** An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for maneuvering or parking of vehicles.
- C. **Screening.** The service and loading area shall be screened from adjacent residential zoning districts in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Accessory Uses.** A caretaker's residence may be provided as an accessory use on the site.

Section 6.303 Hospitals.

- A. **Setbacks and Screening.** All structures shall be set back a minimum of one hundred feet (100') from adjacent residential districts and uses. The Planning Commission may reduce the setback requirements in exchange for enhanced screening. Ambulance and delivery areas shall be screened from view of all residential districts and uses with a masonry wall.
- B. **Access.** All ingress and egress must be directly to a major street.
- C. **Accessory Uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building.

Section 6.304 Massage Therapists.

Massage therapy clinics and uses shall be subject to the following conditions:

- A. Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
- B. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Village.
- C. All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

Section 6.305 Nursing and Convalescent Homes, Foster Care Group Homes, Assisted Living Facilities and Senior Housing.

- A. **Minimum Size.** Sites must have a minimum lot area of two (2) acres, and all dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.
- B. **Separation Requirements.** No foster care group home shall be located closer than one thousand five hundred feet (1,500') to any other state-licensed residential facility, measured from the nearest wall of each such structure. 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. **Access.** All access shall be from a major street. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public streets.
- D. **Allowable Density Modification.** The allowable density of the underlying zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the State of Michigan, or twenty-five percent (25%) for non-licensed nursing care and supportive care units.
- E. **Accessory Uses.** Accessory retail, restaurant, office and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

Section 6.306 Tattoo Parlors and Body Piercing Studios

Any such establishment must be located at least one thousand feet (1,000') from all other body piercing studios and tattoo parlors, and from all child care centers, schools, parks, hospitals and adult uses or sexually-oriented businesses.

CHAPTER IV

COMMUNITY USES

Section 6.401 Churches, Temples and Other Places of Worship.

- A. **Height.** The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of forty-five feet (45'), provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard. The highest point of chimneys, church spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than twenty percent (20%) of the roof area of the building.
- B. **Screening.** Screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering) where the site abuts a residential district or use.
- C. **Accessory Facilities.** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and other similar uses incidental to the primary use shall be permitted, subject to the requirements of this Ordinance.
- D. **Impact Assessment.** The Planning Commission may require an impact assessment for churches, temples or other places of worship that have a seating capacity of over five hundred (500) persons in accordance with Section 1.13 (Impact Assessments).

Section 6.402 Public Utility and Essential Service Structures and Uses.

- A. **Need.** Applicants must provide evidence of the necessity for the proposed location of all public utility and essential service structures and uses.
- B. **Setbacks.** Electric or gas regulator equipment and apparatus shall be set back a minimum of twenty feet (20') from all lot lines.
- C. **Screening.** Screening requirements are subject to Planning Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Use Requirements.** Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding neighborhood.

Section 6.403 Recreation, Indoor and Outdoor (Excluding Public Parks).

- A. **Permitted Uses.** Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating, and similar activities, bowling alleys, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, music concert pavilions and band shells.
- B. **Accessory Uses.** Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.

- C. **Setback Requirements.** No structure or spectator seating facility shall be located within fifty feet (50') of a property line, nor within two hundred feet (200') of any residential district or use. Pools shall be at least one hundred feet (100') from any residential zoning district.
- D. **Performance Standards.**
1. The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
 2. A plan to control loitering and litter shall be provided.
 3. Recreation uses shall comply with Section 8.301 (Performance Standards).
 4. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.

CHAPTER V

COMMERCIAL USES

Section 6.501 **Automobile, Truck and other Motor Vehicle Service Centers (Minor Repair), Repair Stations (Major Repair) and Fueling (Gas) Stations.**

- A. **Minimum Lot Size and Setbacks.** The minimum lot area shall be fifteen thousand (15,000) square feet, with a minimum of one hundred fifty feet (150') of frontage on a major street. Pump island canopies shall be setback a minimum of twenty feet (20') from any right-of-way line. Fuel pumps shall be located a minimum of thirty feet (30') from any right-of-way line.
- B. **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. The edge of any access drives shall be set back a minimum of fifty feet (50') from the intersections of two (2) street right-of-way lines. No more than one access drive curb opening shall be permitted per street, unless there is one hundred twenty (120) feet separation from center of driveway to center of driveway.
- C. **Overhead Doors.** Overhead doors shall not face a residential district or use. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.
- D. **Pump Island Canopy.** The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of twenty (20) footcandles for lighting under the canopy, provided that site lighting is otherwise in compliance with this Ordinance.
- E. **Repair and Service Use Limitations.** All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building, or within the rear of the building with a screened yard. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- F. **Temporary Vehicle Storage.** The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding thirty (30) days for repair stations and twenty-four (24) hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- G. **Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
- H. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering). All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.

- I. **Traffic Impacts and Pollution Prevention.** A traffic impact study may be provided in accordance with Section 10.04 (Traffic Impact Studies). The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.

Section 6.502 Car Washes.

- A. **Lot Size and Frontage.** A self-service car wash shall have a minimum lot area of thirteen thousand (13,000) square feet, with a minimum of one hundred thirty feet (130') of frontage along a major street. An automatic car wash shall have a minimum lot area of twenty thousand (20,000) square feet, with a minimum of one hundred fifty feet (150') of frontage along a major street.
- B. **Setbacks.** All car washes shall have a minimum front yard setback of thirty feet (30'). All buildings shall maintain a fifty foot (50') setback from any residential district or use.
- C. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **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 or pedestrian crossings. The edge of any ingress and egress drives shall be set back a minimum of fifty feet (50') from intersections of two (2) street right-of-way lines. No more than one such drive or curb opening shall be permitted per street. All maneuvering areas and stacking lanes shall be located within the site.
- E. **Traffic Impacts.** A traffic impact study shall be provided in accordance with Section 10.04 (Traffic Impact Studies).

Section 6.503 Drive-in or Drive-through Lanes, Facilities or Establishments.

The following conditions shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any required conditions for the primary use.

- A. **Location.** Sites must abut a major street, with all ingress and egress directly to such street.
- B. **Minimum Lot Width.** Sites shall have a minimum of one hundred feet (100') of frontage.
- C. **Access and Traffic.** 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 pedestrian crossings. The edge of any ingress and egress drives shall be set back a minimum of fifty feet (50') from intersections of two (2) street right-of-way lines. No more than one such drive or curb opening shall be permitted per street. All maneuvering areas and stacking lanes shall be located within the site. The applicant shall provide a traffic impact assessment in accordance with Section 10.04 (Traffic Impact Studies).
- D. **Screening.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- E. **Performance Standards.** 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.
- F. **Prohibited Uses.** Sales of alcoholic beverages shall be prohibited through any drive-in or drive-through service window or facility.
- G. **Menu boards.** Menu boards may be erected, 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 the street right-of-way or adjacent properties.
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. The total sign area of all permitted menu boards shall not exceed forty-eight (48) square-feet.

Section 6.504 Hotels and Motels.

- A. **Access.** All ingress and egress shall be directly to a major street. Secondary building entrances and exterior room entrances shall not face a residential district or use. Secondary building entrances may be separated from residential districts with screening.
- B. **Minimum Unit Size.** There shall be a minimum of two hundred fifty (250) square feet of area per unit, and each unit available for rental shall contain a bathroom of not less than thirty-five (35) square feet, at least one bedroom with not less than one hundred fifty (150) square feet and a closet of not less than eight (8) square feet.
- C. **Additional Requirements.** The hotel or motel shall provide customary services, such as maid service, linen service, telephone and/or desk service, and may provide an attached dining room with seating capacity for at least twenty (20) occupants or an unattached restaurant with seating capacity for not less than fifty (50) occupants located directly adjacent to the or hotel.

Section 6.505 Outdoor Eating Areas and Sidewalk Cafés.

All outdoor eating areas and sidewalk cafes shall be accessory to a permitted restaurant use in the zoning district, and shall be subject to the permit approval procedure and requirements of Title III (Streets and Sidewalks), Chapter 33 (Sidewalk Cafes) of the Village Code of Ordinances.

Section 6.506 Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles and Other Motor Vehicles, Recreational Vehicles, Boats, Building Supplies, Hardware and Other Items.

- A. **Setback Requirements.** Outdoor sales or display areas shall be set back a minimum of ten feet (10') from any parking area, driveway or access drive, and twenty feet (20') from any street right-of-way. No outdoor sales area shall be located within fifty feet (50') of any residential district or use. Screening may be used to separate sales from residential districts or use.
- B. **Sidewalk Standards.** A minimum of six feet (6') of sidewalk width from the curb to the entrance of the establishment shall be maintained free for pedestrian circulation.
- C. **Performance Standards.** Outdoor sales and display areas must be kept clean, litter-free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited to allow up to normal voice tones.
- D. **Signs.** Additional signs shall not be permitted beyond those permitted for the primary use.
- E. **Surface.** Sales and display areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be pavement or gravel.

- F. **Landscaping and Screening.** Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with Section 11.04 (Methods of Screening and Buffering).. A six foot (6') fence or wall, greenbelt or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

Section 6.507 Pawnshops and Dealers of Second Hand Merchandise (except for used or vintage clothing and children's goods).

- A. **Separation Requirements.** Pawnshops and retail establishments that deal in second hand, used, or damaged goods, wares or merchandise shall be located at least:
1. Five hundred feet (500') from any residential district or use.
 2. Five hundred feet (500') from a site having a pawnshop or second hand dealer designation under this ordinance.
 3. Five hundred feet (500') from any elementary or secondary school.
- B. **Displays.** All windows and display areas shall be kept neat and orderly. No outside display of goods, wares, or merchandise shall be permitted.
- C. **Loading.** All loading or unloading shall be from the side or rear of the lot.

Section 6.508 Recording Studios.

No internal noise or sounds shall be audible outside of the building or beyond the walls of the space occupied by the studio. External activities generating noise or sound shall be no greater than the existing background noise level of the surrounding area.

Section 6.509 Retail Stores and Commercial Uses with 40,000 square-feet or More of Gross Floor Area.

- A. **Uses.** Uses subject to the requirements of this Section shall include, but shall not be limited to "Big-Box" Stores, Supermarkets, Wholesale Stores, Shopping Centers and Malls.
- B. **Access and Circulation.** A traffic impact study shall be required meeting the requirements of Section 10.04 (Traffic Impact Studies). Sites must abut a major street, with all ingress and egress directly to such street. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
- C. **Outlots.** The site design, circulation, parking layout and building architecture of all outlots shall be complementary to and fully-integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
- D. **Landscape and Screening.** A greenbelt with a width of twenty feet (20') shall be provided along all street frontages and side or rear yards to screen the view of the property from street rights-of-way and adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters and mechanical equipment.
- E. **Loading and Unloading Areas.** Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items, mechanical equipment, and trash disposal or compaction shall not occur within fifty feet (50') of a residential district or use, nor shall such activities take place between the hours of 10:00 p.m. and 7:00 a.m. No delivery vehicle within fifty feet (50') of residential property shall have its engine,

refrigeration unit or generator running between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m. provided that all activity occurs inside the truck or trailer or within the building.

Section 6.510 Tavern, Pub, Brewpub, Cocktail Lounge, Night Club, or Billiard and Pool Hall.

Such establishments shall be located at least one thousand feet (1,000') from all child care centers, schools, parks, hospitals and adult uses or sexually-oriented businesses. Screening consisting of a masonry wall and a buffer strip shall be required on all side and rear lot lines abutting a residential district or use.

Section 6.511 Theaters (Indoor), Motion Picture Cinemas, Auditoriums, Concert Halls and Playhouses.

- A. **Setbacks and Screening.** Where the site abuts a residential district or use, the principal building and parking lot shall be setback at least thirty feet (30') from the district boundary or property line abutting the residential district or use, and screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering).
- B. **Access and Traffic.** A traffic impact study may be submitted according to Section 10.04 (Traffic Impact Studies). Access may be from a major street.
- C. **Impact Assessment.** The Planning Commission may require an impact assessment for theaters, cinemas, auditoriums, concert halls and playhouses that have a seating capacity of over five hundred (500) persons in accordance with Section 1.13 (Impact Assessments).

Section 6.512 Tobacconists and Cigar/Cigarette Shops.

Such establishments shall be located at least one thousand (1,000) feet from any childcare center, school, park.

CHAPTER VI

INDUSTRIAL, RESEARCH AND LABORATORY USES

Section 6.601 Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items.

- A. **General Requirements.** All outdoor storage areas must comply with the following requirements:
1. No junk or junk vehicles shall be stored.
 2. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
 3. Any outside storage area shall be paved or surfaced with hard surface material and shall include a storm water drainage system.
- B. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.
- C. **Landscaping and Screening.** Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid decorative fence or masonry wall at least six feet (6') and no more than eight feet (8') in height, in accordance with Section 11.04 (Methods of Screening and Buffering). Screening is not required between industrial properties. No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

Section 6.602 Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items.

- A. **Minimum Lot Size and Setbacks.** Sites shall have a minimum lot area of ten (10) acres. Sites shall have a minimum front yard setback of one hundred fifty feet (150'), and rear and side yard setbacks of twenty feet (20').
- B. **Location.** Sites shall not be immediately adjacent to any residential district or use.
- C. **Landscaping and Screening.** A twenty foot (20') wide buffer strip and a masonry wall with a height of eight feet (8') shall be required along all property lines, in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards and Requirements.** The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations, the requirements of this Ordinance, and the following:
1. Junk vehicles and scrap materials may not be stacked higher than the height of the screening wall and not visible to the public.
 2. Vehicles or vehicle bodies shall be stored in rows with a minimum twelve foot (12') wide continuous loop drive separating each row of vehicles.

3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard.
4. All batteries shall be removed and all radiator and fuel tanks drained prior to placing the vehicle in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company.
5. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.
6. The crushing of vehicles or any part thereof shall be limited to daylight hours.
7. The use shall be subject to periodic inspection by the Village to ensure continuing compliance with the above standards.

Section 6.603 Self-Storage Warehouses.

- A. **Permitted Uses.** The use shall be limited to storage of household and non-hazardous commercial goods. An accessory caretaker's residence shall be permitted for the person or persons responsible for the operation of the facility.
- B. **Minimum Lot Size and Setbacks.** The minimum lot area shall be one (1) acre, unless the lot is occupied by a residential use, which necessitates a minimum lot area of three (3) acres. The minimum building and parking setback shall be fifty feet (50') from any street right-of-way line, residential district or off-site residential use.
- C. **Screening and Landscaping.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. **Storage.** The Village regulates the types of materials that can be stored on-site to protect the health, safety and welfare of the residents and businesses.

Section 6.604 Warehouses and Other Storage Facilities, Distribution Plants, Freezers and Lockers, Truck Terminals and Distribution Facilities.

- A. **Setbacks.** Terminals shall be set back a minimum of two hundred feet (200') from any residential district or use.
- B. **Traffic.** A traffic impact study shall be required meeting the standards of Section 10.04 (Traffic Impact Studies).
- C. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- D. **Landscaping and Screening.** Screening shall be required on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).

CHAPTER VII

TEMPORARY, SPECIAL EVENT AND OTHER USES

Section 6.701 Adult Uses and Sexually-Oriented Businesses.

It is the intent of this Section to provide reasonable regulations for the establishment of these uses, as defined in Article 25 (Definitions) in a viable and accessible location where the adverse impact of their operations may be minimized. Regulation of the location of these uses is necessary to ensure that the adverse effects of such uses will not cause or contribute to the blighting or downgrading of the Village.

- A. Sites shall not be permitted in the following locations, based upon distances measured from the outer most property line of the lot upon which the proposed adult business or sexually-oriented business would be located to nearest property line of the following districts, uses or facilities:
 - 1. Within one thousand feet (1,000') of any residential district or use within the Village of Armada or surrounding communities.
 - 2. Within one thousand feet (1,000') of an existing school, library, park, playground, licensed family or group day care home, child day care center, church, temple or other place of worship within the Village of Armada or surrounding communities.
 - 3. Within one thousand feet (1,000') of any other adult use or sexually-oriented business within the Village of Armada or surrounding communities.
 - 4. Within five hundred feet (500') of intersecting center-lines of major streets within the Village of Armada or surrounding communities, as defined in the Village Master Plan.
- B. Access shall be limited to major streets, as defined in the Village Master Plan, and screening shall be required from the public right-of-way and abutting properties in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. Such uses shall be located within a freestanding building. (shared or common wall structure or shopping center is not considered a freestanding building) with a maximum gross floor areas of five thousand (5,000) square feet.
- D. The building and site shall be designed, constructed and maintained so displays, decorations or signs depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed from adjacent properties or by pedestrians or motorists within the public rights-of-way.
- E. No person shall reside in the premises of such uses.
- F. The provisions of this Section 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 worker or family counselor who is licensed or permitted to practice in the State of Michigan, or to massage therapists who are certified members of the American Massage and Therapy Association or International Myomassethics Federation.

Section 6.702 Circuses, Fairs, Carnivals and Similar Uses.

Such uses may be permitted for institutional uses and similar non-profit organizations for the sole purpose of raising money for the financial support of such institutions. Such use and occupancy shall not be disturbing to the public

peace and tranquility, and shall not create undue traffic hazard and congestion. Limitations on hours of operation may be established by the Village, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

- A. **Permits and Approvals.** Sketch plan approval shall be obtained from the Planning Commission. When such uses are for more than seven (7) calendar days during a year, approval is also required from the Village Council. Appropriate permits shall be secured by the applicant from the Macomb County Health Department, the Building Inspector, and other agencies with jurisdiction.
- B. **Insurance.** The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or Injury to persons, or damage to property, which may result from the conduct of the activity.
- C. **Setbacks and Fencing.** All buildings, structures and parking shall be at least three hundred feet (300') from any dwelling. The Village may require placement of a six foot (6') high fence around all or part of the site.
- D. **Access.** Access shall be provided onto a major street, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred feet (300') of stacking area shall be provided on site. A traffic impact study may be required in accordance with Section 10.04 (Traffic Impact Studies).

Section 6.703 Garages for Commercial Vehicles.

A structure for the storage of commercial vehicles used by a permitted use in a non-residential district, shall occupy not more than twenty-five percent (25%) of the lot area, and shall be located outside of any required yard areas.

Section 6.704 Garage Sales, Estate Sales and Private Auctions

All garage sales, estate sales and private auctions shall be subject to the requirements of Chapter 94 (Garage Sales) of the Village Code of Ordinances.

Section 6.705 Temporary Structures and Uses.

Temporary structures and uses may be permitted, including a temporary dwelling installed on a single-family residential lot while a permanent dwelling is under construction. Such structures and uses shall comply with all applicable Village Codes and Ordinances, and shall be subject to the following:

- A. **Site and use standards.** Temporary structures and uses shall comply with the following:
 - 1. The performance standards specified in Section 8.301 (Performance Standards).
 - 2. The dimensional standards and use provisions of this Ordinance for the district and type of structure or use.
 - 3. Provisions for emergency vehicle access, off-street parking and loading, drainage and soil erosion.
 - 4. Other conditions necessary to protect the public health, safety and general welfare.
- B. **Duration.** In no event shall a temporary structure or use, other than temporary construction buildings, be permitted on a site for longer than one (1) year. The Planning Commission or Building Inspector may impose a lesser time limit where deemed necessary.
- C. **Temporary construction buildings.** Temporary buildings associated with construction shall not be erected in any district unless a site plan has been approved, and such buildings shall be removed from the site before a final certificate of occupancy is issued for the primary building.

- D. **Performance guarantee.** To insure strict compliance with the conditions attached to the issuance of the permit for a temporary structure or use, the applicant may be required to furnish a performance guarantee in accordance with Section 1.06 of this Ordinance (Performance Guarantees) in an amount equal to the estimated cost of removing and disposing of the temporary structure or use (\$500.00 minimum). The guarantee shall be returned after the temporary structure or use has been removed from the premises.
- E. **Removal.** Temporary structures or uses, other than temporary construction buildings, shall be removed within ten (10) days after expiration of the permit or approval, or the Building Inspector may use the performance guarantee for such removal.

ARTICLE 7

ACCESSORY STRUCTURES AND USES

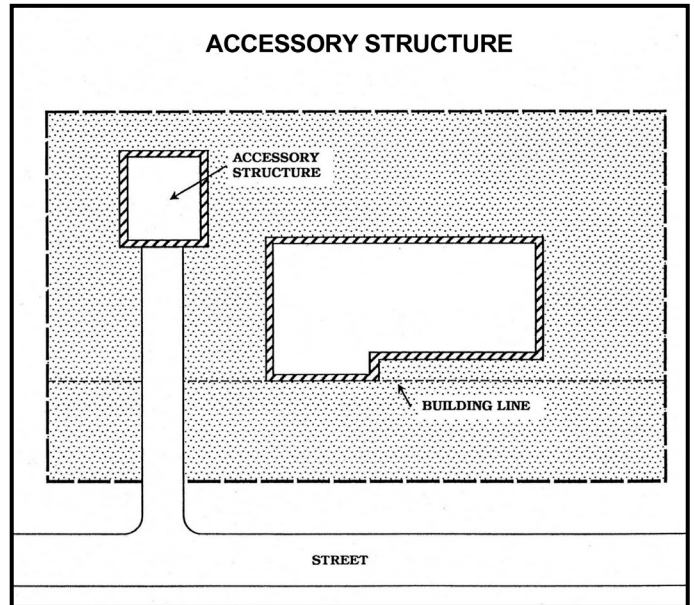
Section 7.01 Purpose.

The purpose of this Article is to provide consistent regulations for certain structures and uses that are accessory to primary structures and permitted uses in a particular zoning district, to protect the general health, safety and welfare, to ensure that the Village's property values, appearance and character are preserved and respected, and to promote harmony in the physical relationships between structures in the Village.

Section 7.02 Standards for Accessory Structures.

The following shall apply to all new accessory structures in the Village (including, but not limited to attached or detached garages, sheds and similar structures), and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

- A. **Prohibited in front yard area.** No accessory structure shall be erected in any required front yard, nor within twenty five feet (25') of any street right-of-way line.
- B. **Required side and rear yard setbacks.**
 - 1. **Attached accessory structures.**
Accessory structures that are attached to a primary building shall comply with the minimum required side and rear yard setbacks for the primary building, as specified in Article 5 (Dimensional Standards).
 - 2. **Detached accessory structures.**
Accessory structures not attached to a primary building shall be subject to the following:



- a. Detached accessory structures shall be set back a minimum of three feet (3') from all side and rear property lines.
- b. The minimum required separation between a detached accessory structure and adjacent structures may be reduced to five feet (5') with the approval of the Building Inspector.
- c. Detached accessory structures shall not occupy more than twenty five percent (25%) of the rear yard area, and shall not exceed the ground floor area of the primary building.
- d. Where a detached accessory structure is located in a rear yard that abuts the side yard of an adjacent lot, the minimum setback from the side and rear lot lines shall equal the minimum side yard setback for the district.
- e. Where a detached accessory structure has a maximum height of more than fourteen feet (14'), the structure shall be set back from all property lines by an amount equal to the height of the structure.

- C. **Appearance.** The building materials and design of any accessory structure shall be similar to that of the primary building on the lot, and shall be in accordance with the purpose of the district where it is located, as specified in Article 2 (Zoning Districts and Maps).
- D. **Carports.** Carports and other temporary or permanent covered and unenclosed vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Article.
- E. **Basement structures and garage dwellings.** Basement-only structures and above or in-garage dwellings are prohibited.

Section 7.03 Swimming Pools.

- A. Pools and any associated deck and fencing shall not be located within any required front yard. The outside edge of a pool wall or perimeter of pool decking shall be set back a minimum of ten feet (10') from all adjacent property lines. The outside edge of a pool wall shall be set back a minimum of ten feet (10') from adjacent structures.
- B. For the protection of the general public, all swimming pools shall be completely enclosed by a minimum four foot (4') high fence or other means of access control. Above ground pools with a minimum height of four feet (4') may have gates, removable or swing-up steps or other means to limit entry in lieu of a fence.
- C. All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the State Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use. A no-fault ground unit should be provided to protect against electrical shock.

Section 7.04 Temporary Accessory Structures and Uses.

Temporary accessory structures and uses shall comply with the use standards of Article 4 (Land Use Tables), and the design standards of Section 6.706 (Temporary Structures and Uses).

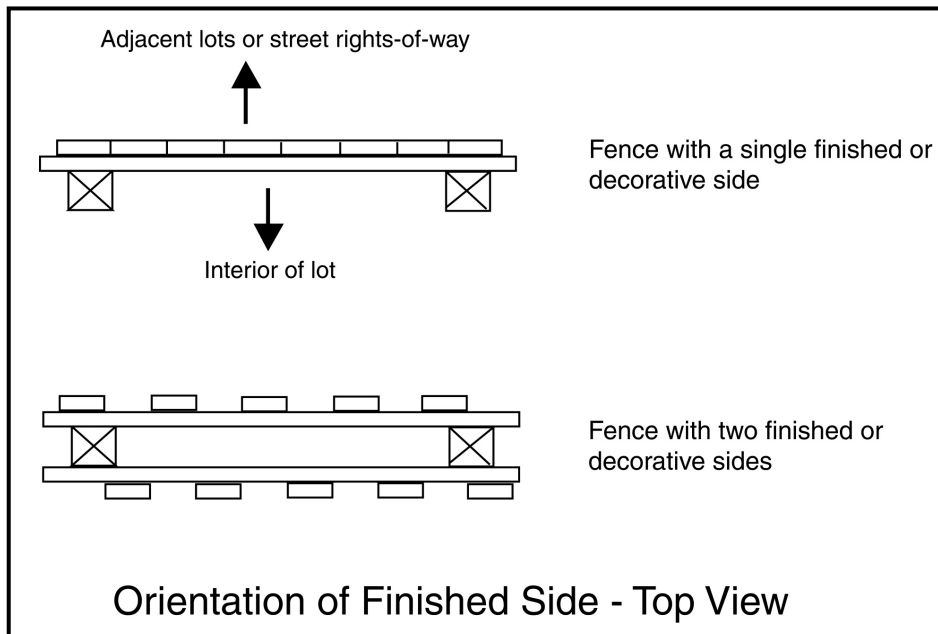
ARTICLE 8 GENERAL PROVISIONS

CHAPTER I DESIGN FEATURES

Section 8.101 Fences.

A. General requirements.

1. **Construction and maintenance.** Fences shall be securely constructed in conformance with this Ordinance and all applicable building codes, and shall consist of materials that are found by the Building Inspector to be durable and weather-resistant. Masonry piers may be used as part of a fence installation with the approval of the Building Inspector. Fences shall be maintained in good order, painted, rust-proofed or otherwise protected against damage and decay so as to present an orderly appearance.
2. **Hazards.** Fences shall not be erected within public rights-of-way, or any corner clearance area as described in Section 5.304 (Corner Clearance Areas).
3. **Orientation of finished side.** Where a fence has a single finished or decorative side, it shall be oriented to face outward towards adjacent parcels or street rights-of-way (away from the interior of the lot to which the fence is associated).

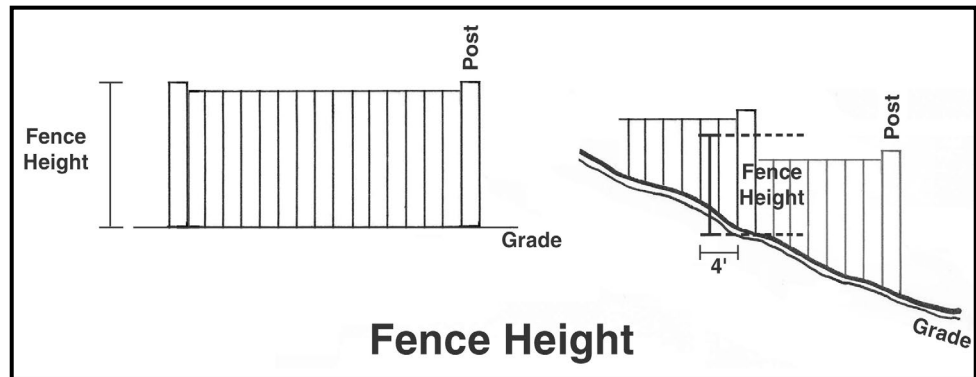


4. **Site drainage and utilities.** Fences shall not be erected in a manner that obstructs the free flow of surface water or causes damage to underground utilities.
5. **Location.** Fences shall be located completely within the boundaries of the lot to which they are associated.

6. **Height and location requirements.**

TYPE OF FENCE OR WALL	MAXIMUM HEIGHT (FEET)			MINIMUM FRONT YARD SETBACK (FEET)
	FRONT	SIDE	REAR	
Chain-link fence	4'	4'	4'	5'
Living fence	3'	no maximum		5'
Ornamental fence	4'	6'	6'	5'
Privacy fence		6'	6'	
Rail fence	4'	5'	5'	5'
Industrial fence	n/a	8'	8'	20'

- a. **Height.** Fence height shall be measured from the grade level to the highest point of the fence. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four feet (4') of any fence-post.



- b. **Setbacks.** All required setbacks for fences shall be measured from the property line or street right-of-way line to the nearest part of the fence.
- c. **Fences on lot lines.** Fences located within required side and rear yards may be erected on the property line with the written consent of all adjacent property owners and the approval of the Building Inspector.
- d. **Fences along a driveway.** Fences located along a driveway shall be setback twenty (20) feet with a maximum height of three (3) feet, including a living fence.
- e. **Fences in front yard.** Fences located in front yard must allow reasonable visibility into and out of a property to ensure the health, safety, and welfare of occupants and passersby.

B. **Prohibited fences and walls.** The following fences and walls are prohibited in the Village:

1. **Barbed-wire.** Barbed-wire, razor-wire or electrified fences, except where, for the purpose of ensuring public safety, the Planning Commission may approve such fences as part of an approved site plan.

2. **Wire fences.** Wire fences, except where such fences are associated with an ANIMAL OR AGRICULTURAL USE, as defined in Article 4 (Land Use Tables).
 3. **Illegal fences.** Any fence unlawfully installed, erected or maintained.
- C. **Permits.** A permit shall be required for all work performed in association with the construction, alteration or relocation of a fence, except where otherwise specified herein.
1. **Exempt work.** A permit shall not be required for the following activities:
 - a. **Repairs:** Repairs of less than 50% to an existing fence with no structural or material changes.
 - b. **Installation of gates or short lengths of new fence.** The installation of gates or up to eight feet (8') of new fence, provided that such work is in compliance with the provisions of this Ordinance and all applicable building codes.
 - c. **Living fences.** Planting of continuous hedgerows or similar landscape features.
 2. **Application.** The following information shall be provided with any permit application for a fence:
 - a. **Plot plan and construction drawings.** A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, structures, easements and setback dimensions. An elevation sketch or photograph of the proposed fence shall also be provided, with appropriate dimensions noted.
 - b. Written consent of all adjacent property owners if a fence or wall is proposed to be installed on a lot line.
- D. **Removal of illegal or damaged fences.** Damaged or illegal fences shall be immediately repaired or removed by the property owner. Upon identification of a damaged or illegal fence, the Village Code Enforcer shall order the property owner to remove such fences or make necessary repairs within ten (10) days. Upon failure of the property owner to take such actions within ten (10) days, the Village may act to remove such fences at the expense of the property owner. The Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

Section 8.102 Sidewalks and Pedestrian Facilities.

Sidewalks shall be required in all zoning districts along street rights-of-way, and to connect public sidewalks with building entrances. Sidewalks shall be designed and constructed in conformance with the current standards of the Village, to ensure reasonable accessibility by persons with a physical disability. The Planning Commission may, through the site plan approval process, deviate from the sidewalk requirements. Pedestrian facilities shall also be provided within the site to protect pedestrians in parking lots, and to connect developments with adjacent lots.

Section 8.103 Maintenance of Commonly-Owned Private Facilities.

The purpose of this Section is to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screening walls, drains, trails and sidewalks to which more than two (2) owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Failure by owners or an association to maintain commonly-owned private facilities shall be considered a threat to the public health, safety or welfare. The Village Code Enforcer shall have the authority to undertake any of the following actions to remedy the violation:

- A. Actions necessary to eliminate the threat to public health, safety or welfare; and assessment of the benefited owners in an equitable fashion for the costs of such actions, including maintenance, or replacement, administrative and engineering costs.
- B. Request appointment of a trustee, by an appropriate court, to administer the affairs of the owners as related to the commonly-owned private facilities, with such costs to be assessed to the owners as noted above.
- C. Obtain an order from an appropriate court enforcing the owners' or association's covenants or responsibilities.

CHAPTER II

NATURAL FEATURES

Section 8.201 Protection of Woodlands.

The standards of this Section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in the Village, and to prevent the unnecessary removal of woodlands prior to, during and following construction on a site:

- A. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight caliper-inches (8”) or greater in diameter on a site shall first notify the Village, and shall submit a sketch plan describing the sites features for review and approval by the Planning Commission.
- B. This Section shall not prevent tree clearing for approved building envelopes, or in accordance with an approved site plan. The Planning Commission may grant an exception from the caliper standard for select clearing of lower quality species including box elders, elms, poplars, willows and cottonwoods.

Section 8.202 Protection of Wetlands and Bodies of Water.

An undisturbed open space setback of not less than fifty feet (50’) shall be maintained from the edge ordinary high water mark of any stream, pond or other body of water. An undisturbed open space setback of not less than twenty-five feet (25’) shall be maintained from the surveyed edge or ordinary high water mark of any wetland or open drain. Such setbacks shall be measured from the top of the bank or other defined edge and shall not be subject to topography. The Village may permit trails, boardwalks, observation platforms or similar structures that enhance passive enjoyment of a site’s natural amenities within the setback as part of an approved site plan.

Section 8.203 Grading, Removal and Filling of Land.

Any excavation, filling or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has been issued by the Village.

Section 8.204 Excavations or Holes.

All unprotected, un-barricaded or open excavations, holes, pits, or wells that are reasonably likely to constitute a danger or menace to the public health, safety, or welfare are hereby prohibited and declared a public nuisance. However, this Section shall not apply to drains created or existing by authority of the State of Michigan, Macomb County or other governmental agency, and shall not prevent the construction of excavations or farm ponds under a permit issued pursuant to the provisions of this Ordinance or the State Construction Code enforced by the Village.

When the Village Code Enforcer has determined a nuisance to exist as herein defined, he shall notify the owner as shown on the latest tax rolls of such finding, and shall require the owner to abate such nuisance within a reasonable time not to exceed thirty days from the date of such notice. If the nuisance has not been abated, the Village Code Enforcer may cause such nuisance to be abated through fill, construction of a fence or other suitable means. The cost of such work may be placed as an assessment against said property on the next assessment roll.

CHAPTER III OTHER PROVISIONS

Section 8.301 Performance Standards.

It shall be unlawful to perform or permit any activity, operation or use of land, structure, or equipment that produces irritants to human sensory perceptions greater than the levels established in this Section as the maximum permissible hazards to humans or human activities. Such measures may be supplemented as necessary by other recognized levels that have been established as the maximum permissible hazards to humans or to human activity.

- A. **Sound.** Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses. The intensity level of sounds shall not exceed the following decibel levels, as measured by a type of audio output meter approved by the U.S. Bureau of Standards at any property line or street right-of-way adjacent to the following types of uses, as defined in Article 4 (Land Use Tables):

ADJACENT USE	DECIBELS
Animal and Agricultural	75dB
Residential	65dB
Office and Service	65dB
Community	65dB
Commercial	70dB
Industrial	70dB

1. **Loading and unloading noise.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance shall be prohibited between the hours of 9:00 pm and 7:00 am.
 2. **Construction noise.** Operation of any tools or equipment used in construction, drilling, or demolition work that creates a noise disturbance shall be prohibited between the hours of 9:00 pm and 7:00 am Monday through Saturday and at any time on Sundays or holidays.
 3. **Exceptions.** The provisions in this Section shall not apply to the emission of sound for emergency purposes.
- B. **Vibration.** All machinery shall be mounted and operated so as to prevent transmission of ground vibration. Operation of any device that creates vibration above the vibration perception threshold of a person at any adjacent property or street right-of-way line shall be prohibited (vibration perception threshold is the minimum ground or structure-borne motion necessary to cause a normal person to be aware of the vibration by sensation, touch or visual observation of moving objects).
- C. **Odor.** The emission into the atmosphere of offensive, noxious or foul odors or odorous matter in such concentrations that would be readily detectable at any adjacent property or street right-of-way line, or that would create a public nuisance or hazard to adjoining properties or human, plant, or animal life is prohibited.
- D. **Gases.** The escape of or emission of any gas which is injurious, destructive to life or property or explosive is prohibited. Gaseous emissions shall be subject to applicable state or federal regulations, and shall not exceed levels indicated in the National Ambient Air Quality Standards, as measured at any adjacent

property or street right-of-way line, unless a higher standard is imposed by a federal, state or county agency with jurisdiction.

- E. **Glare and heat.** Any operation or activity which produces intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along any adjacent property or street right-of-way line, and such operations or activities shall be adequately insulated so that the ambient temperature as measured at any adjacent property or street right-of-way line is not higher than the average ambient temperature as measured at three (3) other locations in the Village.
- F. **Electromagnetic radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance. Electronic equipment shall be designed and used in accordance with applicable FCC rules and regulations to prevent interference with the use of other electronic equipment in the Village.
- G. **Dust, smoke, soot, dirt and fly ash.** It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (0.5) hour which is:
1. As dark or darker in shade as that designated as No.2 on the Ringlemann Chart, which is hereby made a part of this Ordinance. Other appropriate readings of smoke density may be used when correlated with the Ringlemann Chart.
 2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described above, except when the emission consists only of water vapor.
 3. The quantity of gas-borne or air-borne solids shall not exceed two-tenths (0.2) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
- Dust, smoke, soot, dirt and fly ash shall be subject to applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process or combustion device, unless such processes or devices are equipped with functional and approved equipment or methods to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
- H. **Drifted and blown material.** The drifting or air-borne transmission of wind-blown dust, particles or debris from any open stockpile beyond any property or street right-of-way line is prohibited. Emission of particulate matter from materials, products or surfaces subject to wind erosion shall be controlled by paving, covering, fencing or other means.
- I. **Fire and safety hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Code (P.A. 207 of 1941, as amended). Above-ground storage tanks for flammable liquid materials shall be located at least one hundred and fifty feet (150') from all property and street right-of-way 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. These provisions shall not apply to approved tanks which hold propane or other fuel used for heating a building on the site.
- J. **Sewage wastes and water pollution.** Sewage disposal and potential water pollution sources shall be subject to the standards and regulations established by federal, state or county agencies, including the State of Michigan, the Macomb County Health Department and the U. S. Environmental Protection Agency.
- K. **Radioactive materials.** Radioactive materials, wastes and emissions shall not exceed levels established by federal or state agencies that have jurisdiction. No operation shall be permitted that causes any individual at or beyond any adjacent property or right-of-way lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by applicable federal or state laws or regulations.

Section 8.302 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 8.303 Property Between Lot Line and Street edge.

The area between the lot line or sidewalk and the edge of a street shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the right-of-way in front of their lot between their lot lines and the adjoining street edge of pavement.

Section 8.304 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a Village, school or other public election.

Section 8.305 Essential Public Services and Required Utilities.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Village. Such essential services shall be subject to State laws, Village ordinances and regulations in addition to being consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all buildings, structures, uses and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Village Ordinance. In the absence of such conflict, this Ordinance shall prevail.

Section 8.306 Water Supply and Sanitary Sewers.

Where public sewer or public water service is available, all principal buildings shall be connected to such systems at the time of construction or alteration.

ARTICLE 9

OFF-STREET PARKING AND LOADING

Section 9.01 Purpose.

The purpose of this Article is to:

- A. Protect water quality and storm sewer capacity by limiting 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.
- B. Preserve the historic development pattern and character of the Village downtown area by limiting parking in front yard areas, promoting the use and development of shared parking and centralized public parking facilities and restricting the use and development of scattered private parking lots.
- C. Establish flexible minimum and maximum standards for off-street parking and loading, and promote the use and development of shared parking and loading facilities, cross-access between sites, and a pedestrian-oriented development pattern.
- D. Limit the pattern and intensity of truck traffic and delivery vehicles on Village streets.

Section 9.02 Scope.

Off-street parking and loading shall be provided in all districts in accordance with the provisions in this Article 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 by other means.

Section 9.03 General Requirements.

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

- A. **Number of required spaces.** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Article. The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by Section 9.05 (Schedule of Required Parking by Use).
- B. **Location of spaces.** Off-street parking spaces shall be located within five-hundred feet (500') of a primary building entrance to which such spaces are accessory.
- C. **Similar uses.** Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use.
- D. **Shared facilities.** The development and use of a parking or loading facility shared between two or more contiguous uses is encouraged where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners. Where shared parking facilities are provided, the number of parking spaces shall not be less than seventy-five percent (75%) of the sum of the minimum requirements for the various individual uses specified in Section 9.05 (Schedule Of Required Parking by Use), nor more than the sum of the maximum requirements for the various individual uses:

Minimum Shared Parking Requirement = (minimum for use A + minimum for use B) x 0.75

Maximum Shared Parking Requirement = maximum for use A + maximum for use B

- E. **Irrevocable use.** All required off-street parking and loading spaces shall be reserved irrevocably and shall not be changed to any other use unless spaces meeting the standards of this Article are provided elsewhere, or the parking requirements of the use change.
- F. **Storage, repairs and displays prohibited.** Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, or dumping of refuse. Parking of an operable motor vehicle shall not exceed a continuous period of more than forty-eight (48) hours. Repairs, servicing or display of vehicles for sale is prohibited.
- G. **Restriction of parking on private property.** No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property.

Section 9.04 Public Parking Facilities.

Uses in the C-1 districts that are located within five hundred feet (500') of an off-street public parking facility shall not be required to construct or maintain private off-street parking facilities.

Section 9.05 Schedule Of Required Parking by Use.

The minimum and maximum number of required off-street parking spaces shall be determined by the Planning Commission in accordance with the following table. For uses not specifically listed below, the required parking shall be in accordance with that of a similar use as determined by the Zoning Administrator, or determined by the Planning Commission during site plan review based on documentation regarding the specific parking needs of the use. Where calculations determining the number of required parking spaces result in a fractional space, the fraction shall be rounded-up to the next highest whole number:

Section 9.05 Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
ANIMAL AND AGRICULTURAL USES		
Veterinary clinics, Kennels or Animal Shelters	One (1) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Three (3) per one-thousand (1,000) square feet of usable floor area.
RESIDENTIAL USES		
Accessory Apartments	One (1) per dwelling unit	One and one-half (1.5) per dwelling unit, plus spaces located in any garage accessory building
Adult care facilities	One (1) per each three (3) beds, or two (2) rooms, whichever is less	One (1) per each three (3) beds, or two (2) rooms, whichever is less, plus one (1) space per each employee on largest typical shift.
Adult foster care family home	One (1) per dwelling	Two (2) per dwelling, plus spaces located in any garage accessory building
Bed and breakfast inns	One (1) per dwelling unit	One and one-half (1.5) per dwelling unit, plus spaces located in any garage accessory building
Boarding houses	One (1) per bedroom	One and one-half (1.5) per bedroom

Section 9.05

Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Home occupations listed in Section 6.024	One (1) per dwelling	Two (2) per dwelling, plus spaces located in any garage accessory building.
Multiple-family dwellings	One (1) per dwelling unit	One and one-half (1.5) per dwelling unit, plus spaces located in any garage accessory building
Single family dwellings, detached	One (1) per dwelling unit	Two (2) per dwelling, plus spaces located in any garage accessory building.
State-licensed residential facilities	One (1) per dwelling unit	Two (2) per dwelling, plus spaces located in any garage accessory building.
Townhouses and stacked flats	One (1) per dwelling unit	Two (2) per dwelling unit, plus spaces located in any garage accessory building.
Two-family (Duplex) dwellings	One (1) per dwelling unit	Two (2) per dwelling unit, plus spaces located in any garage accessory building.
Family and group day care homes	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling.	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling.
OFFICE AND SERVICE USES		
Banks and Financial institutions	Three (3) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Barber Shops, Beauty Salons and Nail Care	One (1) per service chair or station.	Two (2) per service chair or station.
Tattoo Parlors and Body Piercing Salons	One (1) per service chair or station.	Two (2) per service chair or station.
Funeral Homes or Mortuaries	One (1) per five (5) persons allowed within the maximum building occupancy.	One (1) per three (3) persons allowed within the maximum building occupancy.
Halls for Civic Clubs and Membership Organizations	One (1) per five (5) persons allowed within the maximum building occupancy.	One (1) per three (3) persons allowed within the maximum building occupancy.
Catering Facilities	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the restaurant seating area.	One (1) per three (3) persons allowed within the maximum building occupancy.
Hospitals	One (1) per five (5) beds, plus one-half (0.5) per on-duty employee based upon maximum employment shift.	One (1) per two (2) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Medical, Osteopathic, Chiropractic and Dental Offices, Medical Clinics, Urgent Care or Rehabilitation Centers	Three (3) per one-thousand (1,000) square feet of usable floor area.	Five (5) per one-thousand (1,000) square feet of usable floor area.

Section 9.05

Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Massage Therapists	Three (3) per one-thousand (1,000) square feet of usable floor area.	Five (5) per one-thousand (1,000) square feet of usable floor area.
Nursing and Convalescent Homes, Foster Care Group Homes, Assisted Living Facilities and Senior Housing	One (1) per two (2) dwelling units or per five (5) beds, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per dwelling unit or per three (3) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Offices for Professional, Executive, or Administrative Uses, Attorneys, Accountants, Realtors, Architects, Insurance and Similar Occupations	Three (3) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Workshops, Showrooms, Studios or Offices of Photographers, Skilled Trades, Decorators, Artists, Upholsterers, Tailors, Taxidermists and Similar Businesses, or for Repair and Service of Bicycles, Electronics, Small Appliances, Furniture, Shoes and Similar Items.	One (1) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
COMMUNITY USES		
Auditoriums and Performing Arts Theaters	One (1) per five (5) seats or ten feet (10') of benches, based upon the maximum seating capacity of the primary assembly space.	One (1) per three (3) seats or six feet (6') of benches, based upon the maximum seating capacity of the primary assembly space.
Churches, Temples and Other Places of Worship	One (1) per five (5) seats or ten feet (10') of benches, based upon the maximum seating capacity of the primary assembly space.	One (1) per three (3) seats or six feet (6') of benches, based upon the maximum seating capacity of the primary assembly space.
Child Care or Day Care Centers and Child Caring Institutions	One (1) per six (6) children of authorized capacity in accordance with approved state license.	One and one-half (1.5) per six (6) children of authorized capacity in accordance with approved state license.
Colleges, Universities and Other Institutions of Higher Education, Business Colleges and Commercial or Technical Schools	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for accessory uses, such as an auditorium, etc.	Three (3) per one-thousand (1,000) square feet of usable floor area.
Dry Cleaner Central Cleaning/Processing Facilities	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.

Section 9.05

Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Fire and Police Stations	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.	One (1) per on-duty employee based upon maximum employment shift, plus four (4) per one-thousand (1,000) square feet of usable floor area.
Government Offices	Three (3) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy, or three (3) per one-thousand (1,000) square feet of usable floor area.	One (1) per three (3) persons allowed within the maximum building occupancy, or four (4) per one-thousand (1,000) square feet of usable floor area.
Libraries, Museums and Fine Art Centers	One (1) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Post Offices	Three (3) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Recreation Facilities, Indoor	One (1) per four (4) persons allowed within the maximum building occupancy, or three (3) per one-thousand (1,000) square feet of usable floor area.	One (1) per three (3) persons allowed within the maximum building occupancy, or four (4) per one-thousand (1,000) square feet of usable floor area.
Recreation Facilities, Outdoor	Six (6) per acre of gross land area.	Nine (9) per acre of gross land area.
Schools, Elementary	One (1) per teacher, employee and administrator, plus any required spaces for accessory uses, such as an assembly hall.	One and one-half (1.5) per teacher, employee and administrator, plus any required spaces for accessory uses, such as an assembly hall.
Schools, Secondary	One (1) per teacher, employee and administrator, plus one (1) per ten (10) students, plus any required spaces for accessory uses, such as an assembly hall or stadium.	One and one-half (1.5) per teacher, employee and administrator, plus one (1) per ten (10) students, plus any required spaces for accessory uses, such as an assembly hall or stadium.
COMMERCIAL USES		
Antique shops and art galleries	One (1) space per each 250 sq feet of usable floor area.	One (1) space per 250 square feet of usable floor area, plus (1) per employee in the largest typical shift.
Arcades and Indoor or Outdoor Amusement Centers, Miniature Golf, Golf Driving Ranges, Bowling Alleys, Batting Cages or Similar Facilities.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per three (3) amusement stations, games, holes, tees, lanes or cages, or one (1) per five (5) persons allowed within the maximum building occupancy.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per amusement station, video game, miniature golf hole, practice tee, lane or batting cage, or one (1) per three (3) persons allowed within the maximum building occupancy.
Auto Parts Stores	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.

Section 9.05

Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Automobile, Truck and other Motor Vehicle Fueling Stations, Gas Stations and Similar Facilities	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.	One (1) per on-duty employee based upon maximum employment shift, plus one and one-half (1.5) per fueling location, plus two (2) stacking spaces per fueling location.
Automobile, Truck and other Motor Vehicle Service Centers or Repair Stations	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per service bay, plus one (1) stacking space per service bay.	One (1) per on-duty employee based upon maximum employment shift, plus two (2) per service bay, plus one (1) stacking space per service bay.
Bakeries	One (1) per one-hundred fifty (150) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per two hundred (200) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Car washes, Automatic or Self-Service	One (1) per on-duty employee based upon maximum employment shift, plus three (3) stacking spaces per service lane, plus one (1) for post-wash detailing.	Two (2), plus one (1) per on-duty employee based upon maximum employment shift, plus six (6) stacking spaces per service lane, plus two (2) for post-wash detailing.
Cinema or Motion Picture Theater, Indoor	One (1) per five (5) seats, based upon the maximum seating capacity of the primary assembly space.	One (1) per three (3) seats, based upon the maximum seating capacity of the primary assembly space.
Drive-in or Drive-through Facilities	One (1) per service window, booth, cubicle or stall, plus two (2) stacking spaces per drive-through lane.	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
Florists, Gift Shops and Specialty Shops	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.
Gunsmiths and Licensed Firearms Dealers	One (1) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Three (3) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Hardware and Home Improvement Stores and Building Supply Yards (indoor)	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.
Hotels and Motels	One (1) per two (2) occupancy units, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per occupancy unit, plus one (1) per on-duty employee based upon maximum employment shift.
Laundromat and Dry Cleaning Customer Pick-up/Drop-off Only	One (1) per ten (10) washing or drying machines, or one (1) per one-thousand (1,000) square feet of usable floor area.	One (1) per six (6) washing or drying machines, or two (2) per one-thousand (1,000) square feet of usable floor area.

Section 9.05

Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Manufactured Housing Sales Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items	One (1) per one-thousand (1000) square feet of outdoor sales or display area.	Two (2) per one-thousand (1000) square feet of outdoor sales or display area.
Outdoor Cafés and Eating Areas	One (1) per five (5) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per three (3) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.
Outdoor sales or display area for sales or rentals of goods, products, equipment, machinery, automobiles, recreational vehicles, boats, building supplies, hardware, or other items	One (1) space per 500 square feet of net floor area	One (1) space per 500 square feet of net floor area, plus 1 space per employee.
Pawnshops and Dealers of Second-Hand Merchandise (except for used or vintage clothing and children's goods)	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.
Printing or Copy Centers	One (1) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Recording Studios	One (1) per studio, plus one (1) per on-duty employee based upon maximum employment shift.	Four (4) per studio.
Restaurants, Coffeehouses, Doughnut Shops or Delicatessens with Carry-Out Only (no seating)	One (1) per one-hundred fifty (150) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per two hundred (200) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Restaurants, Coffeehouses, Doughnut Shops or Delicatessens with Dine-In Seating	One (1) per five (5) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per three (3) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.
Retail Stores and COMMERCIAL USES with up to 10,000 square feet of gross floor area	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.
Retail Stores and COMMERCIAL USES with 10,000 to 40,000 square feet of gross floor area	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.

Section 9.05

Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Retail Stores and COMMERCIAL USES with more than 40,000 square-feet of gross floor area	Three and one-half (3.5) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Showroom or Sales Office (indoor only) for Sales or Rentals of Automobiles, Recreational Vehicles, Boats, Equipment, Machinery or Other Durable Goods	One (1) per one-thousand (1000) square feet of usable floor area of the sales room, plus one (1) per on-duty employee based upon maximum employment shift.	Three (3) per one-thousand (1000) square feet of usable floor area of the sales room, plus one (1) per on-duty employee based upon maximum employment shift.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	One (1) per five (5) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee based upon maximum employment shift.
Tobacconist or cigar/cigarette shop	One (1) space per 250 square feet of usable floor area	One (1) space per 250 square feet of usable floor area, plus (1) per employee in the largest typical shift.
INDUSTRIAL, RESEARCH AND LABORATORY USES		
Brewery, Distillery or Winery	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Carpet and Rug Cleaning and Similar Cleaning Businesses	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Crematoriums	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Light industrial activities, listed uses found in Section 4.02	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Research and Development Facilities, Technical Centers and Laboratories	One (1) per one-thousand (1000) square feet of usable laboratory/manufacturing space floor area, plus three (3) per one-thousand (1,000) square feet of usable office space floor area.	Two (2) per one-thousand (1000) square feet of usable laboratory/manufacturing space floor area, plus four (4) per one-thousand (1,000) square feet of usable office space floor area.

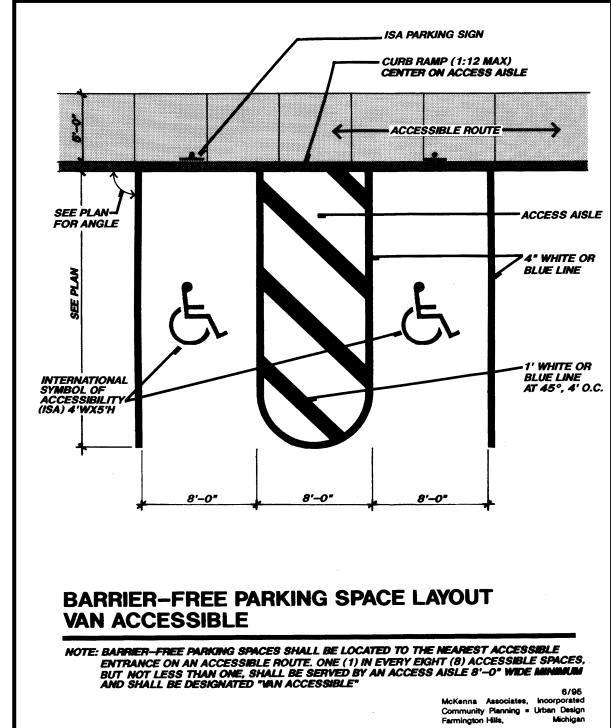
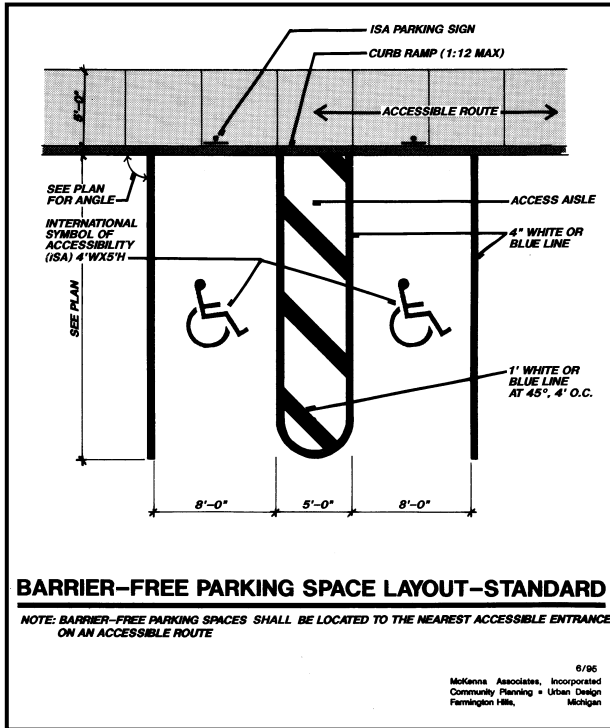
Section 9.05

Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Self-Storage Warehouses	One (1) per caretaker's quarters, plus three (3) per one-thousand (1,000) square feet of usable floor area in the office building.	One (1) per ten (10) storage units distributed throughout the storage area, plus two (2) per caretaker's quarters, plus four (4) per one-thousand (1,000) square feet of usable floor area in the office building.
Truck Terminals and Distribution Facilities, Wholesaling and Trucking Operations, and Truck Storage	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per one-thousand (1,000) square feet of usable floor area, plus any required spaces for storage of vehicles.
Warehousing and Bulk Indoor Storage Facilities	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per one-thousand (1,000) square feet of usable floor area, plus any required spaces for storage of vehicles.
TEMPORARY, SPECIAL EVENT AND OTHER USES		
Adult Uses and Sexually-Oriented Businesses	Three and one-half (3.5) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Circuses, Fairs, Carnivals and Similar Uses	Ten (10) per acre of gross land area occupied by the use, or one (1) per three persons allowed within the maximum occupancy load that the facilities are designed to accommodate.	Twenty (20) per acre of gross land area occupied by the use, or one (1) per two persons allowed within the maximum occupancy load that the facilities are designed to accommodate..

Section 9.06 Design Requirements.

- A. **Barrier-Free Parking Requirements.** Within each parking lot, signed and striped barrier-free spaces shall be provided at conveniently accessible locations in accordance with the following, or with any revised standards of the Michigan Department of Labor, Construction Code Commission:



- B. **Landscaping.** Landscaping, screening and buffering shall be provided for all parking and loading facilities in accordance with the provisions of Article 11 (Landscaping, Screening and Buffering). The Planning Commission may deviate from the landscaping, screening and buffering requirements.
- C. **Exterior lighting.** Where provided, exterior lighting shall comply with the standards of Article 14 (Exterior Lighting)
- D. **Ingress/Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities, and such facilities shall be designed to prevent vehicles from backing into the street, backing into an access drive or requiring the use of the street for maneuvering between parking rows.
- E. **Curbing.** Parking lots shall be provided with concrete curbs and gutters for the

TOTAL PARKING SPACES	BARRIER-FREE PARKING SPACES REQUIRED	VAN-ACCESSIBLE BARRIER-FREE PARKING SPACES REQUIRED
Less than 25	1	1
25 – 49	2	1
50 – 74	3	1
75 – 99	4	1
100 – 149	6	1
150 – 199	8	2
200 – 299	10	2
300 – 399	12	3
400 or more	14, plus 1 space for each 50 total parking spaces over 400	4, plus 1 space for each 15 total barrier-free spaces

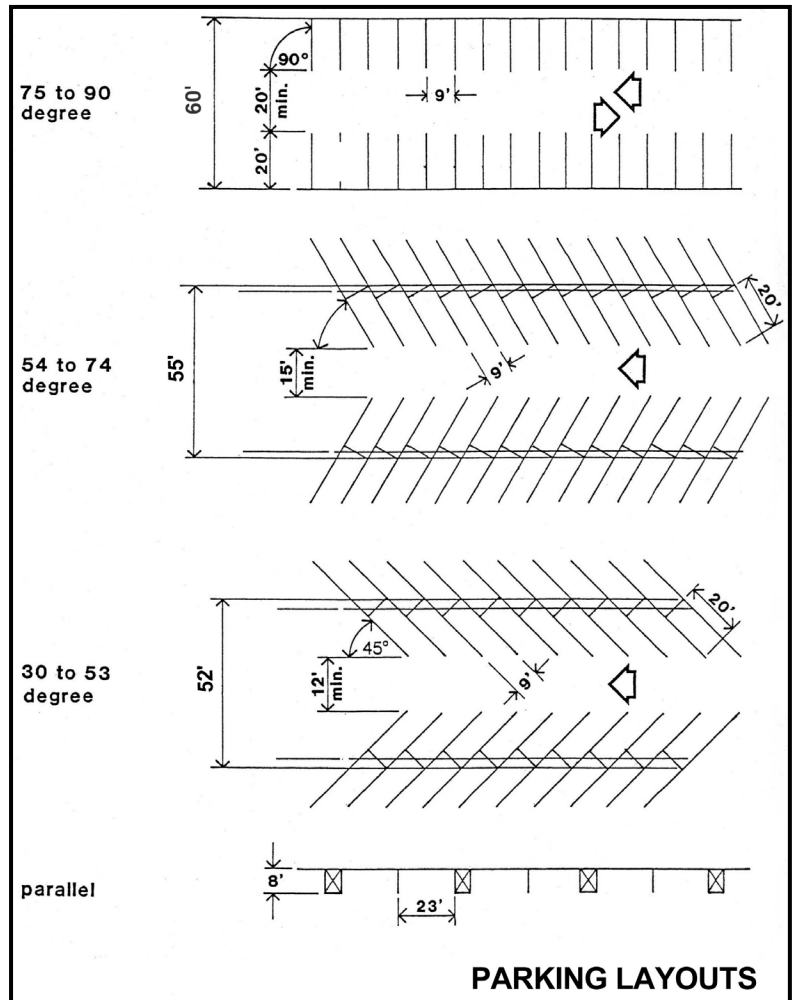
protection of adjoining properties, streets, sidewalks and landscaped areas. The Planning Commission may deviate from the curbing requirements.

- F. **Parking layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

PARKING PATTERN (degrees)	MANEUVERING LANE WIDTH (feet)	PARKING SPACE WIDTH (feet)	PARKING SPACE LENGTH (feet)	TOTAL WIDTH OF ONE ROW OF SPACES PLUS MANEUVERING LANE (feet)	TOTAL WIDTH OF TWO ROWS OF SPACES PLUS MANEUVERING LANE (feet)
0° (parallel)	24' (two-way)	8'	24'	20'	40'
30° to 53°	12' (one-way)	9'	20'	30	52'
54° to 74°	15' (one-way)	9'	20'	33'	55'
75° to 90°	20' (two-way)	9'	20'	40'	60'

- G. **Sidewalks.** In all cases where off-street parking spaces directly abut a sidewalk, the sidewalk shall be widened to at least seven feet (7') in width, if applicable, to accommodate vehicle encroachment.
- H. **Stacking spaces for drive-through facilities.** Where required by this Article, stacking spaces shall be ten feet wide by twenty feet long (10' x 20'). Stacking spaces shall not intrude into any street right-of-way, public easement or sidewalk.
- I. **Driveways and parking for single-and two-family (duplex) dwellings.** Parking spaces for a dwelling shall consist of an accessory driveway, garage or combination thereof, plus any on-street parking spaces located between the intersections of the side parcel boundaries and the street right-of-way. Such parking spaces shall be hard-surfaced with concrete, plant-mixed bituminous material, brick or stone.

Not more than one (1) parking space may be provided on a driveway within the required front yard, and no parking shall be permitted on lawns or other unpaved areas in the front yard of a residential lot, provided, however, that the Village Council may, by resolution, waive the prohibition on parking on lawns or other unpaved areas in the front yard for a period not to exceed thirty (30) days on account of a large-scale event that increases the demand within the community for off-street parking. For purposed of this subsection, only, a corner lot will only



have one front yard, being the one associated with its address. A maximum of one accessory driveway shall be permitted pre dwelling, with a maximum width not to exceed twenty feet (20').

- J. **Grading and drainage.** Driveways and other parking areas shall be graded and drained to dispose of surface waters in accordance with Village requirements. Surface water shall not be permitted to drain on to adjoining property, except in accordance with an approved drainage plan.
- K. **Parking layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Section 9.07 Off-Street Loading.

Where determined to be necessary by the Planning Commission, adequate space shall be provided for loading and unloading activities on the same premises with a use involving the receipt or distribution of vehicles, materials or merchandise to avoid undue interference with the public use of streets and alleys. Each loading or unloading space shall be ten feet wide by fifty feet long (10' x 50'), with a fifteen foot (15') height clearance, unless the Planning Commission determines that an alternative size is more appropriate for the site. Such spaces shall be provided in accordance with the following schedule:

USABLE FLOOR AREA (square-feet)	LOADING AND UNLOADING SPACES REQUIRED BY DISTRICT	
	OS, C-1 AND C-2	I
0 to 2,000	None	None
2,001 to 5,000	1	1
5,001 to 20,000	1	1 plus 1/5,000 in excess of 5,000
20,001 to 50,000	1 plus 1/20,000 in excess of 20,000	3 plus 1/15,000 in excess of 20,000
50,001 to 100,000	1 plus 1/20,000 in excess of 20,000	5 plus 1/10,000 in excess of 50,000
100,001 to 300,000	5 plus 1/100,000 in excess of 100,000	10 plus 1/100,00 in excess of 100,000

- A. No loading space shall be located closer than fifty feet (50') to any residential district or use, except where located within an enclosed building or adequately screened to the satisfaction of the Planning Commission.
- B. Loading spaces shall not be provided in the front yard or on any building facade facing or visible from a public street, except where the Planning Commission determines such a location is necessary due to the location or placement of the building, existing street pattern or other factors.
- C. Loading spaces shall be paved with concrete or plant-mixed bituminous material in accordance with the requirements of the Village.

Section 9.08 Modification of Standards.

- A. **Exceeding maximum number of required spaces.** Exceeding the maximum parking space requirements shall be prohibited, except where the Planning Commission determines that additional parking is necessary, based upon evidence supplied by the applicant, to accommodate the use on a typical day of operation.
- B. **Deferment of parking spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space, and provided that the applicant agrees to construct the additional parking upon request by the Village after the Building Inspector documents three (3) incidents of problem parking on the site.

- C. **Special circumstances.** Under the following circumstances, the Planning Commission may permit alternative means (other than the construction of private off-street parking or loading facilities) of complying with the parking or loading requirements of this Article:
1. Existing off-street parking and/or loading spaces on the lot can effectively accommodate the parking and loading needs of a given use.
 2. Existing on-street spaces adjacent to the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
 3. Existing public parking lots and alleys near the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
 4. An agreement for shared facilities is in place between adjacent property owners to set aside existing off-street parking and/or loading spaces on an adjacent lot to accommodate the requirements of a given use.
- D. **Surface Materials:** When the applicant demonstrates to the satisfaction of the Planning Commission that alternative surface materials will not impact the aesthetic appearance or character of the site and surrounding neighborhood. The Planning Commission may permit alternative parking lot surface materials including open joined pavers, porous concrete/asphalt, stone-based, and other methods of increasing stormwater infiltration. These methods may only be used when the permeable paving will have sufficient strength to bear expected vehicle loads for the parking area.

Section 9.09 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. Any alterations to an approved parking or loading facility that is not in accordance with an approved site plan shall be a violation of this Ordinance.
- B. Parking and loading facilities for an established use shall not be encroached upon, unless an equivalent number of required spaces have been provided elsewhere in accordance with this Article.
- C. All land between the boundaries of the parking facility and required screening, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the requirements of this Ordinance.

ARTICLE 10

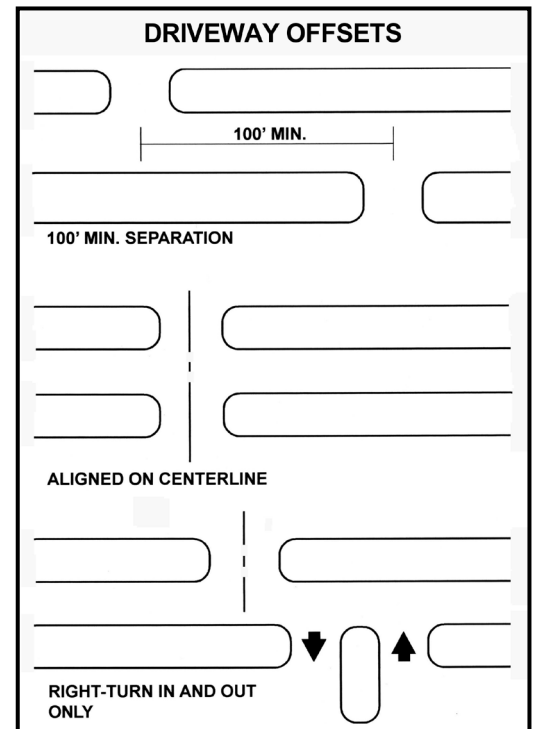
ACCESS MANAGEMENT

Section 10.01 Purpose, Intent and Application

- A. **Purpose.** The provisions of this Article are intended to promote safe and efficient travel within the Village, minimize disruptive and potentially hazardous traffic conflicts, ensure safe access by emergency vehicles, protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow, separate traffic conflict areas by reducing the number of driveways, provide safe spacing standards between driveways and between driveways and intersections, provide for shared access between abutting properties, implement the Village of Armada Master Plan, ensure reasonable access to properties though not always by the most direct access, and coordinate access decisions with the Michigan Department of Transportation (MDOT) and Macomb County Road Commission, where applicable.
- B. **Application.** The standards of this Article may apply to private and public land along street rights-of-way that are under the jurisdiction of the Village of Armada and/or the Macomb County Road Commission. The requirements and standards of this Article shall be applied in addition to, and where permissible shall supercede the requirements of MDOT or the Macomb County Road Commission.

Section 10.02 One Access Per Parcel

- A. All lots of record as of the effective date of the amendment adding this provision to the Ordinance (hereafter referred to as "the parent parcel") that shares a lot line for less than three hundred feet (300') with a major street right-of-way, as defined in the Village of Armada Master Plan, shall be entitled to one (1) driveway or road access to the street right-of-way.
- All subsequent land divisions of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel.
 - Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access to the major street via a new or extended local street.
- B. Parent parcels with more than three hundred feet (300') of frontage on a public street shall also meet the requirements of this Section, except that whether subsequently divided or not, they are entitled to not more than one driveway for each three hundred feet (300') of street frontage thereafter, unless the Village Planning Commission determines, after reviewing a traffic impact study and analysis prepared by a registered traffic engineer, that topographic conditions, street curvature or sight distance limitations necessitate a second driveway within a lesser distance.
- C. Driveways on major streets, as defined in the Village Master Plan, shall be aligned or offset in accordance with the following driveway offsets diagram:



Section 10.03 Application Review, Approval and Coordination.

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage on or access to a public street that is subject to regulation per the standards of this Article shall conform with the following requirements:

- A. **Standards of road authorities apply.** All applicable standards of the Village, Macomb County Road Commission and Michigan Department of Transportation shall be satisfied prior to approval of an access application under this Article.
- B. **Application, review and approval process.** Applications for driveway or access approval shall be made on a form available from the Village of Armada or Macomb County Road Commission, and shall be accompanied by clear, scaled drawings (minimum of 1"=20') showing the following items:
 - 1. Location and size of all structures proposed on the site.
 - 2. Size and arrangement of parking stalls and aisles.
 - 3. Driveway placement and a proposed plan for routing of vehicles entering and leaving the site (if passenger vehicles are to be separated from delivery trucks indicate such on drawing).
 - 4. Property lines and street right-of-way lines.
 - 5. Intersecting roads, streets and driveways within three hundred feet (300') to either side of the property and on both sides of the street.
 - 6. Width of right-of-way and road surface, and type of surface and dimensions of driveways.
 - 7. Proposed inside and outside turning radii.
 - 8. Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
 - 9. Traffic impact study and analysis, and trip generation survey results, obtained from a licensed traffic engineer for all developments with over one hundred (100) directional vehicle trips per peak hour.
 - 10. Design dimensions and justification for any alternative or innovative access design.
 - 11. Dumpsters or other garbage containers.
- C. Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual (TRB, 2002), National Cooperative Highway Research Program's (NCHRP), Access Management Guidelines to Activity Centers (Report 348) and Impacts of Access Management Techniques (Report 420), and the AASHTO "Green Book" A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
 - 1. Not more than one driveway access per abutting road.
 - 2. Shared driveways or service drives.
 - 3. Parking lot connections with adjacent property.
 - 4. Other appropriate designs to limit access points on an arterial or collector.

- D. Applications shall be accompanied by an escrow fee for professional review in accordance with Section 1.05 (Schedule of Fees, Charges and Expenses).
- E. **Review process.** The following process shall be completed to obtain access approval:
1. An access application shall be submitted to the Building Inspector, and on the same day to the Macomb County Road Commission where applicable.
 2. The completed application must be received by the Building Inspector at least twenty (20) days prior to the Planning Commission meeting where the application will be reviewed.
 3. The applicant, Building Inspector and representatives of the Macomb County Road Commission, and Village Planning Commission shall meet prior to the Planning Commission meeting to review the application and proposed access design.
 4. The Planning Commission shall review and approve or deny the application, or request additional information. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any access permit. Where the Macomb County Road Commission has jurisdiction, this action shall be a recommendation to the MCRC. The Macomb County Road Commission shall review the access application and recommendation of the Planning Commission, and shall take one of the following actions:
 - a. If the Planning Commission and the Road Commission approve the application as submitted, the access application shall be approved.
 - b. If both the Planning Commission and the Road Commission deny the application, the application shall be denied.
 - c. If either the Planning Commission or Road Commission requests additional information, approves with conditions or does not concur in approval or denial, there shall be a joint meeting of the Building Inspector, a representative of the Planning Commission and staff of the Macomb County Road Commission and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.
 - d. No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies have indicated approval, except where such agencies do not have jurisdiction, or where approval would violate adopted regulations of the agency. In this case the application shall be denied by that agency and the requested access shall not be constructed.
 5. The Building Inspector shall keep a record of each application that has been submitted. Approval of an application remains valid for a period of one (1) year from the date it was authorized. If authorized construction is not initiated by the end of one (1) year, the authorization shall expire. Re-issuance of an authorization that has expired shall require a new access application to be approved independently of any previous action.
 6. An approval may be extended for a period not to exceed six (6) months. The extension must be requested, in writing by the applicant before the expiration of the initial approval. The Building Inspector may approve the extension, provided there are no deviations from the original approval, no violations of applicable ordinances, and no development on abutting property that would create an unsafe condition. If there is any deviation or cause for question, the Building Inspector shall consult the Planning Commission or Macomb County Road Commission, as applicable, for input.

7. The applicant shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
8. Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised access application has been submitted and approved.
9. Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
10. When a permit is sought for the reconstruction, rehabilitation or expansion of an existing site, use or change of use for any lot or structure, all of the existing and proposed driveway approaches and parking facilities shall be brought into compliance with all design standards of this Ordinance prior to the issuance of certificate of occupancy.
11. In accordance with Section 1.06 (Performance Guarantees), the Village of Armada may require a performance guarantee in any sum not to exceed five thousand dollars (\$5,000) for each driveway approach or access to ensure compliance with an approved application. The guarantee shall be returned to the applicant when the terms of the approval have been met or when the authorization is cancelled or terminated.

Section 10.04 Traffic Impact Studies.

Where authorized by this Ordinance, the Planning Commission may require a traffic impact study, prior to consideration of an application. The Village may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per Section 1.05 (Schedule of Fees, Charges and Expenses). At a minimum the study shall include:

- A. An analysis of existing traffic conditions and/or site restrictions using current data.
- B. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers' Trip Generation manual. The Village may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
- C. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting streets. Capacity analysis shall be based on the most recent edition of the of the Transportation Research Board's Highway Capacity Manual, and shall be provided in an appendix to the traffic impact study.
- D. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and other users.
- E. Justification of need, including statements describing how any additional access will meet the intent of this Section and be consistent with the Village Master Plan and any sub-area or corridor plans, while not compromising public safety and not reducing capacity or traffic operations along the roadway.
- F. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three (3) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

ARTICLE 11

LANDSCAPING, SCREENING AND BUFFERING

Section 11.01 Purpose.

Landscaping, screening and land uses buffers are critical site design elements that contribute to the positive aesthetic qualities, pattern of development, stability of property values, privacy of residential uses, and overall character of the Village. The purpose of this Article is to:

1. Protect the character, appearance and value of land and neighborhoods through the judicious and thoughtful use of landscaping, screening and buffering techniques that present a finished and aesthetically pleasing appearance, preserve environmental quality, and enhance the appearance of the Village, thereby reducing conditions that may lead to blight.
2. Protect the health, safety and welfare of motorists, pedestrians and children by establishing landscaping design standards that guide and orient traffic flow within a site, and separate and protect pedestrian areas from vehicular encroachment.
3. Encourage flexibility in the administration of this Article, and creativity and innovation in landscape site design, including the incorporation of existing vegetation, topography and other site features into the design and placement of landscaping.
4. Buffer the visual impact of parking lots, storage areas and similar activities from street rights-of-way and adjacent properties, provide adequate protective screening for residential uses adjacent to or near business or industrial zoning districts or uses, and establish minimum standards for the design, installation, and maintenance of landscaping, screening and buffer areas between uses.
5. Implement Master Plan and Downtown Plan recommendations for streetscape improvements and enhanced landscaping at entry points, along major streets and within the downtown area.
6. Establish realistic and achievable objectives for the screening or buffering of uses of a significantly different scale or character, and the enhancement of individual sites, street rights-of-way and other areas of the Village through appropriate landscaping.

The standards of this Article are considered the minimum necessary to achieve these purposes. Applicants are encouraged to provide additional landscaping and screening where possible to improve the function, appearance and value of their property and surrounding sites.

Section 11.02 Objectives.

Consideration by the Planning Commission of site landscaping, screening and buffering shall reflect the purpose of this Article and the following objectives:

- A. Site landscaping shall be innovative and creative in design, and shall reflect the unique conditions and accommodate the specific circumstances of the site.
- B. At the time of installation, landscaping, screening and buffering elements shall be immediately effective in meeting the objectives of this Article, and shall maintain that effectiveness as the plant materials mature.
- C. Significant natural, historical and cultural site features, including but not limited to large trees, hedgerows, waterbodies, steep slopes, wetlands, archeological sites and historic elements, shall be preserved where practicable.

- D. Where existing sites have been developed without adequate landscaping, screening or buffering, the purpose of this Article 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.
- E. Landscaping shall be designed to minimize the cost of general maintenance and upkeep.
- F. Site elements intended for screening purposes shall:
 - 1. Effectively form a complete visual and physical separation between uses of a significantly different scale or character, or between the street right-of-way and specific areas of a site (such as loading areas, off-street parking lots, service areas and storage areas) that require screening.
 - 2. Mitigate the adverse effects of a proposed use on adjacent uses, including but not limited to headlight glare, lighting, noise, and trash disposal areas.
- G. Site elements intended to establish a buffer area shall create a partial visual transition zone between uses of a significantly different scale or character, to reduce the adverse effects of a proposed use on adjacent uses or break-up the visual pattern of parking lots and other large monotonous areas of a site, such as parking lots.

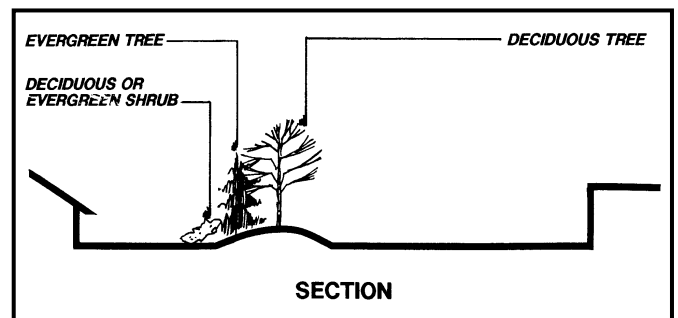
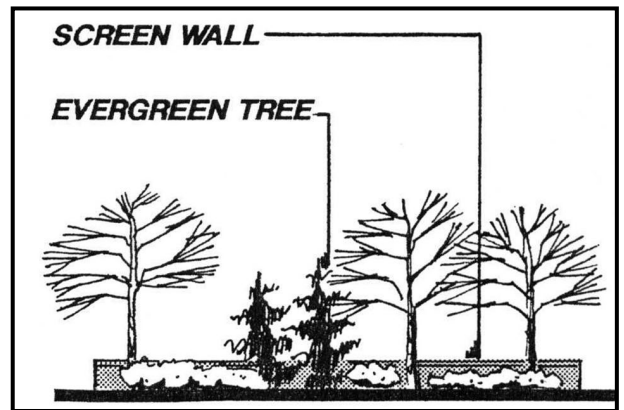
Section 11.03 Scope.

Every property owner and developer has the responsibility to ensure that the use of a lot in the Village does not adversely impact adjacent properties. The provisions of this Article shall apply to all sites that are subject to site plan or sketch plan review in accordance with Article 18 (Site Plan Review). Such sites shall be required to comply with all applicable provisions of this Article.

Section 11.04 Methods of Screening and Buffering.

Screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by any one of the following methods, or any combination of these methods or other alternatives that the Planning Commission determines to be best suited for the existing conditions:

- A. **Screen wall (or fence) with planting strip.** This method shall consist of a decorative brick wall or ornamental fence up to four feet (4') in height, along with a six to ten foot (6' – 10') wide planting strip abutting the base of the wall or fence that includes a mixture of deciduous shade trees, ornamental trees and shrubs, at a minimum concentration of one (1) tree and five (5) shrubs per each thirty lineal feet (30').
- B. **Berms.** Berms shall consist of a combination of a raised earth berm and plantings, and shall meet the following standards:
 - 1. A berm shall have side slopes no steeper than 4:1 (four feet (4') horizontal to one foot (1') vertical), and the top of all berms shall have a level horizontal area of at least four feet (4') in width.
 - 2. The interior face of the berm may be



constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.

3. The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers.
 4. A mixture of deciduous shade and ornamental trees, evergreen trees and shrubs shall be planted along the entire berm area at a minimum concentration of one (1) tree and two (2) shrubs per each ten lineal feet (10') of berm.
- C. **Evergreen screen.** This method shall consist of evergreen trees, with year-round characteristics that meet the screening objectives of this Article, planted ten to fifteen feet (10' – 15') apart in a minimum of two (2) staggered rows ten to fifteen feet (10' – 15') apart.
- D. **Greenbelt buffer strip.** A buffer strip may be required, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are residential in character or less intense than the use of the subject site. A required greenbelt buffer strip shall include the following:
- A diagram showing a cross-section of a buffer strip. It features a row of trees and shrubs of varying heights and shapes, including some with star-like foliage. The plants are arranged in a staggered pattern. Below the plants, the text "BUFFER STRIP" is written in bold, capital letters. The entire diagram is enclosed in a rectangular border.
1. Greenbelts shall have a minimum width of six feet (6'), with a preferred width of ten feet (10'), and shall contain appropriate grasses, groundcovers and mulch as necessary.
 2. A mixture of deciduous shade and evergreen trees and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and two (2) shrubs per each twenty lineal feet (20') of street frontage or length along a property line. Additional trees may be substituted for the required shrubs at the rate of one (1) tree per four (4) shrubs.
- E. **Hedgerow.** To provide a low screen to block headlight glare, screen parked vehicles from street rights-of-way, or other circumstances where ground-level screening is necessary to obscure a portion of a site without inhibiting visibility or light, the Planning Commission may require use of a continuous hedgerow consisting of twenty-four inch to thirty-six inch (24" - 36") high shrubs planted and maintained as a continuous visual screen, with full maturity within one full planting season, with the maximum permitted spacing to be determined by the type of shrub proposed.
- F. **Masonry wall.** Where required, a masonry wall shall be solid and decorative in nature, and at least two feet (2') and no more than six feet (6') in height above grade. Such walls shall be capped, and constructed of masonry (brick, stone, or decorative block) materials that complement the primary building materials.

Section 11.05 Standards for Specific Areas.

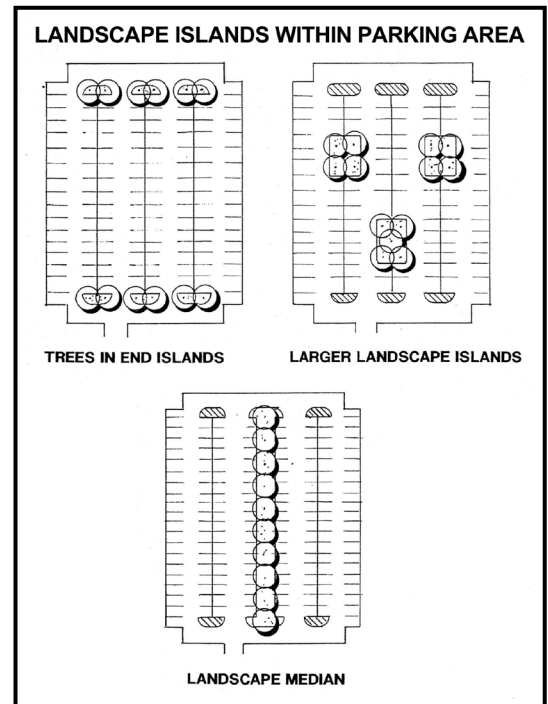
The following standards are intended to address the specific landscaping, screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

- A. **Parking lots.** Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:
1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.

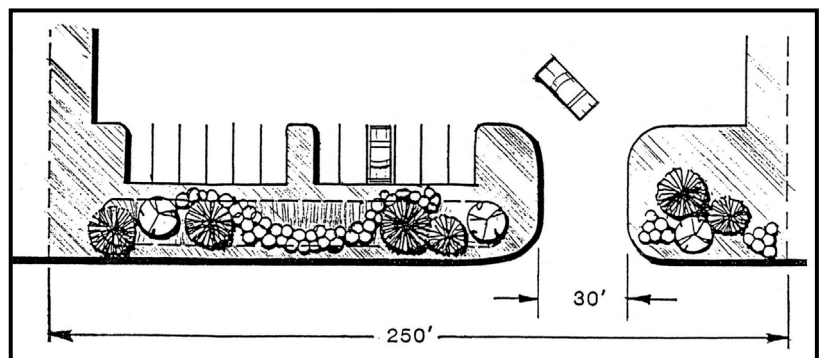
3. Planting islands shall have a minimum width of ten feet (10') and a minimum area of one hundred sixty (160) square feet. A minimum of one (1) deciduous shade tree shall be provided for each eighty (80) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

4. Planting islands shall be provided with an automatic underground irrigation system, unless an alternate form of irrigation is approved by the Planning Commission.



- B. **Island turnarounds.** Where cul-de-sac or other dead-end streets are planned within a development, adequate provision shall be made for landscape and maintenance of turnaround islands, including type, size, location and number of plantings, when the work will be completed, how the landscaping will be maintained, and who will be responsible for long-term maintenance.
- C. **Waste receptacle screening.** Waste receptacles shall be screened to the satisfaction of the Planning Commission in accordance with Section 11.04 (Methods of Screening and Buffering). Where the enclosure is required by the Commission, a steel-reinforced, lockable wooden gate shall be provided to secure the enclosure.
- D. **Utility, mechanical equipment and service area screening.** Loading areas, storage areas and service areas, public utility and essential service uses and structures, ground-equipment shelters for wireless communications facilities, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations and similar facilities shall be screened from the street right-of-way adjacent properties in accordance with Section 11.04 (Methods of Screening and Buffering).
- E. **Street yard landscaping.** Street yard areas, including the area between the street pavement edge and the street right-of-way line plus any required front yard setback area, shall be landscaped in a manner that enhances the visual character of Village streets, minimizes adverse impacts of vehicular traffic on adjacent uses, and satisfies applicable Master Plan or Downtown Plan design guidelines or recommendations.

1. **Street trees.** Street tree plantings shall consist of deciduous shade trees planted in one (1) or more rows at regular intervals, or in informal groupings, along the margins of street rights-of-way, in an amount equal to a minimum of one (1) street tree per forty linear feet (40'), as measured along the street right-of-way line.



2. **Front yard setback area plantings.** Where a front yard setback is required by this Ordinance, the Planning Commission may require a berm, greenbelt or other landscaping materials within the front yard setback in accordance with the screening or buffering objectives of this Article.
- F. **Detention and retention basin landscaping.** Where a detention or retention basin, or similar stormwater management facility is required, landscaping shall be provided that 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. Plantings shall replicate a natural environment. Deciduous shade and ornamental trees, shrubs, perennials, grasses and other groundcover shall be clustered around the basin to achieve a variety of plant materials. 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.
 3. 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.
 4. Basins may be planted with a mixture of groundcover plantings native to southeast Michigan, such as native grasses or wildflowers, provided that such plantings present a finished appearance with minimal maintenance.
 5. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative in nature and subject to Planning Commission approval.
- G. **Special approval land uses.** Where deemed necessary by the Planning Commission, special approval land uses shall be screened or buffered in a manner that separates the use from the street right-of-way, the view of the general public or adjacent residential areas.

Section 11.06 Landscape Material Standards.

- A. **General Standards.** The following shall apply to all plant materials:
1. 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)
 2. 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.
 3. All plant material shall be nursery grown, hardy to the climate of southeast Michigan, appropriate for the soil, climatic and environmental conditions, long lived, resistant to disease and insect attack.
 4. Artificial plant material shall be prohibited.
 5. Landscaping shall not conflict with utilities and fire hydrant locations, visibility for motorists, and clearance for pedestrians.
 6. Where pavement and landscape areas interface adequate measures shall be taken to protect plants from vehicle encroachment.

- B. **Groundcovers.** The following shall apply to all groundcover materials:
1. Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or hydro-seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
 2. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance that is reasonably complete after one complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
 3. Stone and synthetic materials shall not be used as a groundcover.
- C. **Mulch.** Planting beds shall present a finished appearance, with shredded hardwood bark mulch or similar natural material at a minimum depth of three inches (3"). Mulch used around trees and shrubs shall be a minimum of four inches (4") deep, and shall be pulled one inch (1") away from tree trunks. Pine bark mulch shall be prohibited. An effective edge treatment must be provided to contain and prevent migration of the mulch.
- D. **Topsoil.** A minimum four inches (4") of topsoil shall be provided for all lawn areas, ground covers and planting beds.
- E. **Existing vegetation.** Existing vegetation to be preserved shall be protected during construction through the use of temporary snow fencing and stakes around the drip line. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.
- F. **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 one plant species, and shall comply with the following schedule for minimum starting sizes:

LANDSCAPING MATERIALS	PERCENTAGE OF TOTAL AMOUNT	MINIMUM SIZE AT INSTALLATION
Deciduous Shade Trees	50%	3 - 3½ caliper-inches diameter
	50%	3½ - 4 caliper-inches diameter
Evergreen Trees	50%	8.0 feet overall height
	50%	10.0 feet overall height
Deciduous Ornamental Trees	50%	2.0 caliper-inches diameter or 6 feet overall height
	50%	2.5 caliper-inches diameter or 8 feet overall height
Shrubs	50%	24 inches in height or spread (B & B)
	50%	30 inches in height or spread (B & B)
Vines	100%	30 inches in length

Section 11.07 Prohibited Plant Materials.

The following trees, because of various problems, are not considered desirable plant materials, except where such trees are associated with an appropriate wetland or other ecosystem, where removal of existing trees would result in a substantial loss of screening or buffering for adjacent uses or street rights-of-way, or where noted below:

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 un-developed areas of a site
Populus x	Poplar varieties
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 11.08 Installation.

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

- A. **Deadline for installation.** Required plant materials shall be planted within three hundred sixty five (365) days of final site plan approval, or one hundred eighty (180) days from the date of issuance of a certificate of occupancy.
- B. **Performance guarantee.** If it is determined that the landscape materials would be jeopardized by weather conditions, the Building Inspector may require a performance guarantee, in accordance with Section 1.06 (Performance Guarantees), to cover the cost and ensure the installation of required landscaping by the end of the next planting season. An inspection of plant materials shall be conducted by the Building Inspector before a performance guarantee may be released.
- C. **Deviations from approved plan.** Deviations in quantity, type, size and location of plant materials from the approved landscape plan shall be subject to Planning Commission review and approval.

Section 11.09 Maintenance.

All landscaping materials shall be maintained in accordance with the approved landscape plan, and the following:

- A. Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with the manner in which the effectiveness, health and intended functions of the various landscape areas on the site will be ensured.
- B. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.

- C. Pruning shall be minimal at the time of installation, only to remove dead or diseased branches. Subsequent pruning shall assure proper maturation of plants to achieve their approved purpose.
- D. All dead or diseased plant materials shall be removed and replaced with the same number, size and species of materials within thirty (30) days of written notice from the Village, or by the end of the next planting season if it is determined by the Village that the new materials would be jeopardized by weather conditions.
- E. The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this Ordinance.
- F. Adequate provisions shall be made to supply water to all landscape areas on a regular schedule.

Section 11.10 Exceptions and Alternatives.

- A. **Alternative designs or materials.** The Planning Commission shall have the authority to modify the standards of this Article, provided that the alternative is determined to be in accordance with the purpose and objectives of this Article.
- B. **Existing sites.** Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the Planning Commission may require landscaping, screening and buffering improvements in accordance with the purpose and objectives of this Article, provided that any required improvements shall be in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.

ARTICLE 12

BUILDING DESIGN AND COMPOSITION

Section 12.01 Purpose.

- A. **In general.** The purpose of this Article is to:
1. Accomplish the purposes of the Master Plan and Downtown Plan, encourage consistent quality and character when structures are built or redeveloped, and maintain the visual environment of the Village through minimum design and appearance standards.
 2. Protect the general health, safety, and welfare by ensuring that the Village's property values, building designs, appearance, character, and natural resources are preserved and respected through high-quality design and distinctive architectural features.
 3. Encourage creativity, imagination, innovation, and variety in architectural and site design through design principles that will promote harmony in the physical relationships between structures in the Village.
- B. **Downtown area.** The attractiveness and economic vitality of the Village downtown area is largely a reflection of the shape, placement, design and quality of its buildings. Accordingly, it is the further purpose of this Article to:
1. Preserve the heritage, history, and architectural character of existing buildings in the downtown area, as these buildings are renovated and re-used, and as changes and improvements are made to the area.
 2. Improve property values in the downtown area by establishing a development pattern in which new buildings and building modifications maintain the unique character of downtown and enhance the existing building environment.
 3. Provide a pleasant, rich and diverse experience for pedestrians by visually connecting activities occurring within a structure to adjacent sidewalk areas, and inhibit criminal activities by increasing opportunities for surveillance of the street from interiors of buildings.

Section 12.02 Scope.

Every property owner has the responsibility of ensuring that the design and composition of their buildings in the Village do not adversely impact adjacent properties. The provisions of the Article shall apply to all buildings that are subject to site plan or sketch plan review in accordance with Article 18 (Site Plan Review). Such buildings shall be required to comply with all applicable provisions of this Article, except as follows:

- A. **Single-family and two-family (duplex) dwellings.** The provisions of this Article shall not apply to single-family and two-family dwellings and accessory structures in any district.
- B. **Building code requirements.** This Article is not intended to supercede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.
- C. **Waivers.** To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may approve a proposed architectural design or exterior façade material that is not in compliance with the strict requirements of this Article, upon determining that all of the following conditions have been satisfied:

1. The proposed architectural design or exterior façade material is consistent with the purpose of this Article.
2. The proposed architectural design or exterior façade material would enhance the character of the building, and would be equal or superior to designs or materials permitted by this Article.
3. The proposed architectural design or exterior façade material would be in harmony with the character of adjacent buildings and the surrounding district.

Section 12.03 General Requirements and Standards.

The following shall apply to all planned buildings and structures in the Village, and to alterations, renovations, expansions or other work that includes exterior changes to existing buildings. All proposals requiring Planning Commission approval shall meet or exceed the standards of this Article and the following:

- A. **Architectural standards.** Decorative and functional architectural features, details and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building.
 1. All sides of a building shall be complementary in design, details, and materials.
 2. Where building façade walls exceed one hundred feet (100') in length, design variations shall be applied to provide a changing and varying facade appearance, including but not limited to:
 - a. Projections, bays or recesses, not exceeding ten feet (10') in depth.
 - b. Enhanced ornamentation, architectural detailing or similar features.
 - c. Variations in building height or window patterns.
 - d. Distinctively shaped roof forms, detailed parapets, and cornice lines.
- B. **Public entrances.** Main entrances located adjacent to public rights-of-way shall be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. Doorways shall be emphasized with framing devices, such as, peaked roof forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting and similar devices.
- C. **Roof design.** Pitched and shingled roof forms with overhanging eaves shall be incorporated into the building design where appropriate. Roof-top mechanical equipment shall be screened by a parapet wall or similar device.
- D. **Colors.** Exterior building colors shall reflect the building design and composition and be harmonious with the colors, design and composition of adjacent buildings.
- E. **Streetscape design standards.** New sidewalks, street furniture, street yard, landscaping, lighting fixtures and similar items placed within the street right-of-way shall be consistent with the Downtown Plan and the established Village streetscape design.
- F. **Exterior building materials.** Building materials shall be primarily natural products that convey permanence, such as brick, decorative masonry block, stone, wood siding or similar materials. Tubes of glass and other clear or opaque materials that are internally illuminated with neon or other gases are prohibited for use as an architectural feature. The use of exterior facade materials shall further comply with the following façade coverage standards by district:

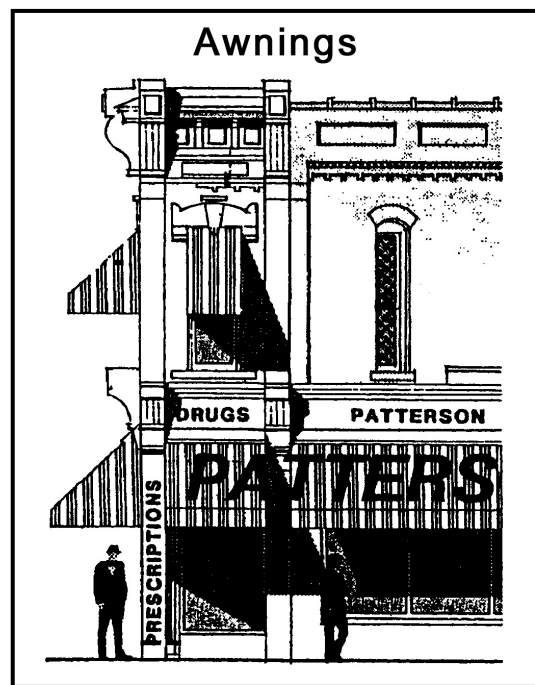
BUILDING MATERIALS FAÇADE COVERAGE SCHEDULE								
BUILDING MATERIALS		MAXIMUM PERMITTED OF FAÇADE COVERAGE BY ZONING DISTRICT (percent)						
		R-1	R-M	O	C-1	C-2	I	P
BRICK	Face, jumbo, terra cotta or ceramic	100%	100%	100%	100%	100%	100%	Use adjacent district standards
CONCRETE	Formed in place or pre-cast panels or blocks	10%	10%	10%	10%	25%	50%	
	Decorative split-face CMU or ribbed block	25%	25%	25%	25%	50%	100%	
INSULATION & FINISH PRODUCTS	EIFS/Dryvit, plaster, stucco or similar materials	25%	10%	10%	10%	50%	50%	
GLASS	Translucent, dark tint or mirrored	10%	10%	10%	10%	25%	50%	
	Transparent or light tint	75%	75%	75%	75%	75%	75%	
	Glass block	25%	10%	10%	10%	50%	50%	
PANELING AND FLAT, SEAMED OR RIBBED SHEETS	Metal	0%	0%	0%	0%	25%	50%	
	Wood	75%	75%	0%	0%	0%	0%	
SIDING OR SHINGLES	Vinyl, metal or other synthetic materials	75%	75%	0%	0%	0%	0%	
	Wood, cement board or similar materials	100%	100%	75%	75%	50%	50%	
STONE	Cast or natural	100%	100%	100%	100%	100%	100%	

Section 12.04 Additional Requirements for Buildings in the C-1 District.

The following shall apply to all buildings in the C-1 district, in accordance with the Scope of this Article:

- A. **Awnings.** Awnings may be installed on a building in the C-1 district, subject to the following:
1. Awnings shall be primarily designed to protect pedestrians and display windows from the weather, to add color and interest to the street level façade, and to emphasize display windows and entrances.
 2. Awnings shall relate to the shape of the facade's architectural elements, shall not obscure or conceal architectural details, and shall be consistent with the historic character of existing buildings in the district. The use of traditionally shaped awnings is encouraged, where appropriate.
 3. Awnings on a multiple-storefront building should be consistent in character, scale, and location, but need not be identical.

4. Canvas and fire-resistant acrylic are preferred awning materials. The use of vinyl or plastic awning materials is prohibited.
- B. **Expression line.** The street level facade of any building shall be distinguished from the remainder of the building with a horizontal expression line on the façade located between the highest point of the street level and the bottom edge of any second floor windows:
1. **Permanent design element.** The expression line shall be incorporated into the façade as a permanent design element, and shall be created by a change in building material, architectural design, setback, recess, projection, cornices, belt courses, corbelling, molding, stringcourses or other sculptured design element.
 2. **Consistency with adjacent buildings.** Where the Planning Commission determines that a consistent expression line has been established on adjacent buildings, it shall be continued on any new construction or expansion, or the Commission may require a transitional design element (such as columns, piers, bays or changes in façade materials) between the existing and proposed expression lines.
- C. **Street level façade transparency.** The street level facade of all buildings in the C-1 district, except for those portions occupied by a theater, auditorium, church or similar use, shall be designed to encourage and complement a pedestrian-scale environment, with window and door openings arranged so that the uses within the building are visible from and accessible to the street:
1. A minimum of sixty percent (60%) of the street level façade of a building with frontage on a public or private right-of-way, street, sidewalk or plaza shall be transparent.
 2. A minimum of twenty-five percent (25%) of the street level façade of a building with frontage on an alley, park or pedestrian path shall be transparent.
- D. **Windows.** Primarily clear or lightly tinted glass shall be used in windows, doors and display windows in the C-1 district. Solid glass walls and translucent, opaque or mirrored windows are prohibited.
1. **Upper story requirements.** Windows on all floors above the ground floor shall be vertical, recessed and include visually-obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the facade.
 2. **Pattern and arrangement.** Windows shall be arranged into proportionally-spaced horizontal lines, and a balanced window spacing or pattern of window bays shall be established on each building façade.
 3. **Consistency with adjacent buildings.** Where the Planning Commission determines that a consistent window pattern or arrangement has been established on adjacent buildings, it shall be continued on any new construction or expansion, or the Commission may require a transitional design element (such as columns, piers, bays or changes in façade materials) between the existing and proposed window pattern or arrangement.

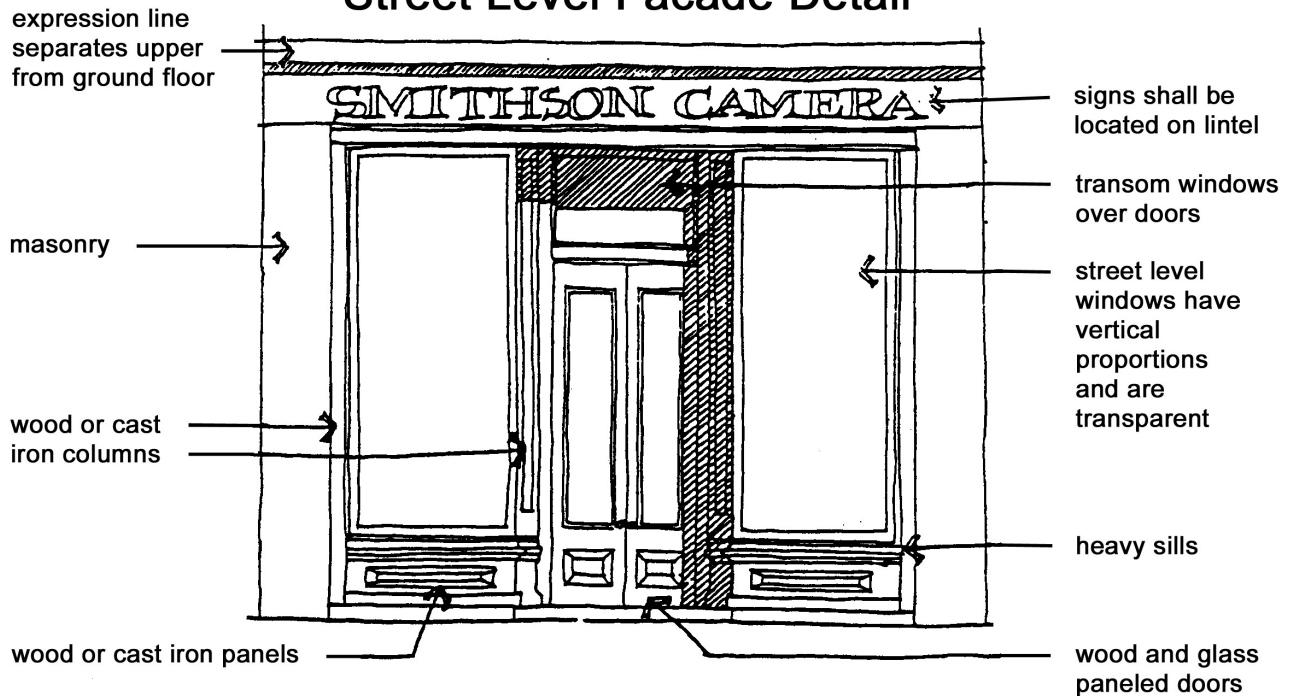


Facade Arrangement and Design

The Facade



Street Level Facade Detail



Section 12.05 Existing Buildings.

Alteration, renovation, expansion or other work that includes exterior changes to an existing building shall be subject to the requirements of this Article and the following standards:

- A. **Demolition.** A building or structure in the C-1 district shall not be moved or demolished, except under the following conditions:
 - 1. The Building Inspector has ordered its demolition for safety reasons.
 - 2. The Planning Commission has approved a plan for re-development of the lot, and a performance guarantee has been accepted by the Village for the re-development.
- B. **Façade preservation.** Brick and stone facades should not be covered with artificial siding or panels. Generally, no material will look more appropriate on a façade than the one originally used.
- C. **Preservation of window and door arrangements.** Wherever practical, the arrangement, pattern and proportions of existing window and door openings should be maintained. New window and door openings should maintain a similar horizontal and vertical relationship as the original.
- D. **Preservation of architectural elements.** Original details on a building should not be destroyed or covered during façade renovations, and the vertical lines of columns and piers, and the horizontal definition of spandrels, cornices and other primary structural elements should be maintained wherever possible.
- E. **Façade changes.** Where a new wall material is proposed for an existing facade, only that portion of the building being altered shall be subject to the standards of this Article. However, the Planning Commission shall consider the proposed alteration within the context of the overall building architecture, the character of adjacent buildings and the purpose of this Article.
- F. **Expansions.** The Planning Commission may approve the continuation of existing wall materials on to an expansion of an existing building, provided that the overall design and architectural character of the expansion is consistent with the existing building and the purpose of this Article.

ARTICLE 13

SIGNS

Section 13.01 Purpose.

The purpose of this Article is to provide a framework within which the identification and informational needs of business and industry can be harmonized with the desires and aesthetic standards of the general public. It is intended by this Ordinance to give recognition to the legitimate needs of business, industry and other activities, through appropriate guidelines, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not benefit the community, or individual businesses or property owners.

It is further the intent of this Article to:

- A. Regulate the construction, alteration, repair and maintenance of all signs with respect to structural and fire safety, location, type of sign, dimensions, height and method of illumination.
 - B. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are seen.
 - C. Avoid visual clutter that confuses or misleads traffic, obstructs vision and is potentially harmful to property values, business opportunities and community appearance.
 - D. Protect the general public from damage and injury caused by distractions, hazards or obstructions caused by poorly designed or improperly constructed signage.
 - E. Preserve the appearance of the Village by preventing the placement of oversized and non-accessory signs that are out of scale with surrounding buildings and structures.
 - F. Authorize the use of signs that are compatible with their surroundings, and legible under the circumstances in which they are seen.
 - G. Seek removal of illegal signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.
- A. **Substitution.** Any lawful sign permitted under the provision of this Ordinance may contain a noncommercial message.
 - B. **Severability.** This Article and the various sections, subsections, paragraphs, and clauses herein are hereby declared severable. If any section, subsection, paragraph, sentence, phrase, clause, term, or word of this chapter is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected by the judgement.

Section 13.02 General Standards.

The following general standards shall apply to signs in all zoning districts:

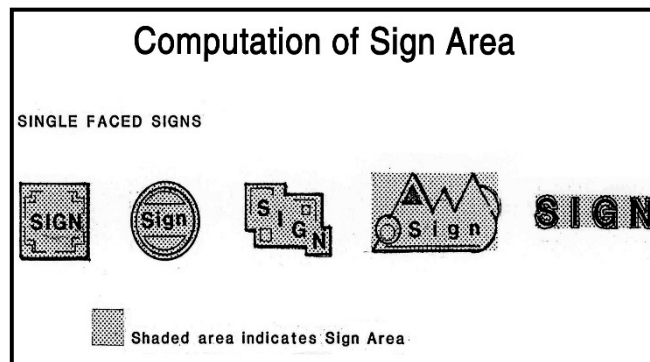
- A. **Standards of measurement.** Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign area.** The gross surface area within a single continuous perimeter, enclosing the limits of all sign copy or surface of any internally-illuminated sign.

- a. Where a sign has three (3) or more faces, or two (2) faces that are more than two (2) feet apart, the sign area shall equal the total area of all sign faces.

- b. Where two (2) faces are placed back to back and are at no point more than two feet (2') apart, the sign area shall equal the area of the larger single sign face.

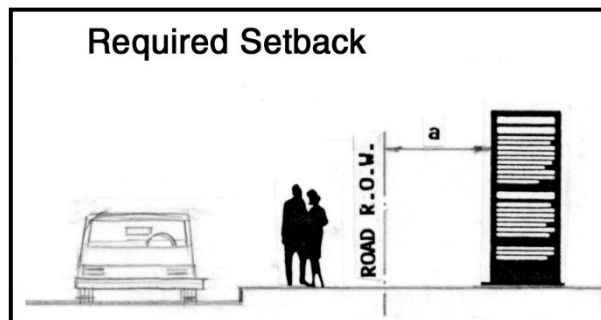
- c. For signs that advertise more than one business or tenant, the permitted sign area shall be allocated between the uses in proportion to the percentage of floor area or street level façade, as applicable that is occupied by each use.



2. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements.

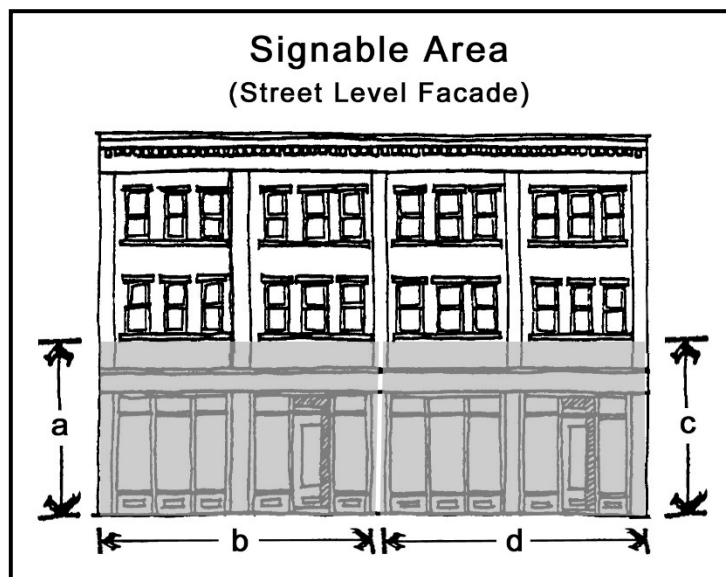
3. **Sign setback.** Setbacks shall measure from the closest street right-of-way or front property line to the leading edge of the sign.

4. **Signable area.** The signable area of a building shall equal the area of the street level façade of the building [(a x b) or (c x d) as shown on the adjacent illustration, or a combination of both where a single use occupies the entire street level façade].



- a. **Multiple uses.** Where more than one business or use occupies space on the street level façade, the signable area shall be divided among the businesses or uses in proportion to the size of their occupied space.

- b. **Corner lots.** Where a building has two (2) or more street level facades



(such as on a corner lot), each entrance façade is to still be within the 10% allowable signage area.

- B. **Construction.** All signs shall be securely constructed in conformance with applicable building, fire and electrical codes, and the applicable standards of this Article. Wood products shall be treated to prevent deterioration. A lightning grounding device shall be provided where required. Letters, figures and characters shall be safely and securely attached to the sign structure. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood or nails.
- C. **Street rights-of-way and corner clearance areas.** Signs shall be located outside of any street right-of-way, or any corner clearance area as described in Section 5.304 (Corner Clearance Areas), except where otherwise permitted by this Article.
- D. **Traffic and pedestrian hazards.** The placement, size, content, coloring or manner of illumination of signs shall not impair the use of adjacent properties, create traffic or pedestrian hazards, impair vehicular or pedestrian traffic flow, obstruct free and clear vision or interfere with any authorized traffic sign, signal or device. For the purposes of public safety, no sign shall use words, symbols, or designs that are intended to mimic regulatory signs or create a distraction to drivers.
- E. **Accessory to principal use.** All signs shall be accessory to the primary use of the lot where the sign is located, except where otherwise permitted by this Article.
- F. **Wind pressure and dead load requirements.** All signs shall be designed and constructed to withstand wind pressure and receive dead loads as required by this Article and applicable building codes, to satisfaction of the Building Inspector.
- G. **Illumination.** Sign illumination shall comply with the standards of Article 14 (Exterior Lighting), and shall further comply with the following:
 - 1. **External illumination of signs and awnings.** External illumination of signs shall be limited to fully-shielded light fixtures per sign face that use a maximum one hundred fifty (150) watt metal halide, tungsten-halogen or incandescent lamps. Such fixtures shall be concentrated on the area of the sign to prevent glare upon the street or adjacent property.
 - 2. **Internal illumination of signs and awnings.** Internal illumination of signs shall be prohibited, except where more than fifty percent (50%) of the illuminated sign area is covered by semi-opaque colors and materials that have a color value and saturation of fifty percent (50%) or higher. Internal illumination of awnings shall be recessed and the awning material is opaque except for any permitted sign copy area.
 - 3. **Specialty Lighting,** such as neon accent lighting or “open” signs, may be permitted by the planning commission or building inspector on a finding that the lighting meets all of the following standards. If further consideration is needed, Planning Commission approval may be required.
 - a. It is in character with the use.
 - b. It is not distracting (i.e., flashing).
 - c. It is in scale with and does not eclipse other signs in the vicinity.
 - d. It is not detrimental to other uses in the vicinity.
 - e. It does not create a safety problem or hazard for motorists.
- H. **Reader or Changeable Boards.** Freestanding signs for permitted office, commercial, and industrial uses, and permitted non-residential uses in residential districts, may include one (1) reader board or changeable board sign. Such signs shall not exceed 25% of the overall sign area. Signs must also comply with specialty lighting requirements in 13.02.G.3 above and the following:

- a. The size of the reader board in the C1 and C2 Districts shall not exceed three (3) square feet unless incorporated into a ground sign as described in Section 13.06.
 - b. The signs are limited to four (4) colors in all districts.
 - c. The frequency in which the sign changes shall be limited to five (5) seconds.
 - d. No scrolling or other continuous message movement shall be permitted.
- I. **Smooth sign face.** No nails, tacks or wires shall be permitted to protrude from the front of any sign except where deemed necessary by the Village of Armada Building Inspector.
 - J. **Maintenance.** All signs, including canopies, sign frames, sign copy area, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.

Section 13.03 Signs Permitted in All Districts Without a Permit.

The following non-illuminated signs shall be a permitted accessory to a permitted use on any zoning district, without obtaining a sign permit prior to installation.

- A. **Window signs.** Window signs in nonresidential areas, which shall not occupy more than 30 percent of the total window area.
- B. **Nameplate signs.** One (1) nameplate, provided that such nameplate shall not exceed two square feet, is not illuminated, and is mounted flat against the wall of the building.
- C. **Memorial signs.** Memorial signs or tablets, names of buildings, and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- D. **Government signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional or regulatory signs may be permitted in the road right-of-way.
- E. **Flags.** Flags, pennants, decorative banners or displays. Approval from the county road commission, the state department of transportation, and/or the village shall be required whenever such displays are located within a road right-of-way.
- F. **Architectural features/artwork.** Integral decorative or architectural building features or works of art, provided that they do not contain moving parts or lights.
- H. **Historical signs.** Markers, plaques or signs describing a state or national designation as a historic site or structure and historic home plaques.
- I. **Directional signs.** Directional signs not exceeding two square feet in sign area for each sign, with no more than two signs at each location. Horizontal directional signs painted on or adhered to the surface of paved areas are exempt from these standards. Directional signs may be located in the required front yard, except that in no case shall they be located within the road right-of-way. Directional signs shall direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building.
- M. **Wall and behind-the-window signs.** Wall or behind-the-window signs with lettering or symbols of three (3) inches or less may also be allowed in addition to the permitted signs per establishment. The principal orientation of these signs is for pedestrian orientation. Permitted signage may also include business signs not exceeding two (2) square feet containing information on credit cards and business affiliations. A single open or closed sign for each business establishment is permitted provided such sign does not exceed 1 1/2 square feet. This shall not be construed to prevent in-store advertising and displays designed for store customers.

- O. **Other signs.** Non-advertising signs erected to warn the public of dangerous conditions and unusual hazard, including but not limited to caving ground, drop-offs, high voltage, fire danger, explosives and severe visibility limits.
- Q. **Commercial district sidewalk signs.** May be allowed if they are under 24" X 24" at the base and no more than 36" tall being sandwich board or pedestal style and are not placed in the main concrete walkway. Main walkway is 5' to 5'10" depending on location. Close to building is preferred. The sign has to be taken in at the close of business. Must be kept in good repair and be able to handle moderate winds. Building Inspector can grant approval on a 90-day basis.

Section 13.04 Signs Permitted in All Districts With a Permit.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit:

- A. **Flagpoles.** Flagpoles designed for the display of flags or pennants, subject to the following:

1. **Number of permitted flagpoles.**

STREET FRONTAGE (feet)	MAXIMUM NUMBER OF PERMITTED FLAGPOLES
0' – 199'	1
200' – 299'	3
300' or more	5

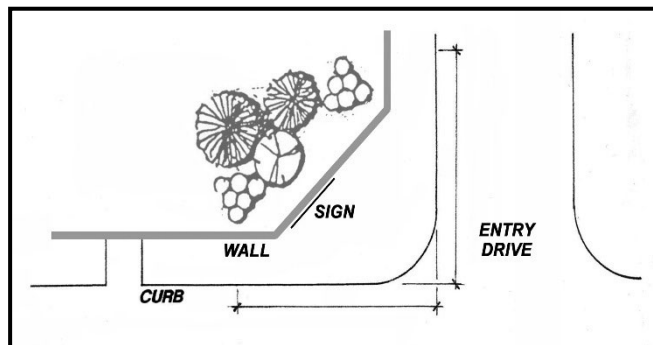
2. **Location.** Flagpoles shall be located in manner that prevents displayed flags from projecting into the street right-of-way or over adjacent properties at full extension. Flagpoles shall not be located on the roof of a building.
3. **Height.** A flagpole shall be considered a structure, as defined by this Ordinance, and shall conform to the height restrictions and setback requirements for structures in the district where it is located.

- B. **Site entry features with signage.** Architectural features with signage may be erected at each entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park or similar development from a major street, subject to the following:

1. **Number of signs.** Maximum of one (1) sign on each side of the entrance from a major street.

2. **Setbacks.** Site entry features with signage shall be located outside of any street setback area or corner clearance area, and shall further comply with the following minimum setback requirements:

- a. Ten feet (10') from any street setback or right-of-way.
- b. Ten feet (10') from the curbline of any internal access driveway.



- c. Five feet (5') from any sidewalk or paved path.
- 3. **Sign area and height.** The maximum height and area permitted for signs on an architectural feature shall be equal to the maximum permitted for ground signs, as defined in Section 13.06 (Ground Signs for Non-Residential Uses).
- 4. **Planning Commission review.** The location and design of each site entry feature with signage shall be subject to review and approval by the Planning Commission.
- C. **Building directory.** Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-story office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following:
 - 1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.
 - 2. The maximum sign area of the building directory shall be equal to five percent (5%) of the signable area of the building.
- D. **Building mounted signs.** All building mounted signs refer to Section 13.05.
- E. **Ground signs.** Ground signs for non-residential use refer to Section 13.06.

Section 13.05 Building-Mounted Signs for Non-Residential Uses – Permit Required.

The following shall apply to all building-mounted signs accessory to a non-residential use in any zoning district:

TABLE 13-1	TYPE OF SIGN			
	WALL	AWNING	PROJECTING	WINDOW
Maximum number of sign faces per sign	1	1	3	1
Minimum height above ground (feet)		7.5'	8.5'	
May be illuminated?	yes	yes	yes	yes

- A. **Sign area.** The total sign area of all building-mounted signs shall not exceed ten percent (10%) of the signable area of the building facade occupied by the use associated with the sign.
- B. **Window signs.** Temporary or permanent window signs shall be limited to the street level façade, except when second floor is occupied commercially. The total sign area of all window signs shall not exceed thirty percent (30%) of the total surface area of the level of façade windows under consideration.
- C. **Projecting signs.** Projecting signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall be limited to sixteen (16) square feet of sign area per sign face.
- D. **Location.** Building-mounted signs shall be located entirely within the street level façade(s) of a building. Planning Commission may approve a sign elsewhere if a usable street level façade does not exist.
- E. **Signs in the C-1 District.** Signs mounted on buildings in the C-1 (Central Business) District shall also be subject to the following:
 - 1. **Sign projections.** Wall signs may project into the street right-of-way over a public sidewalk a maximum of one foot (1'). Projecting signs may project into the street right-of-way over a public

sidewalk a maximum of four feet (4'). Awning signs may project into the street right-of-way over a public sidewalk a maximum distance equal to fifty percent (50%) of the width of the sidewalk.

2. **Sign design.** Building-mounted signs shall complement the character and building design of the historic buildings in the C-1 district.
3. **Authority to establish sign guidelines.** The Planning Commission shall have the authority to establish design guidelines for the location, materials and method of illumination for building-mounted signs in the C-1 district, in accordance with the purpose of this Article. Such guidelines may be established only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures).

Section 13.06 Ground Signs for Non-Residential Uses – Permit Required.

The following shall apply to all ground signs accessory to a non-residential use in any zoning district:

MAXIMUM SIGN HEIGHT (feet)	MINIMUM REQUIRED SETBACK (feet)	MAXIMUM SIGN AREA (square-feet)
6'	6'	24
7'	7'	27
8'	8'	30
9'	9'	33
10'	10'	36

- A. **Maximum number of sign faces per sign.** Ground signs shall be limited to a maximum of two (2) sign faces placed back to back not more than three feet (3') apart.
- B. **Maximum number of signs per lot.** A maximum of one (1) ground sign shall be permitted per lot.
- C. **Illumination.** Illumination must comply with Section 13.02G and H.
- D. **Changeable messages on ground signs.** On ground signs that are no taller than five (5) feet in height and are designed with a decorative masonry or stone base, changeable message boards incorporated into the sign may utilize up to 70% of the total permitted signable area.

Section 13.07 Permits.

No person shall erect or relocate a sign without first obtaining appropriate permits from the Building Inspector or Planning Commission. The following information shall be provided with any permit application:

- A. Name, address and telephone numbers for the applicant, property owner, sign owner and sign contractor or person, firm, corporation or association erecting the sign.
- B. Street address, parcel identification number or location of the property on which the sign is to be located.
- C. Type of sign, as defined in this Article.
- D. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all proposed and existing signs on the lot. Elevation drawings of all buildings on the site shall be provided showing the location of all existing and proposed building-mounted signs.

- E. **Construction drawings.** Plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each sign.
- F. **License and insurance.** Every person who engages in the business of erecting, altering or dismantling signs in the Village shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the Village of Armada and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Village Clerk at least thirty (30) days prior to the date of cancellation.
- G. **Removal agreement or bond.** The Building Inspector may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.
- H. Copy of stress sheets and calculations showing the structure is designed in accordance with applicable dead load and wind pressure standards. The Building Inspector may require approval of the structural design by a registered architect or engineer.
- I. Written consent of the property or sign owner, or their agent or manager, to perform the proposed work.

Section 13.08 Nonconforming Signs.

Nonconforming signs shall be permitted to continue as such until removed or altered, provided that such signs are maintained in accordance with the following:

- A. **General standards.** Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 13.02 (General Standards).
- B. **Expansion or relocation prohibited.** Nonconforming signs shall not be expanded or relocated.
- C. **Servicing.** Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes and the requirements for all signs specified in Section 13.02 (General Standards).
- D. **Alterations.** Alterations to a nonconforming sign, including changes to the sign frame, sign copy area, panels or structural elements shall be subject to the following conditions:
 - 1. The sign shall be brought into compliance with the requirements for all signs specified in Section 13.02 (General Standards).
 - 2. The sign shall be brought into compliance with all applicable sign height and sign area standards for the type of sign, as specified in this Article.
 - 3. Nonconformities caused by inadequate ground sign setback at a ground sign's current location may be permitted to continue so that the existing support structure and wiring may be re-used, provided that permitted alterations will not increase this nonconformity, and provided that the ground sign is located entirely outside of all street rights-of-way and corner clearance areas.
 - 4. Approval of appropriate permits by the Building Inspector.

Section 13.09 Prohibited Signs.

The following signs shall not be permitted in any zoning district:

- A. **Obscene material.** Display of obscene material upon any sign is prohibited.

- B. **Traffic and pedestrian hazards.** No signs, other than municipal traffic control signs, shall be located within street rights-of-way or corner clearance areas, except where permitted by this Article. No sign shall obstruct vision, constitute a hazard, or be confused with any authorized traffic sign, signal or device. For the purposes of public safety, no sign shall use words, symbols, or designs that are intended to mimic regulatory signs or create a distraction to drivers.
- C. **Signs on trees and utility poles.** Posting of placards, posters or other forms of signage on posts, trees, fences, park-type benches, utility poles, streetlight poles or similar objects, whether public or private.
- D. Roof signs, portable signs, non accessory signs and billboards (portable signs will be allowed for community use only).
- E. Signs that incorporate string lights, flashing or intermittent lights, exposed incandescent bulbs, animation or unshielded luminous tube and exposed bulb fluorescent lighting, not including reader-board signs.
- F. Signs that have any visible moving parts, mechanical movement or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents, except for decorative displays as defined by this Ordinance.
- G. Any abandoned or illegal sign, as defined in this Ordinance.
- H. Signs not expressly permitted by this Article are prohibited.

Section 13.10 Sign Removal by Village Action.

- A. **Abandoned and illegal signs.** When there is a question or dispute over whether a sign is illegal or has been abandoned, as defined in this Ordinance, the Zoning Board of Appeals shall have the authority to make such determinations and to require the removal of abandoned and illegal signs in the Village, subject to the following procedure:
 - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the property upon which the sign is located shall be given an opportunity to present evidence as to whether the sign is abandoned or illegal, and whether the sign should be removed.
 - 2. **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination as to whether the sign is an abandoned or illegal sign, as defined in this Ordinance. Written notification of the determination and any order for removal shall be provided to said owner, operator or person having beneficial use of the property upon which the sign is located.
 - 3. **Removal.** Abandoned or illegal signs shall be removed within thirty (30) days of the determination and order for removal by the Zoning Board of Appeals. All sign copy and component parts shall be completely removed, and the area where the sign was located shall be restored as nearly as possible to its original condition. Upon failure to remove the sign, the Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
- B. **Damaged Signs.** Signs determined to be in a damaged condition by the Building Inspector shall be repaired, replaced or removed to the satisfaction of the Building Inspector by the owner, operator or person having beneficial use of the property upon which the sign is located. If such action is not taken by the owner within ten (10) days, such signs may be repaired or removed by the Village at the expense of the owner of the property upon which the sign is located. The Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
- C. **Nonconforming signs.** The elimination of nonconforming signs in the Village is hereby declared to be for a public purpose and for a public use. The Village Council shall have the authority to institute and prosecute

proceedings for the condemnation of nonconforming signs determined to be in violation of the requirements for such signs specified in Section 13.08 (Nonconforming Signs), under the power of eminent domain and in accordance with the General Law Village Act, Public Act 3 of 1895, as amended. For the purpose of removal, the Village Council may, at its discretion, acquire and remove nonconforming signs by purchase, condemnation or otherwise with the cost paid from general funds.

- D. **Temporary signs.** Temporary signs erected or displayed within a street right-of-way or corner clearance area, or without a valid permit or after the expiration of a permit, may be removed by the Village without notice. Signs removed shall be held by the Village for a fifteen (15) day reclamation period, after which the sign shall be deemed abandoned and shall be discarded.
- E. **Unsafe signs.** Signs determined to be unsafe by the Building Inspector shall be immediately removed or repaired to the satisfaction of the Building Inspector by the owner, operator or person having beneficial use of the property upon which the sign is located. If such action is not taken by the owner within twenty-four (24) hours, such signs may be removed by the Village at the expense of the owner of the property upon which the sign is located. The Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
- F. **Prohibited signs.** Prohibited signs (Section 13.09) will be removed without notice and discarded immediately.

Section 13.11 Temporary Signs.

- A. **Display of Temporary Signs without a Permit.** Temporary signs are allowed without a permit in all districts, subject to the following:

- 1. **Display period.** Temporary signs may be displayed for a maximum of 45 days per calendar year.
- 2. **Number of permitted signs.** Three (3) temporary signs are permitted per parcel.
 - a. **Bonus sign.** On any property actively marketed for sale or rental, one additional temporary sign is permitted per street frontage.
- 3. **Maximum sign area and height.** The maximum height of temporary signs shall not exceed three (3) feet in height and the sign area for each sign may not exceed six (6) square feet.

- B. **Display of Temporary Signs with a Permit.**

- 1. **Administrative approval.** The Building Inspector may, upon his authority, permit larger temporary displays for non-residential principal uses, subject to the following:
 - a. **Display Period.** Such signs shall be temporarily displayed for the specific time period defined on the approved permit. One permit may be issued for multiple display periods over one calendar year. The total display period for such signs on a single lot shall not exceed 45 days per calendar year.
 - b. **Number of permitted signs.** A maximum of one (1) such sign per vehicle entrance to the site, one (1) sign per street frontage, and one (1) sign per public entrance to the building shall be permitted per lot.

- c. **Maximum sign area and height.** The total sign area of all temporary signs permitted administratively is 32 square feet. The maximum size for an individual sign is 16 square feet. The maximum height permitted for each sign is six (6) feet.
 - d. **Sign removal.** A removal agreement or security bond to guarantee removal of such signs may be required. Signs must be removed within two (2) days of the removal date stated on the permit. If a securing bond is taken, it will be refunded if the sign is removed within the time constraints.
2. **Planning Commission approval.** Where signage is proposed to exceed the display period, sign area, or sign height limitations for non-permit-required or administratively approved signs, the Planning Commission may consider and permit, upon receipt of a permit application, a temporary sign plan for a site. Submission of a sign plan must follow the submission procedure in Section 18.04(A) for Planning Commission review, not including the information required by Sections 18.09-18.12, unless specifically requested by the Commission. The following standards shall apply:
 - a. **Intent.** To permit unique applications of signage that are supportive of the goals of the Village and will not be injurious to the community at large. Intended applications include by way of example, but are not limited to, festivals, seasonal displays, and special promotions. It is not the intent of this process to make determinations based on the applicant's reason for a request, but rather to focus on the impact of the signs on the community.
 - b. **Application information.** At a minimum, the applicant shall provide the following information. The Planning Commission may require additional information pertinent to the form and placement of the proposed signage:
 1. Location and extents of signage installation
 2. Maximum total sign area requested
 3. Type of signage requested (wall, ground, pole, etc.), including maximum individual sign area and height for each type of proposed sign
 4. Period of Display
 5. Permission from landowner or designee where the signs are to be placed.
 - c. **Alteration of a Temporary Sign Plan.** The Planning Commission may, in the interest of safety, character, and harmony, request alterations to the sign plan prior to approval. In no case shall the Planning Commission make recommendations/requests that are based on the message or content of a sign in a sign plan, unless the signs are specifically prohibited by this Article.
 - d. **Approval of a Temporary Sign Plan.** Upon determination that the sign plan will not be injurious to the character, harmony, or safety of the community in terms of visual impact or duration of installation, the Planning Commission shall approve a Special Purpose Sign Plan. Approval must include the permitted duration of display.

- e. **Sign removal.** A removal agreement or security bond to guarantee removal of such signs may be required. Signs must be removed within two (2) days of the removal date stated on the approved permit. If a securing bond is taken, it will be refunded if the sign is removed within the time constraints.

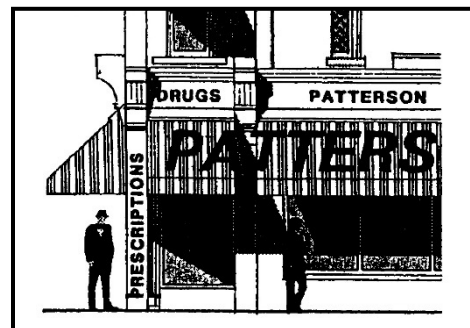
Section 13.12 Sign Definitions.

A **Sign** is any display, message, illustration, depiction, or symbol affixed to, painted on, erected, or presented on a building or other interior or exterior surface which is designed to direct or attract attention to a message.

The following sign types, defined herein, are referenced in this Article:

- A. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than one hundred eighty (180) days.
- B. **Accessory Sign.** A sign which pertains to the primary use of the premises.
- C. **Billboard or Non-Accessory Sign.** A sign that does not pertain to the primary use of the premises on which the sign is located.
- D. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs would include, but are not limited to canopy, marquee, wall or window signs.
- E. **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level may display information directing visitors to their portion of the building.
- F. **Canopy Sign.** A sign which is painted on or attached to an awning or canopy.
- G. **Changeable Board.** A sign, or a portion of a sign, with moveable or changeable messages that can be altered by natural, mechanical or electrical means.
- H. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

BUILDING DIRECTORY	
NAME	SUITE
Terry's Bakery	101
Cannon Insurance	102
Dr. Wiedermeyer	201
Dr. Ishmael, DDS	202
Mr. Jim Smith	301
Ms. Janet Doe	302



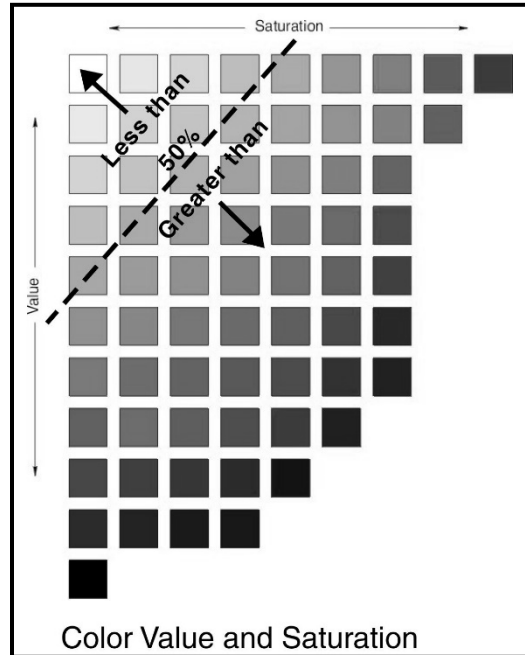
I. **Color Value.** The perception of an internally illuminated color's lightness or darkness, or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.

a. **Saturation.** The dominance of hue (i.e. red, purple, blue, etc. - expressed as a percentage) in the color, or the ratio of the dominant wavelength to other wavelengths in the color.

J. **Construction Signs.** A type of temporary sign identifying architects, contractors, subcontractors and material suppliers for a development, or advertising available lots or buildings in a new residential development.

K. **Damaged Sign.** A sign or supporting structure which is torn, defaced, dented, smashed, broken, vandalized or destroyed.

L. **Directional Sign.** A type of regulatory sign. Directional signs may be public or private in ownership and/or maintenance.



M. **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.

N. **Front Face Area.** The area of the front wall, including doors and windows, of the principal building facing a public street where the address or primary public entrance is located. Buildings on corner lots may have up to two front faces if each face satisfies the above criteria. If the building is devoted to two or more uses or businesses, the front face area for each use or business shall be determined by the Zoning Administrator based upon the proportionate share of the building occupied by each use or business.

O. **Garage Sale Signs.** A type of temporary sign used to advertise a garage sale.

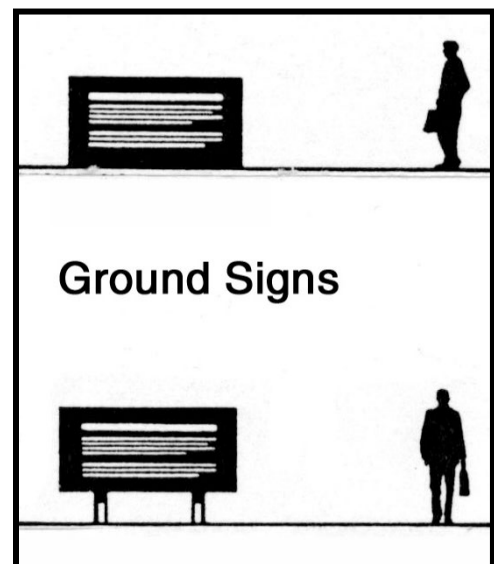
P. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface.

Q. **Illegal Sign.** A sign for which no valid permit was issued by the Village at the time such sign was erected, or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

R. **Nameplate.** A wall sign denoting the name of the occupant in a building.

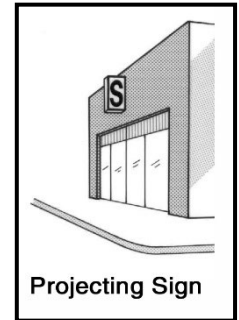
S. **Noncombustible Material.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

T. **Nonconforming Sign.** A sign for which the Village issued a permit at the time such sign was erected, but which is not in compliance with current zoning ordinance provisions for signs. Such signs must be located outside of any existing right-of-way, away from any public or private easement and wholly upon the parcel to which it is associated. Such signs must have all necessary



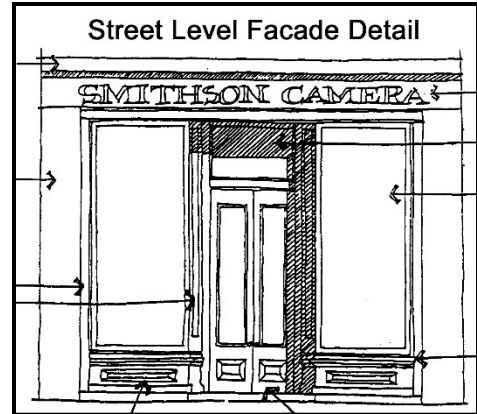
structural and decorative parts, including, but not limited to supports, sign box or enclosure and electrical equipment. The sign face or sign copy area must be intact and illuminated signs must be capable of immediate illumination.

- U. **Opinion Signs.** A type of temporary sign that announces the candidacy of persons running for public office, addresses issues to be voted upon at an election, or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services or businesses.
- V. **Portable Sign.** A sign and sign structure which is not attached to a building and is capable of being moved within the zoning lot on which it is located or from one zoning lot to another.
- W. **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building and extending beyond the building wall, building line or street right-of-way line.
- X. **Real Estate Signs.** A type of temporary sign that is placed while a property is actively marketed for sale or rental.
- Y. **Roof Sign.** A display sign which is erected, constructed and maintained on or above the roof of the building, or that extends above the roofline.
- Z. **Sale Of Produce Signs.** A type of temporary sign advertising the sale of produce during the local harvest season of the produce being sold.
- AA. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- BB. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- CC. **Site Entry Feature with Signage (Entrance Sign).** A sign located at the entrance to a development from a thoroughfare or collector road.
- DD. **Special Event Signs.** Temporary signs, including banners, pennants, balloons or festoons associated with a special event and displayed for a specified and limited period of time.
- EE. **Temporary Sign.** Displays constructed of cloth, canvas, fabric, plastic, paper, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. Temporary signs with a permit must display the date by which the sign shall be removed in a manner that is legible from the property line or public right-of-way.
- FF. **Unsafe Sign.** A sign that is not properly secured, is in danger of falling or has otherwise been found to be in a condition that is hazardous to the public health, safety or welfare by the Building Inspector.



GG. **Wall Sign.** A display sign which is painted on, adjacent to or attached to a building wall, door, window or related architectural feature and projecting not more than eighteen inches (18”) from the wall.

HH. **Window Sign.** A sign affixed to a window or so as to be observable from the opposite side of the window to which such sign is located or affixed.



ARTICLE 14

EXTERIOR LIGHTING

Section 14.01 Purpose.

The purpose of this Article 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 Article 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 14.02 Submittal Requirements.

The following information shall be provided with all site plans, site condominium plans and subdivision plats where exterior lighting is proposed to be altered or installed., The Building Inspector may also require that any or all of the following information be provided with building, electrical or zoning permit applications where exterior lighting is proposed to be altered or installed:

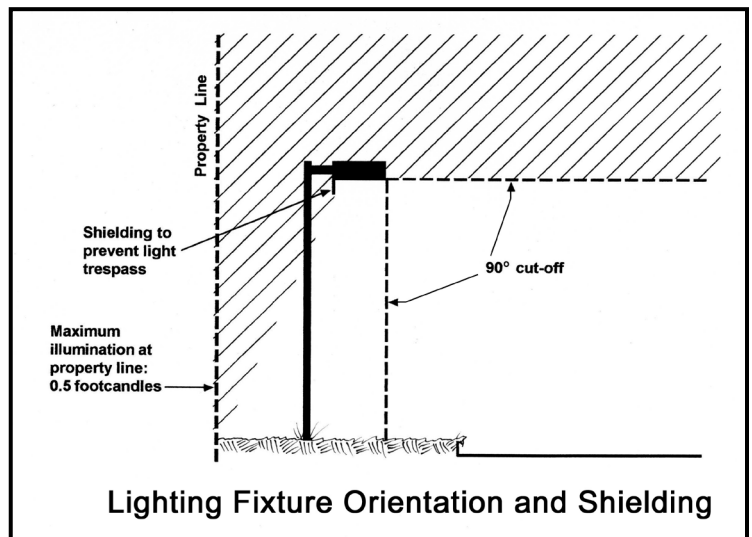
- A. The location, type and height of all existing and proposed light fixtures, such as freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting.
- B. A photometric grid indicating the overall light intensity, measured in footcandles, throughout the site.
- C. Specifications and details for each type of light fixture, including the total lumen output, type of lamp and method of shielding.

Section 14.03 General Provisions.

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



- A. **Fully-shielded.** Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.
- B. **Intensity.** The intensity of light within a site shall not exceed ten (10) footcandles within any site, and one (1) footcandle at any lot boundary or street right-of-way line. Where a lot abuts a residential district or use, the intensity shall not exceed one-half (0.5) footcandle at the lot boundary.
- 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 or light

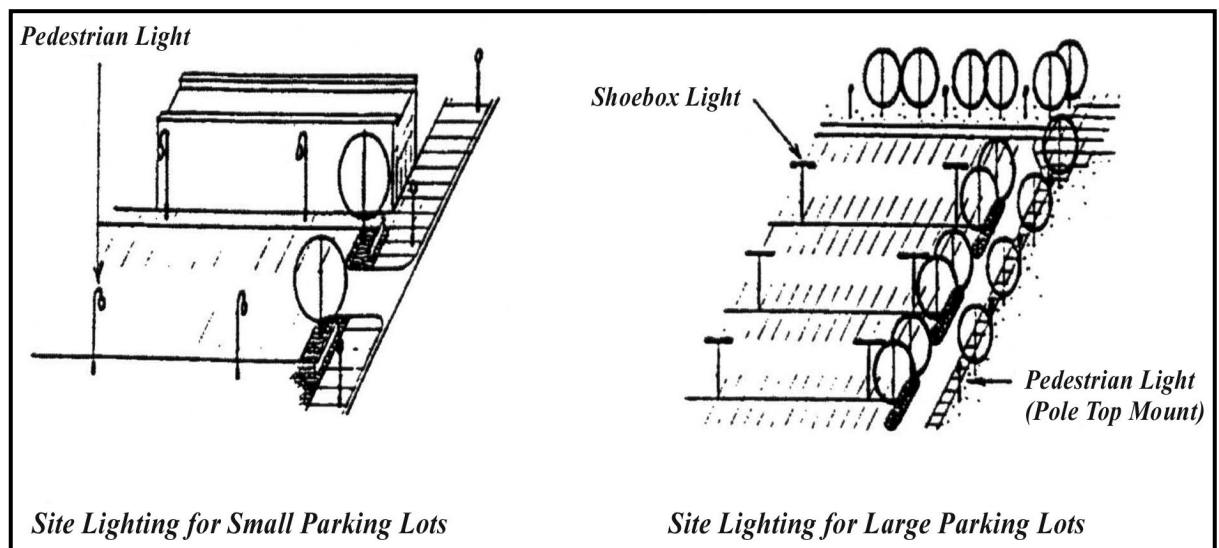


trespass on neighboring properties or street rights-of-way.

- D. **Measurements.** Light intensity levels shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane of the lot or street right-of-way boundaries at a height of five feet (5') above grade. Fixture height shall be measured from grade level to the highest point of the fixture.
- E. **Lamp options.** Lamps with a maximum wattage of two hundred fifty watts (250w) per fixture are recommended for use in the Village to maintain a unified lighting standard and to minimize light pollution. Low-pressure sodium lamps are preferred for security lighting in low traffic areas. High pressure sodium or metal halide lamps are preferred in parking lots and high traffic areas. The Planning Commission may permit the use of other lamp-types and wattages up to four hundred watts (400w) maximum for fully shielded fixtures, provided that such lighting is otherwise in compliance with this Article.
- F. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, and the use of laser light sources, searchlights or any similar high intensity light source for outdoor advertisement or entertainment is prohibited.

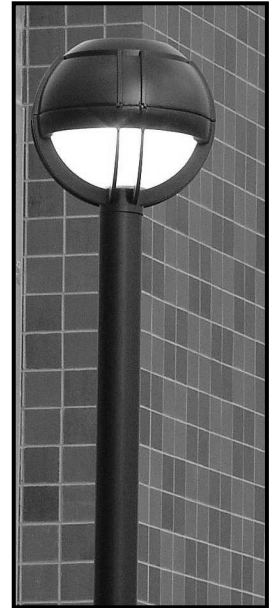
Section 14.04 Standards by Type of Fixture.

- A. **Freestanding pole lighting.** The following standards shall apply to all freestanding pole-mounted light fixtures:



1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to its proximity to a residential district or use, as follows:
 - a. Fifteen feet (15') high, where such fixtures are located within fifty feet (50') of a residential district or use.
 - b. Twenty feet (20') high, where such fixtures are located more than fifty feet (50') from a residential district or use.
 - c. Twenty five feet (25') high, where such fixtures are located more than three hundred feet (300') from a residential district or use.
2. **Hours of operation.** All exterior lighting systems in non-residential districts shall incorporate automatic timers, and shall be turned off between the hours of 11:00 p.m. and sunrise, except where used for security purposes, or where the use of the property continues after 11:00 p.m.

- B. **Building-mounted lighting.** Unshielded luminous tube or fluorescent lighting shall be prohibited as an architectural detail on all buildings, including but not limited to areas along roof lines, cornices and eaves or around and within window and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.
- C. **Window lighting.** Unshielded luminous tube and fluorescent lighting that is visible through a window from the public way shall be prohibited, and all light fixtures visible from the public way through a window shall be shielded to prevent glare at the property line.
- D. **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.
- E. **Alternative lighting designs.** The Planning Commission may, as part of site plan review, approve an alternative lighting design, provided that the Commission finds that the alternative design would be in accordance with the purpose of this Article.



Section 14.05 Lamp or Fixture Substitutions.

Light fixtures regulated under this Article shall not be altered or replaced after approval has been granted, except where the Building Inspector has verified that the substitution would comply with the provisions of this Article.

Section 14.06 Exempt Lighting.

The following types of exterior lighting are exempt from the requirements of this Article, except that the Building Inspector 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. Shielded pedestrian walkway lighting.
- C. Residential lighting that does not cause off-site glare or contribute to light pollution.
- D. Cases where federal or state laws, rules or regulations take precedence over the provisions of this Article.
- E. Situations where fire, police, rescue, or repair personnel need light for temporary or emergency situations.

Section 14.07 Exceptions.

It is recognized by the Village that there are certain uses or circumstances not otherwise addressed in this Article, such as sports stadiums, streetlighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The Zoning Board of Appeals may waive or modify specific provisions of this Article for a particular use or circumstance upon determining that all of the following conditions have been satisfied:

- A. A public hearing shall be held for all exception requests in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures).

- B. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- C. 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.
- D. 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.
- E. Additional conditions or limitations may be imposed by the Zoning Board of Appeals to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

ARTICLE 15

WIRELESS COMMUNICATIONS FACILITIES

Section 15.01 Purpose.

The purpose of this Article is to:

- A. Carry out the will of the United States Congress by permitting facilities within the Village that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
- B. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks, natural beauty areas and public rights-of-way from potential adverse impacts of towers and antennae.
- C. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

Section 15.02 Application.

The following information shall be provided with any application for approval of a wireless communications facility:

- A. Name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor.
- B. Street address, parcel identification number or location of the property on which the facility is to be located.
- C. Type of wireless communications facility, as defined in this Ordinance.
- D. **Sketch plan.** A sketch plan shall be provided on eleven inch by seventeen inch (11" x 17") paper that includes:
 - 1. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within three hundred feet of the boundaries of the zoning lot.
 - 2. A landscaping and screening plan that includes details of proposed fencing and the location, size, height and species of all existing and proposed landscaping and screening materials.
 - 3. Elevation drawings of all proposed buildings, towers and other structures on the site.
 - 4. A location map showing the location of the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one mile of the proposed location.
- E. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the service area coverage provided by the addition of any proposed facilities.

- F. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each wireless communications facility.
- G. **Permission to locate.** The petitioner shall submit copies of a signed lease or other proof, satisfactory to the Village Attorney, of permission to locate a wireless communications facility on the site.
- H. **Co-location agreement.** The petitioner for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the sketch plan and elevation drawings.
- I. **Insurance certificate.** The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing the Village of Armada as the certificate holder and naming the Village of Armada, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Village as certificate holder. The Village may require the petitioner to supply a \$1,000.00 cash bond to the Village, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
- J. **Maintenance agreement.** The petitioner shall submit a plan for the long term continuous maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Village if maintenance responsibilities change.
- K. **Removal agreement.** The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Village Attorney, for the removal of towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the Village for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Village in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Article.
- L. **Tax-related information.** The petitioner shall supply to the Assessor for the Village all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Village that this condition has been satisfied.
- M. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.
- N. **Backhaul network information.** The petitioner shall identify the entities providing the backhaul network for the facilities described in the application and other sites owned or operated by the applicant in the Village.

Section 15.03 Type of Review Required.

The purpose of this Section table is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following:

SITUATION or USE	REQUIRED REVIEW AND APPROVAL			
	VILLAGE COUNCIL	PLANNING COMMISSION	PERMITS	EXEMPT
NEW TOWERS AND ANTENNAS				
Construction, alteration or enlargement of wireless communications facilities	◆	◆	◆	
Installation of antennas on existing structures	◆	◆	◆	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays	◆	◆	◆	
COLOCATION ON EXISTING TOWERS				
Co-location of antennas on an existing approved tower			◆	
SATELLITE DISH ANTENNAS				
Installation of satellite dish antennas with a diameter of less than 1.5 meters				◆
Installation of satellite dish antennas with a diameter 1.5 meters or larger			◆	
AMATEUR RADIO ANTENNAS				
Installation of amateur radio transmission and reception antennas			◆	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority				◆
OTHER PROJECTS				
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within street rights-of-way	◆	◆	◆	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes				◆

Section 15.04 Review Procedure.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

- A. **Permit review and exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Article. Facilities listed as subject to permit review shall be

reviewed and approved by the Building Inspector in accordance with the State Construction enforced by the Village and Section 1.07 (Permits).

B. Planning Commission and Village Council review. Wireless communications facilities subject to Planning Commission and Village Council review shall be reviewed in accordance with the following procedure:

1. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 15.02 (Application).
2. **Technical review.** Prior to Planning Commission and Village Council consideration, the application materials shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission or Village Council, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review.
3. **Public hearing.** A public hearing shall be held by the Planning Commission for all proposed wireless communications facilities subject to Planning Commission and Village Council review, in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures).
4. **Planning Commission recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
 - a. The Planning Commission shall address whether the facility is in compliance with the requirements of this Article and Ordinance, including, but not limited to the standards listed in Section 15.05 (General Requirements) and Section 15.06 (Site Requirements by Situation or Use).
 - b. The Planning Commission shall address whether the facility satisfies the criteria for approval listed in Section 15.07 (Criteria for Approval).
 - c. The Planning Commission shall then report its findings and recommendations to the Village Council.
5. **Village Council action.** Upon receipt of the report and recommendation from the Planning Commission, the Village Council shall review all findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
6. **Effect of Village Council action.** Approval of the wireless communications facility by the Village Council shall allow the Building Inspector to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Village Council. If the Village Council denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.
7. **Expiration of approval.** Village Council approval of a wireless communications facility shall expire three hundred sixty five (365) days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Village prior to the expiration date, the Village Council may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

Section 15.05 General Requirements

- A. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
- B. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency (RF) emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.
- C. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
- D. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
- E. **Colors.** Towers, and antennas located on towers, shall be painted white. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.
- F. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

Section 15.06 Site Requirements by Situation or Use

- A. **Wireless communications towers:** The following shall apply to all wireless communications towers:
 - 1. **Location.** In the R-1 and R-M districts, wireless communications towers shall be limited to lots with a minimum area of ten (10) acres occupied by a COMMUNITY USE, as specified in Article 4 (Land Use Tables). In all other zoning districts, wireless communications towers shall be located on lots that have sufficient lot area to accommodate the minimum setback requirements of this Article and Ordinance.
 - 2. **Height.** Towers shall not exceed one hundred ninety five feet (195') in height as measured from grade-level to the highest point of the tower, including any antennas attached to the tower.
 - 3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
 - a. **From lot boundaries:** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of twenty feet (20'). If located on the same lot with another permitted use, such facilities shall not be located in a front yard.
 - b. **From adjacent districts and uses:** A minimum of three hundred feet (300') from the boundary of a residential zoning district or lot occupied by a residential use.
 - 4. **Fencing.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by a six foot (6') high fence or decorative masonry wall, with a lockable gate to prevent unauthorized persons from accessing the tower. Barbed-wire is not permitted.

5. **Screening.** Existing vegetation shall be preserved to the maximum extent possible. Proposed landscaping shall be designed to screen the facility, and shall include the following:
 - a. **Ground equipment screening.** A screen on all sides consisting of evergreen trees planted ten to fifteen feet (10' – 15') apart (on center) in two staggered rows ten feet (10') apart, or one (1) row of upright arborvitae planted no more than three feet (3') apart with a six foot (6') starting height. The Planning Commission may waive or modify this requirement upon finding that site conditions render such additional screening unnecessary or impractical.
 - b. **Street trees buffer zone.** A greenbelt, consisting of one (1) deciduous tree for every thirty feet (30') of lot frontage on a public street, shall be provided to buffer the view of the tower from adjacent public streets. The Planning Commission may waive or modify this requirement upon finding that site conditions render such additional screening unnecessary or impractical.
 6. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained in a manner that accommodates co-location of multiple antennae on a single tower.
- B. **Antennas located on structures:** The following shall apply to all antennas located on structures:
1. The primary use is a conforming use in the zoning district, and the structure has a minimum height of thirty five feet (35').
 2. The antenna and support structure shall be permanently secured to the structure.
 3. Where the antenna and support structure is located on a primary building, it shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to one hundred fifty percent (150%) of the height of the antenna and support structure. The antenna and support structure shall not exceed the height of the building by more than ten feet (10').
 4. The equipment enclosure shall be in a secured space within the structure, or may be located on the structure, provided that the design is architecturally compatible with the structure.
- C. **Amateur radio antennas:** One such antenna shall be permitted per lot, with a maximum height of sixty feet (60'), and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height. Such antennas shall be accessory to a primary building on the same lot, and shall be located in the rear yard area.
- D. **Satellite dish antennas:** One such antenna shall be permitted per lot, with a minimum setback from all lot boundaries equal to one hundred fifty percent (150%) of the height of the antenna and support structure. Such antennas shall be accessory to a primary building on the same lot, and shall be permanently installed on the primary building or located in the side or rear yard area in a manner not visible from any street right-of-way.

Section 15.07 Criteria for Approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

- A. **Operating requirements.** The petitioner shall demonstrate that operating requirements necessitate locating within the Village and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.

- B. **Engineering requirements.** The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
- D. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas and street rights-of-way will not be adversely impacted by the location of the wireless communications facility.
- C. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of wireless communications facilities on the site.
- D. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening and other design elements are in compliance with applicable provisions of this Article.

Section 15.08 Existing Towers and Antennas.

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 15.05 (General Requirements) and all approved plans, permits and conditions of approval.

Section 15.09 Rescinding Approval of Wireless Communications Facilities.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Village about the facility as required by this Article, or maintain and operate the facility in compliance with the provisions of this Article shall be grounds for the Village to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the Village Council in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the facility shall be given an opportunity at the hearing to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision with regard to rescission shall be made by the Village Council. Written notification of the decision, and any order for removal, shall be provided to said owner, operator or leaseholder.

Section 15.10 Removal of Wireless Communications Facilities.

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than three hundred sixty five (365) contiguous days, shall be removed by the owner or operator within ninety (90) days of receipt of notice from the Village requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Village to seek court approval for such removal at the expense of the facility owner or operator.

ARTICLE 16 RESERVED

ARTICLE 17

SPECIAL APPROVAL USES

Section 17.01 Purpose.

Special approval uses serve an area, interest or purpose that has impact beyond the borders of the Village, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being permitted as principal uses in a particular zoning district.

This Article is intended to provide a consistent and uniform method for review of special approval use applications, ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and federal laws, achieve efficient use of the land, prevent adverse impacts on neighboring properties and districts, protect natural resources and facilitate development in accordance with the land use objectives of the Master Plan and any sub-area plans.

Section 17.02 Application Requirements.

Special approval use applications shall be submitted in accordance with the following:

- A. **Eligibility.** The application shall be submitted by the owner or operator of the proposed use, the owner of an interest in the lot where the special approval use would be located, or by the owner or operator's designated agent. The applicant or agent is required to be present at all scheduled review meetings.
- B. **Requirements.** Special approval use applications shall be submitted to the Village on the forms and according to the guidelines provided by the Village, and shall include the following information:
 - 1. The applicant's name, address, telephone and facsimile numbers.
 - 2. The names and addresses of all owners of record, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's signed authorization for the application.
 - 3. Legal description, address, location and tax identification number of the property.
 - 4. A detailed description of the proposed use.
 - 5. A site plan that meets the requirements of Article 18 (Site Plan Review).
 - 6. Appropriate review fees, as determined by Village Council.
 - 7. Any other information, including an impact assessment in compliance with Section 1.13 (Impact Assessments), deemed necessary by the Planning Commission to determine compliance with the standards for approval set forth in this Ordinance.

Section 17.03 Review Procedure.

After a complete and accurate application has been received with appropriate review fees, the application shall be reviewed in accordance with following procedure:

- A. **Acceptance for processing.** The application shall be placed on the agenda of the next available regularly-scheduled Planning Commission meeting to set a public hearing date.

- B. **Coordination with site plan review.** A site plan associated with a special approval use shall not be approved unless the special approval use has first been approved. The Planning Commission may, at its discretion, consider special approval use and site plan applications at the same meeting, or may require that the site plan be submitted for review following approval of the special approval use.
- C. **Technical review.** Prior to Planning Commission consideration, application materials and plans shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the application materials and plans may also be submitted to applicable outside agencies and designated Village consultants for review and comment.
- D. **Public hearing.** A public hearing shall be held for all special land uses in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures).
- E. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special approval use, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and Section 17.05 (Special Approval Use Standards). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the special approval use as follows:
1. **Postponement.** The Planning Commission may postpone consideration of a special approval use application upon determining that the application is not sufficiently complete, or upon a request by the applicant.
 2. **Denial.** The Planning Commission may deny the special approval use upon determining that the application is not in compliance with the provisions of this Ordinance, including Section 17.05 (Special Approval Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special approval use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny the special approval use.
 3. **Approval.** The Planning Commission may approve the special approval use upon determining that the use is in compliance with the provisions of this Ordinance, including Section 17.05 (Special Approval Use Standards). Upon approval, the use shall be deemed a conforming use, subject to any conditions imposed and final approval of any required site plan. Such approval shall affect only the lot or portion thereof upon which the use is located.
 4. **Approval subject to conditions.** The Planning Commission may approve a special approval use subject to reasonable conditions that are in accordance with one or more of the following:
 - a. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special approval use, and the community as a whole.
 - b. Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special approval use, or necessary to meet the intent and purpose of this Ordinance.
 - c. Conditions shall be related to the standards established in this Ordinance for the special approval use under consideration, or necessary for compliance with those standards.
 5. **Recording of special approval use action.** Planning Commission action on the special approval use shall be recorded in the Commission meeting minutes, stating the name, description and location of the proposed use, and the grounds for the Commission's action. The Secretary shall

forward one (1) copy of the written record to the applicant, and shall keep one (1) copy on file in the Village.

Section 17.04 Special Approval Use Resubmission, Appeals, Expiration or Revocation.

- A. **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of special approval use determinations by the Planning Commission.
- C. **Expiration of special land use approval.** Special approval use approval shall expire three-hundred sixty-five (365) days after the date of approval, unless the use has been established on the site, or the final site plan associated with the special approval use has been submitted to the Village for review. Special approval uses shall also expire upon expiration of the approved final site plan associated with a special approval use. Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one (1) extension of up to one hundred eighty (180) days, provided that the special approval use conforms to current Zoning Ordinance standards.
- D. **Rescinding approval of special land uses.** Approval of a special approval use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special approval use approval. Such action shall be subject to the following:
 - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner or operator of the use or owner of an interest in land for which the special approval use was sought, or the owner or operator's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 - 2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

Section 17.05 Special Approval Use Standards.

Approval of a special approval use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards applicable to the use:

- A. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the community and the neighborhood.
- B. **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
- C. **Compatibility with the Master Plan.** The location and character of the use is consistent with the general principles, goals, objectives and policies of the adopted Village of Armada Master Plan and any sub-area plans.
- D. **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, Village codes and ordinances, federal and state laws and outside agency regulations.

- E. **Impact upon public services.** The impact of the use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.
- F. **Traffic impacts.** The use is designed and located in a manner that minimizes any adverse traffic impacts.
- G. **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
- H. **Isolation of existing uses.** Approval of the use will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 17.06 Operation and Maintenance

It shall be the responsibility of the owner of the property and the operator of the special approval use to develop, improve, operate and maintain the use, (including the site, buildings and all site elements), in accordance with the provisions of this Ordinance and all conditions of approval, until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of this Ordinance.

The Building Inspector shall investigate special approval uses as necessary to determine continuing compliance with this Ordinance.

ARTICLE 18

SITE PLAN REVIEW

Section 18.01 Purpose.

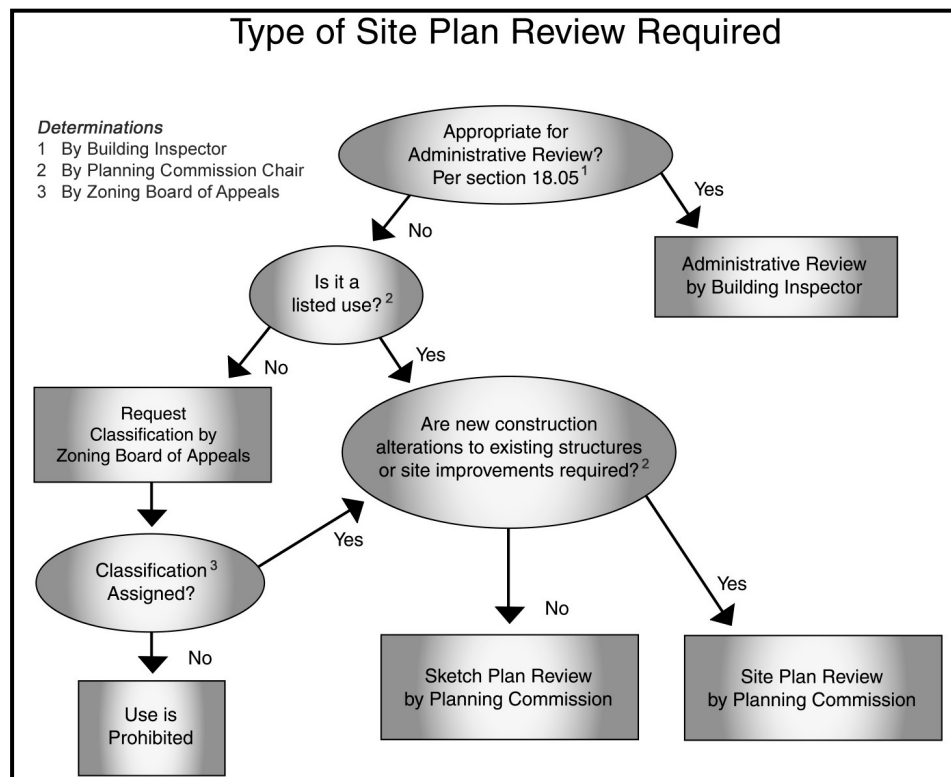
The purpose of this Article is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances. Three types of site plans (site plan, sketch plan and administrative review) have been established to ensure that the type and intensity of review and amount of required information is directly proportional to the scale of the project and the intensity of the use. It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Village and the applicant, and facilitate development in accordance with the Village's land use goals, objectives and design guidelines, as stated in the Master Plan and any sub-area plans.

Section 18.02 Type of Site Plan Review Required.

The following activities are exempt from site plan review due to their relatively low level of impact on adjacent land uses, or because compliance with applicable building, fire and zoning regulations can be addressed by other means:

- A. A single-family dwelling and accessory structures on a single lot, and family child day care homes, as licensed by the State of Michigan.
- B. Accessory structures in any district, up to one hundred twenty (120) square-feet in area. Accessory structures over one hundred twenty (120) square-feet in area shall be subject to sketch plan review.
- C. Utility system improvements, and modifications to upgrade a building to improve barrier-free design or comply with the Americans with Disabilities Act or similar regulations.

For all other uses and activities, submission of a site plan shall be required in accordance with the following chart:



D. **Notes on the types of plan review:**

1. **Site plans.** The most involved process for larger and more intense projects, including most new developments and major expansions.
2. **Sketch plans.** Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full site plan. The level of information is intended to be proportionate to the extent of the change, and adequate to verify compliance with applicable Ordinance standards.
3. **Administrative review.** Certain smaller scale projects shall be subject to administrative review and approval in accordance with Section 18.05 (Administrative Review).

Section 18.03 Site Plan Review Procedure.

Site plans (and sketch plans) shall be reviewed in accordance with the following:

- A. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Village. Such application shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which review is sought. The site plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by Sections 18.09 – 18.12 (Required Information). A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.
1. **Technical review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review and comment.
 2. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of Section 18.13 (Standards for Site Plan Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
 - a. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny approval of the site plan.
 - c. **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.
 - d. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site

plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

3. **Recording of site plan action.** Planning Commission action on the site plan shall be recorded in the Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Commission's action. The Secretary shall mark and sign two (2) copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. One (1) copy shall be kept on file in the Village, and one (1) shall be returned to the applicant.
- B. **Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.
- C. **Review of construction plans.** The applicant shall submit construction plans to the Village for review and approval prior to the start of work on the site, along with copies of all necessary permits or approvals from outside agencies.
 1. **Approval of construction plans.** Construction plans shall be subject to administrative review and approval by the Building Inspector, except under the following circumstances:
 - a. Construction plans for any multiple-family, condominium or other residential development not addressed by the Village Subdivision Regulations or Article 19 (Site Condominiums) of this Ordinance shall be submitted to the Commission for review and approval prior to approval by the Building Inspector.
 - b. A provision of this or other Village Ordinance requires Planning Commission and/or Village Council consideration of construction plans.
 - c. The Planning Commission may, as a condition of site plan approval, require that construction plans also be submitted to the Commission for review and approval prior to approval by the Building Inspector.
 - d. If the Building Inspector determines that the site design or improvements shown on the construction plans have been materially altered from that shown on the approved site plan, the construction plans shall be submitted to the Planning Commission for consideration as an amended site plan, prior to approval by the Building Inspector.
 2. **Standards for construction plan approval.** Construction plan approval shall be granted when all of the following requirements are met:
 - a. The site design shown on the construction plans is consistent with the approved site plan, except for changes that do not materially alter the approved site design or address site plan or special approval use conditions of approval.
 - b. All applicable engineering standards and building and fire code requirements have been addressed to the satisfaction of the Building Inspector.
 - c. All local, county and state requirements that apply to the site or proposed use have been satisfied, and all necessary outside agency permits or approvals have been obtained by the applicant.
 3. **Recording of construction plan action.** After action has been taken on the construction plans, at least two (2) copies of the construction plan shall be marked "APPROVED" or "DENIED" as

appropriate, with the date that action was taken. At least one (1) copy shall be returned to the applicant, and one (1) copy shall be kept on file in the Village.

Section 18.04 Administrative Review.

The following shall apply to all site plans eligible for administrative review:

- A. **Eligible activities.** The following activities shall be eligible for administrative plan review in accordance with this Article:
 - 1. Minor changes during construction due to unanticipated site constraints, or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies.
 - 2. Landscape changes to similar species consistent with the standards of Article 11 that do not reduce the total amount of landscaping on the site.
 - 3. Changes to a structure or site required by the Building Inspector for safety considerations.
 - 4. Establishment of home occupations specifically listed as a permitted use in Section 6.204 (Home Occupations) of this Ordinance.
 - 5. Bike path, pathway or sidewalk construction or relocation.
 - 6. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to one hundred (100) square-feet on a lot occupied by a residential dwelling.
 - 7. Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.
- B. **Application requirements and procedures.** The application requirements and procedures for administrative review shall be the same as for Planning Commission site plan review, as outlined in Section 18.04 (Site Plan Review Procedure), except that the Building Inspector shall have the authority to approve, approve subject to conditions, or deny the site plan.
- C. **Appeals to the Planning Commission.** The Building Inspector or the applicant shall have the option to request Planning Commission consideration of site plans eligible for administrative review. All appeals of administrative review determinations shall be made to the Planning Commission. In such cases, the Planning Commission shall review the site plan in accordance with the procedures outlined in Section 18.04 (Site Plan Review Procedure).
- D. **Reports to the Planning Commission.** The Building Inspector shall periodically make a report to the Planning Commission of all administrative site plan review actions.

Section 18.05 Approval of Phased Developments.

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- A. The site design and layout for all phases and outlots be shown on the preliminary site plan to ensure proper development of the overall site.
- B. Improvements associated with each phase shall be clearly identified on the preliminary site plan, along with a timetable for development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

- C. Each phase shall be subject to a separate construction plan review by the Planning Commission. The Planning Commission may require changes to future phases of the development as part of construction plan review in response to changes in site conditions, Master Plan or any sub-area plans recommendations, or amended Zoning Ordinance provisions that affect the character, design or use of the site.

Section 18.06 Site Plan Resubmission, Appeals, Expiration or Revocation.

- A. **Resubmission.** A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of site plan determinations, except as follows:
 - 1. The Zoning Board of Appeals shall have the authority to consider appeals of determinations related to the type of review required under Section 18.02 of this Article (Type of Site Plan Review Required).
 - 2. When the Planning Commission approves a site plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals. The Secretary shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the Zoning Board of Appeals. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- C. **Expiration of site plans.**
 - 1. **Site plan approval.** Site plans shall expire three-hundred sixty-five (365) days after the date of approval, unless the construction plan for the project has been submitted to the Village for review.
 - 2. **Construction plan approval.** Construction plans shall expire three hundred sixty five (365) days after the date of final approval, unless building permits have been issued or construction has commenced. If such construction has commenced, construction plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than one-hundred eighty (180) continuous days, said approval shall immediately expire.
 - 3. **Extension of approval.** Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one (1) extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan or construction plan remains in conformance with all applicable provisions of this Ordinance.
- D. **Rescinding approval of site plans.** Approval of a site plan may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
 - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 - 2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

Section 18.07 Revisions to Approved Site Plans.

Minor revisions to an approved site plan may be administratively reviewed by the Building Inspector, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Building Inspector to be minor, shall be reviewed by the Planning Commission as an amended site plan.

Section 18.08 Required Information for All Plans.

The following information shall be included with all applications for site plan, sketch plan and administrative review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review of the site plan:

Section 18.08 (Required Information for All Plans)		REQUIRED
DESCRIPTIVE DATA AND NOTES		
Name, address and telephone numbers of applicant.		●
Name and address of property owner, if different from applicant.		●
Common description of property (address, lot number, tax identification number).		●
Proposed use of land and name of proposed development.		●
Proof of property ownership or option to purchase, and a title search or other evidence of any applicable easements or deed restrictions.		●
Scale and north arrow.		●
SITE PLAN DETAILS		
Location, outside dimensions, setback distances and proposed uses of all site improvements.		●
ADDITIONAL REQUIRED INFORMATION		
Other information necessary to determine compliance with this Ordinance.		●

Section 18.09 Required Information for Site Plans.

The following information shall be included with all applications for site plan review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

Section 18.09 (Required Information for Site Plans)		REQUIRED
DESCRIPTIVE DATA AND NOTES		
A reduced copy of the site plan on eight and one-half by eleven inch (8.5" x 11") paper, or clear acetate suitable for use with an overhead projector.		●
EXISTING CONDITIONS		
Existing site features, including significant natural, historical, cultural and architectural features, buildings and structures, driveway openings, fences, walls, signs and other improvements, with notes indicating which features will be removed, altered or preserved and details about the method of preservation or alteration.		●
SITE PLAN DETAILS		
Proposed lighting locations, heights, specifications and methods of shielding, along with elevation drawings of all freestanding pole lighting with overall height from grade.		●
BUILDING AND ARCHITECTURE DETAILS		
Building façade elevations, where changes are proposed, indicating type and color of building materials, roof design, projections, awnings, windows, entrance features and other architectural features.		●
ACCESS AND CIRCULATION		
Designation of fire lanes, where required by the Village.		●
Location and dimension of loading and unloading areas, where required.		●
LANDSCAPING AND SCREENING		
Landscape plan and planting list, including location, size, quantity method of installation and type (botanical and common names) of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved.		●
UTILITIES, DRAINAGE AND THE ENVIRONMENT		
Grading plan, with existing and proposed topography at a minimum of two-foot (2') contour levels, finished grades of all buildings, driveways, walkways, and parking lots, drainage patterns and a general description of grades within one-hundred feet (100') of the site to indicate stormwater runoff.		●
Soil erosion and sedimentation control measures.		●
ADDITIONAL REQUIRED INFORMATION		
Other information necessary to determine compliance with this Ordinance		●

Section 18.10 Required Information for Site Plans and Sketch Plans.

The following information shall be included with all applications for site plan and sketch plan review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review of the site plan:

Section 18.10 (Required Information for Site Plans and Sketch Plans)		REQUIRED
DESCRIPTIVE DATA AND NOTES		
Name, address, telephone and facsimile numbers of firm or individual preparing the site plan, if different from the applicant.		●
Site plans shall be drawn to an engineer's scale of not less than 1" = 50' for property up to three (3) acres in size, and 1" = 100' for property more than three (3) acres in size, with a location map and north-arrow. Sheet size shall be at least twenty-four by thirty-six inches (24" X 36"). If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.		●
Written project description and detailed description of the proposed use.		●
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, overall height and number of units in each building, if applicable.		●
EXISTING CONDITIONS		
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.		●
The zoning classification, current land use designation and location of existing structures on the site and all abutting parcels (including across the street).		●
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant's parcel and all abutting parcels (including across street rights-of-way).		●
SITE PLAN DETAILS		
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, streets, access and drainage.		●
Identification of areas involved in each separate phase, if applicable.		●
Waste receptacle locations and methods of screening.		●
Outdoor sales, display or storage locations and method of screening, if applicable.		●
Locations, sizes, heights, types, methods of illumination and elevation drawings of all proposed signs.		●
ACCESS AND CIRCULATION		
Locations and dimensions of proposed sidewalks and driveways within the site and along public rights-of-way.		●
ADDITIONAL REQUIRED INFORMATION		
Other information necessary to determine compliance with this Ordinance.		●

Section 18.11 Additional Information for Large-Scale and Residential Site Plans.

The following information may be required by the Planning Commission with all applications for large-scale projects (twenty-acres or more in gross area, or 40,000 square-feet or more in gross floor area) and residential developments subject to site plan review (site condominium, planned development, multiple-family, etc.):

Section 18.11 (Information that may be Required for Large-Scale and Residential Site Plans)	REQUIRED
DESCRIPTIVE DATA AND NOTES	
Notation of required variances or use approvals that must be or have been approved for the site.	●
A digital copy of the site plan submittal in a format acceptable to the Village.	●
A reduced copy of the site plan on eight and one-half by eleven inch (8.5" x 11") paper, or clear acetate suitable for use with an overhead projector.	●
Title block with the legal description of the property, sheet numbers and titles; development name; name, address, telephone and facsimile numbers of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).	●
Total area of land in acres and square-feet, and proximity to section corners and intersections of collectors streets or thoroughfares.	●
Density and lot coverage calculations, and estimated number of residents or employees at build-out.	●
Detailed parking calculations, in accordance with the standards of Article 9.	●
EXISTING CONDITIONS	
An aerial photograph of the entire development area (at least twenty-four by thirty-six inch (24" x 36") sheet size), with environmental features labeled on the photo in a "bubbled" fashion, including woodlands, wetlands, groundwater recharge areas, drains, creeks, surface water, severe changes in topography, viewsheds and floodplains. Photos are available from the Macomb County Planning Department, or the Southeastern Michigan Council of Governments (SEMCOG).	●
Survey of existing lot lines, building lines, structures, parking areas and other improvements on the site and within one-hundred feet (100') of the site.	●
Survey of site topography on the site and within one-hundred feet (100') of site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.	●
Inventory of the locations, sizes, and types of existing trees six inches (6") DBH or larger, significant hedgerows, and the general location of all other existing plant materials, as required by the Village.	●
Location of existing drainage courses, floodplains, lakes, streams, drains and wetlands, with surface drainage flow directions, including high points, low points, soil types and watertable depth.	●
Zoning districts and land uses for surrounding land within three hundred feet (300') of the site boundaries.	●
Driveways, sidewalks, paths, streets and curb cuts within three hundred feet (300') of the site boundaries.	●
SITE PLAN DETAILS	
Two (2) site cross-sections, drawn to an appropriate scale.	●
A photometric grid overlaid on the site plan indicating light intensity throughout the site in foot-candles.	●

Section 18.11 (Information that may be Required for Large-Scale and Residential Site Plans)	REQUIRED
BUILDING AND ARCHITECTURAL DETAILS	
Building floor plans and accessory structure details.	●
ACCESS AND CIRCULATION	
Dimensions and centerlines of existing and proposed rights-of-way, including those abutting the site, and names of abutting streets.	●
Indication of width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces, with appropriate cross-sections and curve radii.	●
Locations and dimensions of access points, including deceleration or passing lanes and distances between adjacent or opposing driveways and street intersections.	●
Dimensions of parking spaces and maneuvering aisles, with pavement markings and traffic control signage.	●
LANDSCAPING AND SCREENING	
Landscape maintenance plan.	●
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides, and method of mechanical equipment and transformer pad screening, where applicable.	●
UTILITIES, DRAINAGE AND THE ENVIRONMENT	
Schematic layout of existing and proposed sanitary sewers, water lines, fire hydrants, storm sewers, detention or retention ponds and other drainage facilities, gas, electric, and telephone lines and other utilities serving the site.	●
General description and location of stormwater management system, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of retention/detention ponds, and including any required MDEQ permits.	●
Location of any MDEQ regulated wetlands, submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for a MDEQ wetland permit or copy of a permit received including description of any wetland mitigation required; and location of other significant non-regulated wetland areas over two (2) contiguous acres.	●
Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.	●
RESIDENTIAL PROJECTS	
The number and location of each type of residential unit, and any mailbox cluster locations.	●
Method and location of trash removal.	●
Garage and carport locations and details, if proposed.	●
Location and names of roads and internal drives and the pedestrian circulation system.	●
Location, dimensions, floor plans, and facade elevations of community buildings and facilities, if applicable.	●
Locations, sizes and details of facilities for all parks, recreation areas and dedicated open spaces.	●
For manufactured housing developments, the location and number of pads for manufactured dwellings, distance between manufactured dwellings, proposed placement of manufactured dwellings on each lot, and average and range of size of manufactured dwelling lots.	●

Section 18.12 Standards for Site Plan Approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

- A. **Adequacy of information and compliance with Ordinance requirements.** The site plan includes all required information in a complete and understandable form that provides an accurate description of the proposed uses, structures and site improvements. The site plan complies with all applicable Ordinance requirements, including but not limited to minimum floor space, height of building, lot size, yard space and density.
- B. **Site design characteristics.** All elements of the site design are harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings. The site is designed in a manner that promotes the normal and orderly development of surrounding property for uses permitted by this Ordinance.
- C. **Site appearance and coordination.** Site elements are designed and located so that the proposed development is aesthetically pleasing and harmonious with adjacent existing or future developments. All site features, including vehicle and pedestrian circulation, building orientation, landscaping, lighting, utilities, recreation facilities, and open space are harmonious and coordinated with adjacent properties.
- D. **Preservation of site features.** The site design preserves and conserves natural, cultural, historical and architectural site features, including but not limited to architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows and hedgerows, wooded areas and significant individual trees.
- E. **Pedestrian access and circulation.** The arrangement of public or common ways for pedestrian circulation connects to existing or planned sidewalks or bicycle pathways in the area, and is insulated as completely as possible from the vehicular circulation system. The site design complies with applicable federal, state, and local laws and regulations regarding barrier-free access.
- F. **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.
- G. **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials and color.
- H. **Parking and loading.** Off-street parking lots and loading zones are arranged, located and designed to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, enhance the character of the neighborhood, and promote shared-use of common facilities by adjoining properties.
- I. **Landscaping and 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.
- J. **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
- K. **Impact upon public services.** The impact upon public services will not exceed the existing or planned capacity of such services, and adequate public services (including but not limited to utilities (water, sanitary & storm sewers, county drains, natural gas, electricity and telephone), streets, police and fire protection, public schools and sidewalks/bicycle paths) are available or provided to the site, and are designed with sufficient capacity and durability to properly serve the development.

- L. **Drainage and soil erosion.** Drainage systems, stormwater facilities, and soil erosion, sedimentation and dust control measures are arranged, located and designed to promote shared-use of common facilities by adjoining properties. Adjoining properties, public rights-of-way and the capacity of the public storm drainage system will not be adversely affected by stormwater runoff and sedimentation.
- M. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed the Village's emergency response capabilities.

Section 18.13 Development and Maintenance in Accordance with an Approved Site Plan.

It shall be the responsibility of the owner of the property for which site plan approval has been granted to develop, improve and maintain the site, including the use, buildings and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Building Inspector shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

ARTICLE 19

SITE CONDOMINIUMS

Section 19.01 Purpose.

Pursuant to the authority conferred by the Condominium Act, P.A. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.) as amended, condominium subdivision plans shall be regulated by the provisions of this Ordinance as site condominiums. The intent of this Article is to ensure that all site condominium subdivisions are developed in compliance with all applicable requirements for the zoning district where the project is located, and all regulations, standards and review procedures for single-family residential subdivision developments that have been or are being established under the Land Division Act, P. A. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.) and the Village of Armada Subdivision Regulations (Title XII, Chapters 121-125 of the Village Code of Ordinances).

With respect to the review of site condominium plans under this Article, the Village recognizes that it may not always be practical or feasible to precisely apply traditional definitions and measures applicable to developments regulated under the Land Division Act, P. A. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.) and the Village Subdivision Regulations. Such review shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act, P. A. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.) and the Village Subdivision Regulations, except that nothing in this Article shall be construed as requiring a site condominium development to obtain plat approval.

Section 19.02 General Requirements.

- A. **Definitions.** The terms and provisions of this article are defined and used both in the context of the Condominium Act, P.A. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), and in a manner intended to make comparison possible among the terms used in this Article and those used elsewhere in this Ordinance, the Village Subdivision Regulations, and other applicable Village Codes and Ordinances. Specifically:
1. “Subdivision lot” shall be synonymous with the term “site condominium lot.”
 2. “Building” or “structure” shall be synonymous with the term “building envelope.”
 3. “Tentative preliminary plat” shall be synonymous with the term “preliminary condominium site plan.”
 4. “Final preliminary plat” shall be synonymous with the term “final condominium site plan.”
 5. “Subdivision” or “single-family residential subdivision” shall be synonymous with the term “site condominium development.”
 6. “Proprietor” shall be synonymous with the terms “applicant” or “developer.”
- B. **Compliance with Village Codes and Ordinances.** Site condominium developments shall comply with all applicable provisions of this Ordinance, and the Design Layout Standards (Chapter 123) and Improvements (Chapter 124) of the Village Subdivision Regulations. Each site condominium lot shall be located within a zoning district that permits the proposed use. The density or intensity of the proposed use, and the size of the building envelope and site condominium lot shall be no greater, and spacing no less than would be permitted if the parcel were subdivided in accordance with the Village of Armada Subdivision Regulations.

- C. Not more than one (1) principal building or use and any permitted accessory structures shall be located on a site condominium lot. Required yards shall be measured from the street right-of-way or boundaries of the site condominium lot to the nearest edge of the building envelope.

Section 19.03 Condominium Site Plan Review.

Village approval of the condominium site plan, condominium documents and construction plans shall be required prior to the start of construction, expansion or conversion of a site condominium project. No permits for construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in a site condominium development until all necessary approvals have been granted by the Village. Site plan review for site condominium developments shall follow the procedures established for traditional subdivisions in Chapter 122 of the Village Subdivision Regulations, (Subdivision Procedures), and shall further be subject to the following:

- A. **Preliminary condominium site plan.** A preliminary condominium site plan shall include all plans, survey, sketches, drawings, statements and additional information required by the Village Subdivision Regulations for tentative approval of a preliminary subdivision plat. The preliminary condominium site plan shall assign a number to each building envelope and shall describe the nature, location, and size of common elements. The Planning Commission and Village Council shall review the overall plan, including roads, streets, landscaping, parks and open space, and unit configurations for consistency with the provisions of Section 18.13 of this Ordinance (Standards for Site Plan Approval) and the Village Subdivision Regulations.
- B. **Administrative review of condominium documents.** Following preliminary condominium site plan approval by the Village Council, the applicant shall submit condominium documents, including but not limited to the condominium master deed, bylaws and all related exhibits, to the Village for administrative review and approval by the Village Attorney. These documents should specify who is responsible for maintenance of common elements, and should include the method of funding such maintenance activity. Revisions may be required to ensure compliance with applicable laws, ordinances and established Village policies.
- C. **Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.
- D. **Final condominium site plan review.** The final condominium site plan shall include all information required for the approved preliminary condominium site plan, any additional information required in the Village Subdivision Regulations for final approval of a preliminary subdivision plat, and evidence that all necessary state and county agency approvals have been obtained; including utilities, water supply, sewage disposal, drainage, wetlands and roads. Approval of the final condominium site plan shall be approved by the Village Council and will be contingent upon approval of a development agreement in accordance with Section 19.04 of this Article.

Section 19.04 Development Agreement.

The applicant shall enter into a development agreement with the Village, incorporating therein the terms and conditions of final site condominium plan approval, and shall record the same in the Macomb County Register of Deeds office. Such an agreement shall be reviewed and approved by the Village Attorney and Village Council prior to the start of construction. The Agreement shall, at minimum, include the following elements:

- A. Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.
- B. Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for

maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.

- C. Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- D. **Maintenance agreement.** An agreement providing for adequate maintenance of common elements, public areas and any stormwater retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Village may perform the maintenance and charge the cost thereof to the condominium association. The Village may require a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees), to guarantee maintenance of the common elements for a two (2) year period after completion.

Section 19.05 Required Improvements.

Construction of utilities, streets, sidewalks, and other improvements may commence only after final approval of the development agreement by the Village Council, and approval of construction plans by the Building Inspector. Site condominium developments shall further comply with the following:

- A. **Utilities.** Each condominium unit shall be connected to the public water, sanitary and storm sewers. To the extent practicable, all utilities, including electric and cable services, shall be underground.
- B. **Monuments.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. The Village may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Village Clerk a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees). Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Village Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the site condominium plans.
- C. **Streets.** Street rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the site plan, with adequate width to accommodate the roadway, sidewalks and public utilities. The developer shall declare easements to the Village for all public water and sanitary sewer lines and appurtenances. Streets shall be constructed in conformance with the applicable engineering standards. Street connections shall be provided to all adjacent parcels, as determined to be necessary by the Planning Commission to provide adequate continuity and connectivity to the public street system.

Section 19.06 Building Permits.

Prior to the issuance of building permits for any condominium units, the applicant shall submit the following to the Building Inspector:

- A. A copy of the recorded condominium documents (including exhibits).
- B. A copy of any recorded restrictive covenants.
- C. A copy of the approved final condominium site plan in a format acceptable to the Village.
- D. The warranty deed and easement documents for all rights-of-way and easements dedicated to the public.

Section 19.07 Final Acceptance and Submission of As-Built Drawings.

After construction, as-built drawings of the completed development shall be submitted, in an acceptable format, to the Village for review. Final acceptance of the development and release of the final certificate of occupancy and any performance guarantees shall not take place until the as-built drawings have been approved by the Village.

Section 19.08 Revision of Condominium Site Plans and Amendments to Condominium Documents.

- A. Any revision to the final condominium site plan that would alter the approved site design, uses or intent and conditions of final condominium site plan approval shall be submitted for review as a revised final condominium site plan following the procedure in Section 19.03 (Condominium Site Plan Review).
- B. Any revision to the final condominium site plan that would not alter the approved site design, uses or intent and conditions of final condominium site plan approval may be reviewed following the procedures for administrative site plan review in Section 18.05 (Administrative Review).
- C. Any revision to the condominium documents or development agreement that affect the approved final condominium site plan shall be reviewed and approved by the Village Attorney and Village Council.

Section 19.09 Relocation of Boundaries and Subdivision of Condominium Lots.

- A. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.
- B. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.

ARTICLE 20

PLANNED DEVELOPMENTS (PD)

Section 20.01 Purpose.

The intent of this Article is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as planned developments. These may include, but are not limited to residential developments, shopping centers, industrial, office and business park developments, and medical or educational campuses. Certain large developments may be of such size and configuration as to justify a controlled degree of flexibility, and to permit a mix of land uses that may not normally be permitted in the zoning district, but would, under specific circumstances, increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties.

The further purpose of this Article is to:

- A. Provide a consistent and uniform method for review of planned development applications that encourages thoughtful and creative planning and design, and high quality development practices.
- B. Allow reasonable regulatory flexibility that results in a substantially higher quality of development, in accordance with the principles, goals and objectives of the Master Plan and any sub-area plans.
- C. Preserve natural resources and site features, and encourage economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- D. Create usable open space particularly suited to the proposed uses within a planned development and the natural character of the land where it is located.
- E. Develop sites in such a way that proposed uses, buildings and site improvements are compatible with each other and with adjoining uses, and to prevent adverse impacts on neighboring properties and districts.
- F. Re-use or re-develop existing sites where an orderly change of use is determined to be desirable, especially where re-use of the site is restricted because of existing nonconformities or the strict application of conventional zoning standards.

Section 20.02 Qualification Requirements.

Planned developments (PD) shall be considered an optional means of development, and thus shall only be permitted when mutually agreeable to the developer, Planning Commission and Village Council. Planned developments shall be in compliance with the following:

- A. **Site conditions.** The proposed PD site shall be in compliance with the following conditions:
 - 1. **Area.** The proposed development site shall be at least five (5) acres in area, except where the Village Council, upon recommendation from the Planning Commission, may permit a PD project on a site as small as one (1) acre has unique benefits for the Village benefits, or where the site has unique characteristics that significantly impact development, such as an unusual shape or proportion, unusual topography, or potentially incompatible land uses on surrounding properties.
 - 2. **Ownership.** The site shall be under a single ownership or control, and able to be planned and developed as an integrated unit.
 - 3. **Location.** PD sites shall be limited to locations that have one or more of the following characteristics:

- a. Sites determined to be appropriate for redevelopment, including sites with buildings that are functionally obsolete, and sites where achieving economically sound development under a conventional zoning approach would be extremely difficult.
- b. Sites where flexibility is necessary because of site constraints, including but not limited to incompatible adjoining land uses, traffic conditions that affect ease of access or irregular parcel boundaries.
- c. Sites where the flexibility of the PD regulations is necessary to achieve a reasonable and desirable transition between land uses, without affecting the overall Village land use pattern, intensity of development or objectives of the Master Plan or any sub-area or corridor plans.
- d. Sites where the large scale of a proposed development justifies permitting certain incidental uses not normally permitted in the zoning district.
- e. Sites where the public health, safety and welfare is better served through creation of a planned development, because of the density of population, adequacy of schools, parks, or other public facilities, traffic volumes or circulation, neighborhood compatibility, adequate provision of light or air, or accessibility for fire and police protection.
- f. Sites where the proposed development is compatible with the objectives of the Master Plan or any sub-area or corridor plans.

B. **Uses.** The proposed PD may contain any use or combination of uses listed in Article 4 (Land Use Tables), provided that all proposed uses satisfy the following criteria:

1. **Compatible with the Master Plan.** Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance, the Master Plan or any sub-area or corridor plans.
2. **Harmonious relationship.** There shall be a reasonably harmonious relationship between the location of buildings and uses on the site, relative to buildings and uses on lands in the surrounding area.
3. **Combination of residential and non-residential uses.** Residential and non-residential uses may be permitted together in a PD, provided that such uses are carefully integrated in a manner that creates a high quality living environment, and are consistent with good site design and sound planning principles.

Where the Master Plan designation is residential, non-residential uses shall be primarily for the use of the residents of the development, and shall be limited to three percent (3%) of the gross area of the residential land and three percent (3%) of the gross floor area of any building occupied by residential uses.

C. **Other conditions.** The proposed PD shall not:

1. Be used for the sole purpose of increasing the density or intensity of development, or avoiding the requirements for dimensional variances.
2. Be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
3. Materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans, except where the applicant provides a means of securing public

improvements needed to serve the development, and demonstrates to the satisfaction of the Village Council that such added loads will be accommodated or mitigated by the PD.

Section 20.03 Development Standards.

The purpose of this Section is to ensure that planned developments in all zoning districts are compatible with the surrounding neighborhood and Village. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance shall be followed in the design of planned developments. Modifications to these standards may be approved as part of a Preliminary PD Plan in any zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- A. **Setbacks.** Minimum setbacks within the development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, and streets, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings. Reduced or increased setbacks or build-to lines may be required upon review of the Preliminary PD Plan in the interest of establishing a consistent relationship of buildings to the street and sidewalk, to form a visually continuous and pedestrian-oriented street-front, or to ensure adequate buffering between the PD and adjacent uses or districts.
- B. **Maximum height.** Buildings in PD developments shall not exceed forty feet (40') in height, except where taller buildings proposed on the Preliminary PD Plan comply with the following conditions:
 - 1. **Light and shadow.** Buildings or structures greater than forty feet (40') in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows or glare created from reflected or artificial light.
 - 2. **Privacy.** Buildings or structures greater than forty feet (40') in height shall be designed to avoid infringing on the privacy of adjacent properties, particularly adjacent residential uses or districts.
 - 3. **Scale of development.** Buildings or structures greater than forty feet (40') in height shall be compatible with the scale of the neighborhood in which they are situated in terms of relative height mass, and scale.
- C. **Circulation system.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas, safely and conveniently. Sidewalks and streets shall be connected into the overall Village network, and shall be extended to adjacent undeveloped properties to provide future connections.
- D. **Utility infrastructure.** Utilities shall be located underground wherever possible, and shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- E. **Additional considerations.** In their review of a proposed PD development, the Planning Commission and Village Council may review other considerations that are found to be relevant to a particular project, including but not limited to road capacity, utility systems, signage, lighting, building materials, noise reduction and visual screening.

Section 20.04 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments, and to ensure that planned developments in residential zoning districts are compatible with the surrounding neighborhood and Village. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance and the Village Subdivision Regulations shall be followed in the design of planned developments. Modifications to these standards may be approved as part of a Preliminary PD Plan in

any residential zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- A. **Lot size and block length.** To prevent a monotonous appearance, all residential planned developments shall include variations in lot width, lot area and block length. Corner lots shall have a minimum lot width of seventy feet (70') to provide adequate area for two front yard setbacks. Streets, sidewalk and pathway easements and parks shall be used to visually break-up blocks of dwellings in excess of six hundred feet (600') in length.
- B. **Density.** A variable residential density bonus of up to ten percent (10%) may be allowed in any residential planned development, subject to the following:

- 1. **Determination of maximum permitted density.** The maximum permitted density shall be determined by one of the following two procedures, at the option of the applicant:

- a. **Calculation.** The maximum permitted density of a residential PD may be calculated by taking seventy five percent (75%) of the buildable area of the lot in square-feet ("buildable area" equals the gross lot area minus the areas occupied by all existing street rights-of-way, easements, wetlands, and waterbodies), dividing the result by the minimum lot area (in square-feet) required for the underlying zoning district, and multiplying the result by the maximum permitted density bonus (up to 10%), as follows:

$$\frac{(\text{buildable area} \times 0.75)}{\text{minimum lot area}} \times \text{density bonus (up to 10\%)} = \text{maximum number of dwellings permitted}$$

- b. **Parallel plan.** The maximum permitted density of a residential PD may be determined through preparation of a parallel plan by the applicant that satisfies all conventional zoning standards and subdivision regulations, where applicable, including but not limited to minimum lot width and area, setbacks, neighborhood open space requirements, street rights-of-way and stormwater detention. During review of the Preliminary PD Plan, the Planning Commission shall review the parallel plan to determine if it accurately and reasonably shows the number of dwelling units or lots that could be feasibly be constructed under conventional zoning. This number may be increased by a permitted density bonus of up to ten percent (10%).

- 2. **Criteria for approval of a density bonus.** A residential density bonus of up to ten percent (10%) may be permitted for any residential PD, subject to a determination by the Planning Commission that two (2) or more of the following conditions have been satisfied:

- a. An integrated mixture of housing types have been included in the PD.
- b. Recreation facilities, plazas, town squares, commons or similar facilities have been included, above and beyond the minimum open space requirements, within the site or at an off-site location approved by the Village Council.
- c. Streetscape, roadway, pathway and similar improvements have been included along abutting thoroughfares.
- d. The PD plan includes removal or renovation of blighted buildings, or cleanup of abandoned or contaminated sites.
- e. Other similar elements as determined by the Village Council, based upon findings of the Planning Commission.

C. **Open space.** Planned developments that include a residential component shall provide centrally-located, usable open space that is accessible to all residents of the PD:

1. **Character and arrangement.** The arrangement and characteristics of such open space shall reflect good planning and design principles, and shall take into account the following considerations:
 - a. The types and arrangement of uses on the site.
 - b. The proposed uses of the open space and types of improvements proposed within the open space.
 - c. The extent to which the leisure and recreation needs of all segments of the population residing in the development would be accommodated.
 - d. The manner in which the open space is integrated into the overall design of the development.
2. **Amount and quality of open space.** Residential planned developments shall maintain a minimum of twenty percent (20%) of the gross area as dedicated open space. A minimum of fifty percent (50%) of the dedicated open space shall be upland area that is accessible to all residents of the PD. An active recreational area with appropriate equipment or amenities shall be provided within the dedicated open space, equal in size to a minimum of one thousand five hundred (1,500) square feet, or the amount equaling the total lot area saved for the developer, per dwelling in the residential component of the PD. The active recreational area shall be well drained, graded, seeded or sodded and barrier-free accessible.
3. **Areas not considered open space.** The following land areas shall not be included as dedicated open space as defined in this Section:
 - a. Areas proposed as single-family residential lots or site condominium lots, or areas proposed to be occupied by dwellings, including the minimum required setbacks around buildings and perimeter yard setbacks.
 - b. Any portion of the project proposed for non-residential uses, street rights-of-way or access drives.
 - c. Any submerged land area of a pond, lake, river or stream, and any area of the PD that has restricted access or would require payment for access.
4. **Protection of open space.** The dedicated open space shall be permanently set aside and conserved through an irrevocable conveyance, OR dedication or easement acceptable to the Village that:
 - a. Describes the permitted activities within the dedicated open space, and assures permanent protection from all forms of development, except as shown on an approved PD plan.
 - b. Identifies who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded and what standards shall be applied to such maintenance.
 - c. Permits unrestricted access by the general public during daylight (dawn until dusk) hours.

Section 20.05 Coordination with Subdivision Plat or Site Condominium Review.

Where a PD includes a subdivision plat, the regulations, procedures and design standards of the Village of Armada Subdivision Regulations shall apply in parallel with the review procedures of this Article. The Preliminary PD Plan shall include the Tentative Preliminary Plat, the Final PD Plan shall include the Final Preliminary Plat, and the Planned Development Agreement shall include the Final Plat. Where a PD includes a site condominium development, the regulations and procedures of Article 19 of this Ordinance (Site Condominiums) shall apply in parallel with the provisions of this Article.

Section 20.06 Informal Review of Conceptual PD Plans.

Unlike site plans, the Planning Commission and/or Council is the correct body to review this concept. Applicants are encouraged to meet with the Planning Commission for informal review of conceptual PD plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The applicant or Planning Commission may also request input from the Building Inspector, Village Engineer and other Village staff or consultants. Conceptual PD plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Village Council resolution.

Section 20.07 Preliminary PD Plan Review Procedure.

Any person or entity owning or controlling land may submit a Preliminary PD Plan, with supporting documentation and a request for a determination whether the proposal qualifies for approval under the PD regulations.

- A. **Submittal.** Submittal of a Preliminary PD Plan for consideration shall include the following, where appropriate:
 1. **PD description.** A detailed description of the proposed uses, building and site improvements, phasing plans and open spaces. The written statement shall describe how the proposed project qualifies for consideration as a PD, state why a PD is preferred over conventional zoning at this site, review possible impacts on public facilities and services, identify benefits to the Village of Armada and provide details and reasons for any proposed modifications from Zoning Ordinance provisions.
 2. **Preliminary PD Plan.** A Preliminary PD Plan shall be provided that includes scaled drawings showing property boundaries, existing site conditions, significant site features (woodlands, landmark trees, wetlands, waterbodies, historic structures, archeological sites, etc.), current zoning and land uses, adjacent zoning and land uses, general development plans, phasing and building layouts, the location, type and intensity of each proposed use, relationships to adjoining parcels, vehicular and pedestrian circulation patterns, and the general arrangement of any open spaces or landscape areas.
 3. An impact assessment, if required by the Planning Commission or Village Council, in compliance with Section 1.13 of this Ordinance (Impact Assessments).
 4. Additional maps, plans or documents necessary to adequately describe the proposed project.
- B. **Technical review.** Prior to Planning Commission consideration, the Preliminary PD Plan and documentation shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review.

- C. **Public hearing.** A public hearing shall be held by the Planning Commission for all Preliminary PD Plans in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures).
- D. **Planning Commission consideration of the Preliminary PD Plan.** Subsequent to the hearing, the Planning Commission shall review the proposed PD, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the project meets the qualification requirements for a PD (Section 20.02), and whether the Preliminary PD Plan is consistent with the purpose and provisions of this Article. The Commission shall then report its findings and recommendations to the Village Council.
- E. **Village Council action on the Preliminary PD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Village Council shall review all findings and take action to approve, approve with conditions or deny the Preliminary PD plan, and shall set forth the reasons for their action. A determination that a proposal qualifies for PD approval shall be accompanied by a description of the minimum conditions under which the proposal will be considered for Final PD Plan approval. In describing such conditions, the Village Council may identify specific requirements or standards in the Zoning Ordinance which could be waived or modified upon approval of the Final PD Plan.
- F. **Effect of Village Council action on the Preliminary PD Plan.** Preliminary PD Plan approval is intended to provide direction for preparation of the Final PD Plan, but shall not assure approval of the Final PD Plan. Preliminary PD plan approval shall expire two (2) years after the date of approval, unless the Final PD plan for the project has been submitted to the Planning Commission for review. Upon written request received by the Village prior to the expiration date, the Village Council may grant an extension of up to one (1) year, upon determining that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Preliminary PD plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan. If the Village Council denies the Preliminary PD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PD Plan for further consideration.

Section 20.08 Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.

Section 20.09 Final PD Plan Review Procedure.

Following approval of a Preliminary PD Plan by the Village Council, approval of the Final PD Plan may be sought by the applicant, in accordance with the following:

- A. **Final PD Plan Submittal.** The Final PD Plan shall contain all of the information required for site plans in Sections 18.09 through 18.12 (Required Information) or the Village Subdivision Regulations, as applicable. The Final PD Plan shall include a detailed use statement listing and describing the proposed uses in the PD, and comprehensively illustrating the PD site design, phasing, locations of all structures and site improvements, roads, utilities, sidewalks and other infrastructure, parks and open spaces, enhancements to public services and other features of the proposed PD Development in their intended final form. The Final PD Plan shall also include all documentation necessary to demonstrate that the Final PD Plan is consistent with the approved Preliminary PD Plan and any conditions of approval.
- B. **Technical review.** Prior to Planning Commission consideration, the Final PD Plan and documentation shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review.
- C. **Public hearing.** A public hearing shall be held by the Planning Commission for all Final PD Plans in accordance with the procedures and notice requirements set forth in Section 1.12 (Public Hearing Procedures).

- D. **Planning Commission consideration of the Final PD Plan.** Subsequent to the hearing, the Planning Commission shall review the Final PD plan, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the Final PD Plan conform to the following objectives and requirements, and shall then report its findings and recommendations to the Village Council:
1. The Final PD Plan is consistent with the approved Preliminary PD Plan, any conditions of approval, and the land use goals and objectives of the Master Plan.
 2. All conditions of Preliminary Final PD Plan approval have been addressed.
 3. All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.
- E. **Village Council action on the Final PD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Village Council shall review all findings and take action to approve, approve with conditions or deny the Final PD plan, and shall set forth the reasons for their action. Approval of the Final PD Plan shall be contingent upon approval of a Planned Development Agreement in accordance with Section 20.10 of this Article.
- F. **Effect of Village Council action on the Final PD Plan and PD Agreement.** Approval of the Final PD Plan by the Village Council shall allow the Building Inspector to review construction and building plans for the project. Approval of the PD Agreement by the Village Council shall allow the Building Inspector to issue building permits for the project. All construction and building plans and permits shall conform to the approved Final PD Plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PD Plan.
- G. **Expiration of the Final PD Plan.** An approved Final PD Plan shall expire three hundred sixty five (365) days after the date of final approval, unless building permits have been issued or construction has commenced. If such construction has commenced, Final PD Plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than one-hundred eighty (180) continuous days, said approval shall immediately expire. Upon written request received by the Village prior to the expiration date, the Village Council may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Final PD Plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan.

Section 20.10 Planned Development Agreement.

Upon approval of the Final PD Plan, the Village Attorney shall prepare a PD Agreement setting forth the conditions upon which such approval is based, which Agreement, after approval by resolution of the Village Council, shall be executed by the Village and the applicant. Approval of the Final PD Plan shall become effective upon recording of the Agreement in the Office of the Macomb County Register of Deeds, which shall be done at the expense of the applicant. The Agreement shall, at minimum, include the following elements:

- A. Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.
- B. Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- C. A listing and specification of all uses permitted as part of the approved PD.

- D. Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- E. An agreement providing for adequate maintenance of common elements, public areas and any stormwater retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Village may perform the maintenance and charge the cost thereof to the condominium association. The Village may require a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees), to guarantee maintenance of the common elements for a two-year period after completion.

Section 20.11 Phased Developments.

A PD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the project and the residents of the surrounding area.

Section 20.12 Amendments.

Proposed amendments to an approved Final PD Plan that would alter the approved site design, uses or intent and conditions of Final PD Plan approval shall be submitted for review as a revised Final PD Plan following the procedure in Section 20.09 of this Article. Minor changes that would not alter the approved site design, uses or intent and conditions of Final PD Plan approval may be reviewed following the procedures for administrative site plan review in Section 18.05 of this Ordinance.

Section 20.13 Appeals.

The Zoning Board of Appeals shall have no authority in matters covered by this Article.

Section 20.14 Violations.

Any violation of the approved Final PD Plan or PD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance. Approval of a planned development may be rescinded by the Village Council upon determination that the Planned Development Agreement has been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, the Final PD plan, or conditions of PD approval. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the Village Council in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner of an interest in land for which Final PD Plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the Village Council with regard to the rescission shall be made and written notification provided to said owner or designated agent.

ARTICLE 21

TRANSITIONAL OVERLAY DISTRICT

Section 21.01 Intent and Purpose.

The Transitional Overlay (TO) District is hereby established for the purpose of encouraging recycling of underutilized properties and consolidation of developable land, thereby achieving more efficient land use and improved site designs, while providing a smooth transition between residential and commercial properties.

The TO District lies at the intersection of commercial and residential uses. The transitional area therefore also requires enhanced design and site plan review to ensure that future development lessens the adverse impacts on the adjoining properties. To integrate such uses with nearby land uses and avoid adverse effects, limitations may be incorporated to address the degree of noise, smoke, glare, waste, and other features of such industrial operations.

The intended procedure is to take a two-step approach to considering a TO District proposal. First, Planning Commission and Village Council will undergo the process of considering permitted uses on the subject property (this step is defined in Section 21.03). Second, the Planning Commission will review the site plan as a special approval land use to ensure the dimensional and use-specific conditions of the ordinance are achieved in an approved site plan (this step is defined in Section 21.05).

The TO District is limited in application to the C-2 district within 100 feet of a residential zone

Section 21.02 Permitted Uses.

The uses permitted by right and by special approval land use are those permitted by the same in the C-2 Zoning District. However, in the establishment of a new TO District the Planning Commission and Village Council may prepare a list of specific additional land uses that could be permitted by special approval land use.

The additional land uses shall be based on the historical land uses of the property, the intended transition towards a more commercially-focused downtown core, consistency with the criteria defined in Section 26.03(E) of the zoning ordinance, and the protection of nearby residentially used and zoned property.

Section 21.03 Establishment and District Boundaries.

A TO District shall be established in accordance with the procedures defined in Section 26.03 Amendments of this ordinance for establishment or amendment of district boundaries. Such zoning amendment procedure may incorporate conditional zoning procedures as defined in Section 405 of Michigan P.A. 110 of 2006, as amended, the Zoning Enabling Act.

The boundaries of the TO District shall be specifically defined during the consideration of establishing the overlay. Upon approval, the Village Zoning Map shall be updated to reflect the boundaries of the TO District.

Section 21.04 Dimensional, Performance, and Use Standards.

All properties within the TO District shall be subject to the development standards for the C-2 District, as applicable. However, in establishing a TO District, the Village may define specific use standards applicable to the additional uses permitted in Section 21.02. Such standards could be additional restrictions or relaxation of standards, so long as the health, safety, and welfare of the surrounding land owners can be ensured.

Section 21.05 Development Procedures.

Once a TO District has been established, all project proposals within the District shall be subject to the site plan and special approval land use procedures as applicable under the C-2 district. Additional uses permitted under Section 21.02 shall be reviewed as a special approval land use.

Planning Commission may attach reasonable conditions to an approved site plan and special approval land use. Such conditions may include, but are not limited to, periods of plan validity or conditions which tie the operator to the plan.

ARTICLE 22

NONCONFORMITIES

Section 22.01 Intent and Purpose.

This Article is hereby established for the following purposes:

- A. **Recognition.** To recognize that, within the districts established by this Ordinance, there exist lots of record, structures, sites and uses of land that were lawful prior to the effective date of adoption or amendment of this Ordinance, but would be incompatible with permitted uses in the district and are therefore prohibited, regulated, or restricted under the terms of this Ordinance.
- B. **Determinations.** To provide procedures for determining whether a use of land is conforming, nonconforming or illegal in the district where it is located, or whether an existing nonconforming use of land has ceased, and to establish reasonable standards for making such determinations.
- C. **Regulation.** To regulate the use and development of nonconforming lots of record, the completion, restoration and reconstruction of nonconforming structures, the re-development and improvement of nonconforming sites, the extension, enlargement and substitution of nonconforming uses of land, and the circumstances and conditions under which nonconformities shall be permitted to continue.
- D. **Termination.** To require the termination and removal of illegal structures or uses of land.
- E. **Establish classifications.** To recognize that certain nonconformities may not have a significant adverse impact upon nearby properties or the public health, safety and welfare. Accordingly, this Article establishes two classes of nonconforming structures and uses of land; Class A and Class B.

Class A nonconforming structures include those nonconformities that may be designated to be perpetuated and improved, subject to specific conditions designed to enhance the character of the neighborhood and protect the adjacent properties. Class B nonconforming structures include those nonconformities that are undesirable and should be eliminated as rapidly as possible.

- F. The further purpose of this Article is to permit the four (4) types of nonconformities (*lots of record, structures, sites and uses of land*) to continue until they cease or are removed, and to:
 - 1. **Uses of land.** Eliminate nonconforming uses of land that are incompatible with and more intense than permitted uses in a particular zoning district, or to encourage their redevelopment into more compatible uses.
 - 2. **Structures.** Permit construction that was lawfully begun prior to the adoption or amendment of this Ordinance and diligently carried on until completion without change in the plans, construction or designated use of the development.
 - 3. **Lots of record.** Address the circumstances under which lots of record may be developed that do not conform to current Ordinance standards.
 - 4. **Sites.** Encourage the upgrading of sites that were developed in compliance with the standards in force at the time of their construction, but which do not meet the current site design standards of this Ordinance.

Section 22.02 Nonconforming Uses of Land.

The following shall apply to all nonconforming uses of land in the Village:

- A. **Determinations that a use of land is nonconforming.** This Section is intended to provide reasonable standards for determining whether a use of land is conforming, nonconforming or illegal in the district where it is located, as defined in Article 25 (Definitions). When there is a question or dispute over the status of a use, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:
1. **Procedure.** The procedure for making such determinations shall be as follows:
 - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.
 - b. **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the use of land is conforming, nonconforming or illegal in the district where it is located, and written notification provided to said owner, operator or person having beneficial use of the land in question.
 2. **Standards for determining that a use of land is nonconforming.** The Zoning Board of Appeals shall determine that a use of land is nonconforming upon finding that the following statements (a – c) are true:
 - a. The use of land does not conform to the purpose and use regulations of the district where it is located, and the nonconformity cannot be resolved by means available under this Ordinance, such as Article 17 (Special Approval Uses).
 - b. The use of land is in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.
 - c. Evidence from a minimum of three (3) of the following sources demonstrates that the use of land was legally established prior to the effective date of adoption or amendment of this Ordinance:
 - (1) Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - (2) Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
 - (3) Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
 - (4) Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
 - (5) Dated aerial photos from Macomb County, the Southeastern Michigan Council of Governments (SEMCOG) or other sources accepted by the Zoning Board of Appeals.

- (6) Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.
 3. **Standards for determining that a use of land is conforming.** The Zoning Board of Appeals shall determine that a use of land is conforming upon finding that the use of land is in compliance with the use regulations of the district where it is located, including any required permits or special approvals.
 4. **Standards for determining that a use of land is illegal.** Any use of land that is not a conforming use in the district where it is located, or determined to be a nonconforming use of land, shall be considered an illegal use of land in the district that has been established in violation of this Ordinance.
- B. **Determinations that a nonconforming use of land has ceased.** The following is intended to provide reasonable standards for determining whether a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question. When there is a question or dispute over whether a nonconforming use has ceased, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:
1. **Procedure.** The procedure for making such determinations shall be as follows:
 - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.
 - b. **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question, and written notification provided to said owner, operator or person having beneficial use of the land in question.
 2. **Standards for determining that a nonconforming use of land has ceased.** The Zoning Board of Appeals shall determine that a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question upon finding that a minimum of three (3) of the following six (6) statements (a – f) are true:
 - a. **Local, county or state government files or records show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - b. **Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
 - c. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

- d. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
 - e. **Dated aerial photos from Macomb County, the Southeastern Michigan Council of Governments (SEMCOG) or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use of land has ceased.**
 - f. **Other relevant information shows that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.
- C. **Class B nonconforming uses of land.** All nonconforming uses of land that have been designated as “Class A” by Village action shall not be subject to the requirements of this Section, but rather shall be subject to the provisions of Section 22.06 (Class A Nonconforming Designations). Nonconforming uses of land not designated “Class A” shall be considered “Class B,” and shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:
- 1. **Compliance with other applicable standards.** The owner, operator or person having beneficial use of land occupied by a Class B nonconforming use of land shall demonstrate that the use is maintained in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes, other than the use regulations of this Ordinance for the district where the use is located. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within one-hundred eighty (180) days of their effective date, shall constitute grounds for the Village to seek court approval to terminate or remove the use at the owner’s expense.
 - 2. **Expansion prohibited.** The use shall not be enlarged, increased in intensity, extended to occupy a greater area of land or building floor area, or moved in whole or in part to any other portion of the lot or structure. No additional signage shall be permitted.
 - 3. **Additional structures prohibited.** No additional structures may be constructed in association with a Class B nonconforming use of land. If a structure associated with a Class B nonconforming use is removed, or damaged by any means to an extent that the repair cost is greater than the state equalized value of the property, the nonconformity shall be deemed removed and subsequent uses of such land shall conform to ordinance provisions for the district where it is located.
 - 4. **Cessation of Class B nonconforming uses of land.** If the use is superseded by a conforming use or ceases for a period of more than three hundred sixty-five (365) days, it shall not be resumed and subsequent uses of land shall conform to the use provisions for the district where it is located.

Section 22.03 Nonconforming Structures.

All nonconforming structures that have been designated as “Class A” shall not be subject to the requirements of this Section, but rather shall be subject to the provisions of Section 22.09 (Class A Nonconforming Designations). Nonconforming structures not designated “Class A” shall be considered “Class B” and shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

- A. **Expansion restricted.** No such structure may be enlarged or altered in a way that increases its nonconformity. Such structures may be enlarged or altered in a manner that does not increase its nonconformity.
- B. **Normal repairs and maintenance.** This Article shall not prevent work required for compliance with the provisions of any building code in effect in the Village, or Michigan housing laws regulating the

maintenance of buildings or structures. Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in Class B nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such improvements does not exceed the state equalized value of the property at the time such work is proposed.

- C. **Buildings under construction.** Nothing in this Article shall require a change in the plans, construction or designated use of any building or structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and diligently carried on until completion. Construction shall include the placement of materials in a permanent manner or demolition and removal of an existing structure preparatory to rebuilding in accordance with an approved site plan.
- D. **Damaged or unsafe structures shall be removed.** Class B nonconforming structures that are declared to be physically unsafe by the Building Inspector, or otherwise damaged or destroyed by any means to an extent that the repair cost is greater than the state equalized value of the property shall not thereafter be restored, repaired or rebuilt.

Section 22.04 Nonconforming Lots of Record.

Existing lots of record, as defined in Article 25 (Definitions), that are not in compliance with the dimensional requirements of this Ordinance, including Article 5 (Dimensional Standards), shall only be used, developed or otherwise improved with principal or accessory structures in accordance with the following:

- A. **Division of lots of record.** A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.
- B. **Combination of nonconforming lots of record.** Where possible, nonconforming lots of record shall be combined to create lots that comply with the dimensional requirements of this Ordinance.
- C. **Use of nonconforming lots of record.** Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located.
- D. **Lots in the R-1 district.** A single-family dwelling and customary accessory buildings may be erected on a nonconforming lot of record in the R-1 district, provided that all required yard dimensions and setbacks, other than minimum lot area or width, shall conform to the regulations for the district where the lot is located.

Section 22.05 Nonconforming Sites.

The purpose of this Section is to encourage improvements to existing sites in the Village that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

- A. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
- B. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access and pedestrian/vehicle conflicts.
- C. The proposed site improvements shall include exterior lighting, landscaping, screening and building improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements.

- D. The proposed site improvements shall include the installation, restoration or expansion of sidewalks within and through the site, where appropriate.
- E. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of the approved site plan.

Section 22.06 Class A Nonconforming Designations.

It is the intent of this Section to recognize that certain nonconforming structures and uses of land may not have a significant adverse impact upon nearby properties or the public health, safety and welfare, and to establish a “Class A” designation that the Planning Commission may approve for these nonconforming structures or uses of land, subject to the following procedure and standards:

- A. **Procedure.** The procedure for considering all Class A nonconforming designations shall be as follows:
 - 1. **Application.** Applications for consideration of a Class A designation for a nonconforming structure or use of land may be initiated by the Village, or by the owner, operator or person having beneficial use of the lot occupied by the nonconforming structure or use of land. The application shall include the applicant’s name, address and telephone numbers, and the reasons for the request.
 - 2. **Public hearing.** A public hearing shall be held for all requests for a Class A nonconforming designation in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures).
- B. **Conditions for approval of a Class A designation.** Subsequent to a public hearing, the Planning Commission may grant a Class A designation upon finding that all of the following conditions exist.
 - 1. The structure or use of land is nonconforming as defined in this Ordinance.
 - 2. The nonconformity does not significantly depress the value of nearby properties.
 - 3. The nonconformity is not contrary to the public health, safety and welfare.
 - 4. No useful purpose would be served by the strict application of requirements for such a nonconformity under this Ordinance.
 - 5. **Signage.** If the application was initiated by the owner or person having beneficial use of the lot occupied by the nonconforming structure or use of land, the Planning Commission may require that all signage on the structure or land in question be brought into compliance with Article 13 (Signs).
 - 6. **Plan for site improvements.** If the application was initiated by the owner or person having beneficial use of the lot occupied by the nonconforming structure or use of land, the Planning Commission may require that a site plan for improvements be submitted for review that addresses the priorities for site improvements listed in Section 22.05 (Nonconforming Sites).
 - 7. **Other conditions.** The Planning Commission may attach conditions to the approval to assure that the structure or use of land does not become contrary to the purpose of this Article and Ordinance, or the public health, safety and welfare.
- C. **Effect of approval of a Class A designation.** Class A nonconformities shall be permitted to be perpetuated and expanded in accordance with an approved site plan, subject to the provisions of this Section and any conditions of approval. Class A nonconforming structures shall be permitted to be perpetuated, expanded, improved or rebuilt if damaged or destroyed in accordance with an approved site plan, subject to the provisions of this Section and any conditions of approval.

- D. **Effect of denial of a Class A designation.** An application for a Class A designation that has been denied by the Planning Commission may not be appealed to the Zoning Board of Appeals, but may be resubmitted for Planning Commission consideration after a minimum of three hundred sixty five (365) days have elapsed from the date of denial.
- E. **Cessation or removal of Class A nonconforming structures or uses of land.** When a Class A nonconforming structure is permanently removed, or when a Class A nonconforming use of land is replaced by a conforming use, the designation shall be deemed removed. Any subsequent structure or use of land shall conform to Ordinance provisions for the district where it is located.
- F. **Rescinding approval of a Class A designation.** Failure of the owner, operator or person having beneficial use of a lot occupied by a Class A designated nonconforming structure or use of land to maintain or improve the site in accordance with the provisions of this Section, an approved site plan or any conditions of approval shall be grounds for the Planning Commission to rescind the Class A designation. Such action shall be subject to the following.
 - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land shall be given an opportunity to present evidence in opposition to rescission.
 - 2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said owner, operator or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land.
- G. **Existing residential dwellings.** Residential dwellings, which are so used and so existing in non-residential zoning districts before the effective date of adoption or amendment of this Ordinance, are hereby designated as Class A nonconforming uses of land. Such dwellings and accessory structures may be used, repaired, expanded and replaced if destroyed, subject to the following conditions:
 - 1. Any expansion of the dwelling or accessory structures shall conform with all applicable yard dimensions, setbacks and other requirements specified in this Ordinance for the same type of residential dwelling or structure.
 - 2. If an existing structure is destroyed, any replacement dwelling or accessory structure shall conform with all applicable yard dimensions, setbacks and other requirements specified in this Ordinance for the same type of residential dwelling or structure.
 - 3. The use of the dwelling and associated parcel of land shall be maintained in conformance with the use provisions specified in this Ordinance for the same type of residential dwelling or structure.
 - 4. The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.

Section 22.07 Substitution of Nonconforming Uses of Land.

Upon petition, the Planning Commission shall hold a public hearing, in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), for consideration of a request to substitute one nonconforming use of land for another nonconforming use of land on the same lot. Subsequent to a public hearing, the Planning Commission may grant approval of such a request upon finding that all of the following conditions exist:

- A. **Appropriateness.** The proposed nonconforming use of land is equally appropriate or more appropriate to the district than the existing use. Where a nonconforming use of land is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- B. **Signage.** Signage associated with the proposed nonconforming use of land shall be brought into compliance with Article 13 (Signs).
- C. **Plan for site improvements.** A site plan has been submitted for improvements that is satisfactory to the Planning Commission. The Commission may require improvements to landscaping, site design and layout, pedestrian access, building materials, screening, off-street parking, exterior lighting or other improvements as deemed necessary to protect surrounding uses.
- D. **Other conditions.** Other conditions may be attached to the approval to assure that the use of land does not become contrary to the public health, safety or welfare, or the spirit and purpose of this Ordinance.

Section 22.08 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming lot, structure, site or use of land.

Section 22.09 Appeals.

All appeals of actions, orders, requirements, permits, or determinations made by the Building Inspector, Planning Commission or duly authorized agents charged with administration or enforcement of this Article, other than Class A nonconforming designations, shall be taken to the Zoning Board of Appeals in accordance with Article 24 of this Ordinance.

Section 22.10 Cessation of a Nonconforming Use of Land by Village Action.

The elimination of Class B nonconforming structures and uses of land shall be considered to be for a public purpose and for a public use. The Village Council shall have the authority to institute and prosecute proceedings for the condemnation of Class B nonconforming uses and structures under the power of eminent domain, in accordance with the General Law Village Act, Public Act 3 of 1895 as amended. The Village Council may, at its discretion, acquire private property by purchase, condemnation or otherwise for the purpose of removing a Class B nonconforming use or structure, provided that the cost of acquiring such private property be paid from general funds or assessed to a special district established for that purpose.

ARTICLE 23

VILLAGE PLANNING COMMISSION

Section 23.01 Creation.

The Village Planning Commission heretofore created pursuant to the provisions of the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801 et seq.) and Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended, is hereby continued.

Section 23.02 Composition, Appointment, Terms, Vacancies and Compensation.

- A. The Planning Commission shall consist of five (5) members, one (1) of whom shall be a member of the Village Council to serve as a member ex-officio, and the remainder of whom shall be appointed by the Village President as provided in this Section. An appointment by the Village President shall be subject to approval by the Village Council by majority vote. All appointed members of the Commission may be compensated at a rate to be determined by resolution of the Village Council. An appointed member shall not hold another municipal office, except that one (1) appointed member may be a member of the Zoning Board of Appeals. The term of the ex-officio member shall correspond to the member's term of office as a trustee of the Village Council. The term of each appointed member shall be three (3) years, except that the respective terms of two (2) of the members first appointed shall be for one (1) year and two (2) for two (2) years. All members shall hold office until their successor(s) are appointed. A vacancy on the Planning Commission occurring otherwise than through the expiration of term shall be filled for the un-expired term by the Village President (in the case of a member appointed by the Village President) subject to approval by the Village Council, and by the Village Council (in the case of the ex-officio member selected by the Village Council). The ex-officio member shall have full voting rights.
- B. Membership of the Planning Commission shall be qualified electors of the Village, except that no more than one (1) member may be an individual who is not a qualified elector.
- C. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the Village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Village to the extent practical.

Section 23.03 Removal of a Member for Cause.

After a public hearing, a member other than the member selected by the Village Council may be removed by the Village President for inefficiency, neglect of duty, or malfeasance in office. The Village Council may for like cause remove the ex-officio member selected by the Village Council.

Section 23.04 Organization, Meetings, Records and Rules.

The Planning Commission shall elect a Chair, Vice-Chair and Secretary from among the appointed members, and may create and fill such other offices as it may determine necessary. The term of the Chair, Vice-Chair, and Secretary shall be one (1) year, with eligibility for re-election. An ex-officio member is not eligible to serve as chair. The Commission shall hold at least four (4) regular meetings each year and by resolution shall determine the time and place for such meetings. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

The planning commission shall make an annual written report to the Village Council concerning its operations and status of planning activities, including recommendations regarding actions by the Village Council related to planning and development.

Section 23.05 Employees, Contracts for Services and Expenditures.

The Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern all other Village employees. The Commission may contract with planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Village Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

Section 23.06 Powers and Duties.

The Planning Commission shall have such powers concerning the preparation and adoption of a master plan consisting of future land use, street and thoroughfare plan, community facilities, public improvements programs, zoning ordinances, subdivision regulations, approval of plats, and other such rights, powers, duties and responsibilities as are expressly provided for in this Ordinance, the, Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801 et seq.) and Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Section 23.07 Publicity and Gifts.

The Planning Commission shall have the power to promote public interest and understanding of the Village Master Plan and any sub-area or corridor plans. The Commission shall have the right to accept and use gifts for the exercise of its functions. A gift of money so accepted shall be deposited with the Village Treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The Treasurer shall draw a warrant against the fund only upon receipt of a voucher signed by the chair and secretary of the Planning Commission and an order drawn by the Village Clerk.

ARTICLE 24

ZONING BOARD OF APPEALS

Section 24.01 Authority and Powers.

There is hereby established a Zoning Board of Appeals (herein referred to as the “Board”), which shall perform its duties and exercise its power as provided for in this Ordinance and the City and Village Zoning Act, Public Act 207 of 1921, as amended by the Michigan Zoning Enabling Act, Act 110 of 2006, in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected and substantial justice done.

Section 24.02 Membership.

The Zoning Board of Appeals shall consist of not less than five (5) members and not more than two (2) alternates appointed by the Village Council for three (3) year terms as follows:

- A. One (1) member or one (1) alternate member may be a member of the Planning Commission, and one (1) member may be a member of the Village Council. An employee or contractor of the Village Council may not serve as a member.
- B. Members and alternate members shall be selected from the electors of the Village and reside within the Village.
- C. The members selected shall be representative of the population distribution and of the various interests present in the Village.
- D. Members of the Zoning Board of Appeals may be removed from office for inefficiency, neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the Village Clerk and a public hearing has been held by Village Council.
- E. Vacancies shall be filled for the remainder of the unexpired term by resolution of the Village Council.
- F. Members shall be appointed not more than one (1) month after the term of the preceding member has expired.
- G. A member of the ZBA who is also a member of the Planning Commission or Village Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Village Council. However, the member may consider and vote on other unrelated matters involving the same property.
- H. In the event a Zoning Board of Appeals member is elected to Village Council and such election increases the number of Village Council members serving on the Board to more than one (1), then such member's seat on the Board shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by appointment in the same manner as for regular appointments for full terms.

Section 24.03 Alternates.

Alternate members may be called on a rotating basis to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a Board member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. The alternate member appointed shall serve in the case involving the conflict of

interest until a final decision is made.

Section 24.04 Organization.

The Zoning Board of Appeals shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

- A. The Board shall elect a Chair, Vice-Chair and Secretary from its membership. A member of the Village Council shall not serve as chair of the ZBA.
- B. All meetings of the Board shall be held at the call of the Chairperson or, in the Chairperson's absence, the acting Chairperson at such times as the Board may determine.
- C. The Board shall render decisions upon all matters with sixty (60) calendar days of the application filing date with the Village; provided that the deadline may be extended by mutual consent of the Board and the applicant.
- D. The Board may distribute the application materials to the Village Planner or other designated Village consultants to review the application and provide a report to the Board that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan and any sub-area plans.
- E. The Board may request that any or all of the following information be provided to the Board by the Village Clerk or Building Inspector, where available and applicable to the issue in question:
 - 1. The history of development on the site in question.
 - 2. A summary of past Village approvals, orders and decisions related to the site or issue in question.
 - 3. Whether all outstanding infractions related to this Ordinance or other Village ordinances have been resolved, other than the issue to be addressed by the Board.
- F. A concurring vote of a majority of the total Board membership shall be necessary to render a decision. The Board shall not conduct business unless a majority of its members are present.
- G. The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action. Such minutes shall also be filed with the Village Clerk.
- H. The Board shall have the power to require attendance of witnesses, and compel testimony and the production of documents, files and other information pertinent to the matters before it.

Section 24.05 Applications.

Applications to the Zoning Board of Appeals shall be filed with the Village, and a fee established by Village Council shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

- A. Applicant's name, address, telephone and facsimile numbers.
- B. The address, location and tax identification number for each parcel involved in the request.
- C. Zoning classification of the subject parcel(s) and all abutting parcels.
- D. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building

and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.

- E. A letter from the applicant summarizing the request, and stating the reasons for the request.
- F. Any additional information deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.

Section 24.06 Appeals of Administrative Decisions.

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the Board by the person, firm or corporation aggrieved, or by an officer, department, board or bureau of the Village affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with the Village within a reasonable time of the order, requirement, decision or determination, not to exceed thirty (30) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Building Inspector certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay in the opinion of the Building Inspector would cause imminent peril to life or property.

The Zoning Board of Appeals shall reverse an administrative decision only after finding 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 24.07 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 Board shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Village of Armada Zoning Ordinance and Master Plan. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, watercourses or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections “A” through “D” above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Appeals shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district line into the remaining portion of the lot.

Section 24.08 Interpretation of Zoning Ordinance Provisions.

- A. **Interpretations.** The Board 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 intent and purpose of this Ordinance, the Master Plan or any sub-area plans.
- B. **Determinations of similar uses.** In recognition that every potential use cannot be addressed in this Ordinance, the Board shall have the authority to determine whether a proposed use not listed in this Ordinance is similar to a principal or special approval use permitted by this Ordinance, subject to the following:
1. Prior to making such a determination, the Board must find that the principal or special approval use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses, including but not limited to potential impacts on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety and welfare.
 2. The Board may make a determination that the use is or is not similar to a use listed in this Ordinance, or may recommend to the Village Council that the proposed use be addressed through an amendment to this Ordinance.
 3. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited in accordance with Section 1.202 of this Ordinance (Prohibited Uses).
 4. If it is determined that the proposed use is similar to a use listed in this Ordinance, the proposed use shall comply with any conditions or special approval use standards that apply to the listed use.

Section 24.09 Nonconforming Determinations.

The Zoning Board of Appeals shall have the authority to determine whether a use of land is conforming, nonconforming or illegal in the district where it is located (Section 22.02A), and to determine whether a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question (Section 22.02B), subject to the procedures and standards specified in Section 22.02 (Nonconforming Uses of Land). The Zoning Board of Appeals shall also have the authority to determine whether a sign is illegal or has been abandoned in accordance with Section 13.10A (Sign Removal by Village Action).

Section 24.10 Variances.

The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from dimensional requirements of the Zoning Ordinance regulations would result in exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose of the Zoning Ordinance.

Variances shall be granted only in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended and the provisions of this Article. The Board shall state the grounds upon which it justifies the granting or denying of a variance. Variances shall not be granted unless the Board finds that the following conditions exist:

- A. That special conditions and circumstances exist, unique to the land or structures involved, that are not applicable to other land or structures in the same district, and that do not result from the actions of the applicant.
- B. That the variance is the minimum necessary to permit a reasonable use of the land, building, or structure, and does not confer upon the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

- C. That the variance will not be contrary to the spirit and intent of this Ordinance, and will not permit the establishment of any use that is not a principal permitted use in the Zoning District. The existence of nonconforming structures or uses of land in the same district, or structures or uses of land in other districts, shall not be considered grounds for the issuance of a variance.
- D. That the variance will not cause any adverse effect or substantial detriment to adjacent properties, the neighborhood or the Village, and will not increase the hazard of fire, endanger public safety, create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
- E. That substantial justice will be done for the applicant and other property owners in the neighborhood, and that the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity.
- F. That exceptional practical difficulties in the use of the property or exceptional undue hardship upon the owner of such property exist, and literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance. The showing of mere inconvenience is insufficient to justify a variance.
- G. That the variance request does not result from action by the Planning Commission or Village Council on an amendment, special approval use, Class A nonconforming designation or planned development.
- H. That the conditions or circumstances pertaining to the property for which the variance is sought cannot be reasonably addressed by other means defined in this Ordinance.

Section 24.11 Exceptions.

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the Zoning Board of Appeals to act. Any exception shall be subject to such conditions as the Board may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

Section 24.12 Hearings and Decisions.

The Zoning Board of Appeals shall make no determination on a specific case until after a public hearing conducted in accordance with Section 1.12 (Public Hearing Procedures). Each decisions of the Board of Appeals shall include a written record of the Board's findings and determinations in the case.

Section 24.13 Fees.

The Village Council may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the Zoning Board of Appeals. Such fees shall be paid to the Village at the time of filing the application.

Section 24.14 Limitations of Authority.

- A. No order of the Board permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.
- C. No order of the Board pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued for the structure.

- C. It shall be the established policy of the Village that the Zoning Board of Appeals may not consider use variances, as defined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. However, a use variance may be considered by the Village Council, subject to the procedures for a dimensional variance defined in 24.10 as applied to Village Council, only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:
1. Cannot Be Reasonably Used. Demonstrate how the land, building or structure cannot be reasonable used for any of the uses permitted by right or by special approval land use in the zoning district in which it is located. Reasonable costs of making the property suitable for a permitted use or special approval land use shall not be a determinant.
 2. Circumstances or Physical Conditions. Demonstrate how the need for the requested variance is due to unique circumstances or physical conditions of the subject property such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.
 3. Character of the Neighborhood. Demonstrate how the proposed use will not alter the essential character of the neighborhood.
 4. Not Self-Created. Demonstrate how the need for the requested variance is not the result of actions of the property owner or prior property owners (i.e. is not self-created).
 5. Demonstrate that the use variance, if granted will result in substantial justice to applicant as well as to other property owners in the area or district.
 6. Demonstrate that relief can be granted in a fashion that results in the spirit of the ordinance being observed and public health, safety, and welfare being preserved. To ensure this can be realized, the village Council may impose reasonable conditions of approval that will guarantee harmonious operation of uses, including, but not limited to:
 - a. Enhanced screening, increase setbacks, improved soundproofing, improved facades, and enhanced landscaping;
 - b. Limitations on hours of operation, method or timing of deliveries, or other operational characteristics that could impact adjacent properties;
 - c. Limitations on the applicability of the variance, including duration of validity or tying the variance to a specific operator; and
 - d. Requiring that annual use or compliance summaries be submitted to the Village.
- D. The Board shall not consider appeals of any decisions by the Planning Commission or Village Council regarding requests for approval of amendments, special approval uses, Class A nonconforming designations or planned developments, as defined in this Ordinance.
- E. Board jurisdiction to consider appeals of site plan determinations shall be limited to the following:
1. Appeals of determinations related to the type of review required under Section 18.02 (Type of Site Plan Review Required).
 2. Cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the Zoning Board of Appeals. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the Board, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- F. The Zoning Board of Appeals shall not have the authority to alter this Zoning Ordinance or Zoning Map.

ARTICLE 25

DEFINITIONS

Section 25.01 Rules of Construction.

The following rules of construction 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, and 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. The word “dwelling” includes “residence”. The word “lot” includes the words “plot” or “parcel”.
- 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 firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a “person” under the laws of Michigan.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or” or “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 all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., “or” also means “and/or”).
 - 3. “Either ... or” indicates that the connected items, conditions, provisions or events may apply singly.
- I. The terms “this Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of the Village of Armada and any amendments there to.
- J. The terms “abutting” or “adjacent to” include property “across from”, such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
- K. The word “he” includes “she.”
- L. The phrase “such as” shall mean “such as, but not limited to.”
- M. The word “including” shall mean “including, but not limited to.”

- N. Terms not defined in Article 25 (Definitions), or elsewhere in this Ordinance shall have the meaning customarily assigned to them.

Section 25.02 Definitions.

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

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable. A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

Act. The term "act" or "doing of an act" includes "omission to act."

Adult Care Facility. A facility which provides daytime care for any part of a day but less than twenty-four (24) hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

Adult Foster Care Facility. An establishment that provides supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services, and are classified as follows:

- A. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- B. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
- D. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Uses and Sexually-Oriented Businesses. Any business which primarily features sexually stimulating material and/or performances, including the following uses:

- A. **Sexually-oriented Businesses and Adult Uses.**
 - 1. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished

or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” or “specified anatomical areas” as defined herein.

2. **Adult Book or Video Store.** An establishment having a substantial portion (more than twenty percent (20%)) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” or “simulated nudity,” which are offered for sale or rental, or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
3. **Adult Entertainment Cabaret.** A nightclub, bar, lounge, or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by any one or more of the following:
 - a. An emphasis on the exposure of “specified anatomical areas;” or
 - b. An emphasis on “specified sexual activities;” or
 - c. An emphasis on “nudity,” “state of nudity,” or “simulated nudity;” or
 - d. A combination of any of the above.
4. **Adult Model Studio.** Any place where models who display “specified anatomical areas” (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
5. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
 - a. Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” and/or “specified anatomical areas”, and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
 - b. Offers a sleeping room(s) for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten-hour period creates a rebuttable presumption that the establishment is operated as an adult motel.
6. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person.

Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical or healing arts professionals;
- b. Establishments which offer massages performed by certified massage therapists;
- c. Gymnasiums, fitness centers and health clubs;
- d. Electrolysis treatment by a licensed operator of electrolysis equipment;
- e. Continuing instruction in martial or performing arts, or in organized athletic activities;
- f. Hospitals, nursing homes, medical clinics, or medical offices;
- g. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
- h. A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
- i. Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

- 7. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities".

- a. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein).
- b. **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities and/or "specified anatomical areas".
- c. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is 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 of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

8. **Escort Service.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.
 9. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.
 10. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a “state of nudity,” “simulated nudity” or displays “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.
 11. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons, or between persons of the same sex, when one or more of the persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
 12. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities” (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Special Definitions.** With respect to Adult Regulated Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:
1. **Buttock.** The anus and perineum of any person.
 2. **Massage.** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.
 3. **Massage Parlor.** An establishment wherein private massage is practiced, used or made available as a primary use of the premises.
 4. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - a. Genitals, whether or not in a state of sexual arousal; or
 - b. Pubic region or pubic hair; or
 - c. Buttock(s); or
 - d. The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - e. Any combination of the above.

5. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity”.
6. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person’s body, or of any object, into the genital or anal openings of another’s body.
7. **Sodomy.** Sexual bestiality.
8. **Specified Anatomical Areas.** Portions of the human body defined as follows:
 - a. Less than completely and opaquely covered:
 - (1) Human genitalia and pubic region;
 - (2) Buttock and anus; and
 - (3) Female breast below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. **Specified Sexual Activities.** The explicit display of one or more of the following:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
 - c. Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
 - d. Human excretory functions as part of, or as related to, any of the activities described above;
 - e. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.
10. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

Alley. A right-of-way that affords only a secondary means of access to adjacent property.

Alterations.

- A. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
- B. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
- C. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

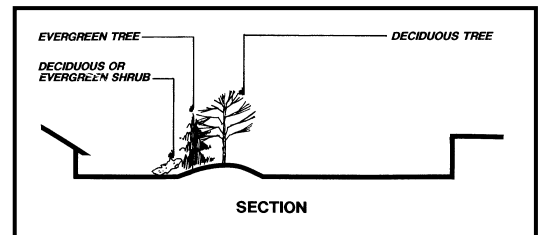
Animal, Wild or Exotic. Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

Appeal. An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

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, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, etc. Should the vertical distance between the floor and midpoint, and ceiling and midpoint, be equal the area shall be counted as a basement.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

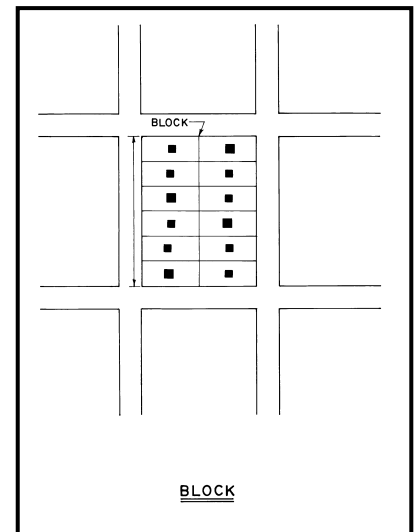
Berm A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.



Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating, between the nearest such street or unsubdivided acreage, railroad right-of-way, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Brewpub. A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31c.

Buffer Strip. A strip of land often required between certain zoning districts or land uses reserved for plant material, greenbelts, berms, walls, or fencing to serve as a visual barrier.



Build to Line. An alignment that dictates the front yard setback from a street or public right -of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

Buildable Area. The space remaining on a lot after compliance with the minimum required setbacks of this Ordinance.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

- A. **Accessory Building or Structure.** A building or structure, or portion of a primary building, subordinate to and on the same premises as the primary building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the primary building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools.

- B. **Primary Building.** A building in which is conducted the primary use of the lot on which said building is situated.

Building Setback or Building Line. The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

Caliper. The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Canopy Tree. A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

Care Facility. An institutional use of a building or property whereby a publicly or privately funded program enables persons to receive medical, psychological, emotional or other rehabilitative care as an out-patient or live-in patient. This definition does not include those institutional uses provided for elsewhere in this Ordinance, nor does it include foster care programs or homes.

Cemetery. Land used or intended to be used for burial of the human dead and dedicated for such purpose.

Certificate of Occupancy. A certificate issued after final inspection indicating that all the provisions of this Ordinance are being complied with. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended, or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

- A. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- C. **Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than twenty four (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.

- D. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- E. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- F. **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (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.

Church, Temple, Place of Worship, or Religious Institution. 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.

Class C Liquor License Establishment. A Class C Liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

Clinic. Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.

Civic Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit. See also **Lodge**.

Cocktail Lounge or Night Club. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

Commercial Vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

- A. **Semi-trailer.** A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
- B. **Truck Tractor.** A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
- C. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Common Land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

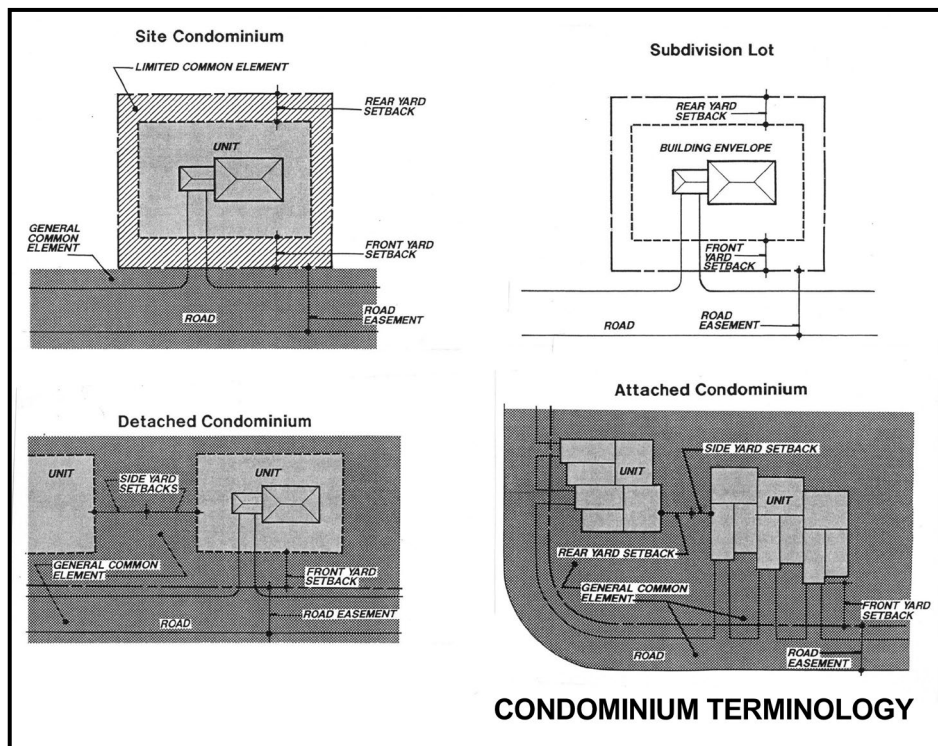
Common Open Space. An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Community Center. A building dedicated to social or recreational activities, serving the Village or a neighborhood and owned and operated by the Village of Armada, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the Village.

Condominium. A condominium is a system of separate ownership of individual units and/or multiple-unit projects according to the state Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

A. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

B. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.



C. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

D. **Site Condominium.** All allocation or division of land permitted under the State of Michigan Condominium Act, Act 59 of 1978 as amended, which permits single family detached housing pursuant to a master deed.

1. **Site Condominium Project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

2. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and

approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

3. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - a. **Front Yard Setback.** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
 - b. **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
 - c. **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
4. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Village including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
5. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
6. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Village of Armada Code of Ordinances and the Condominium Act.
7. **Condominium Conversion.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Congregate Living Dwelling. A building or portion thereof containing a minimum of twenty-four (24) living units designed for occupancy by senior citizens living independently of each other except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

Congregate Living Unit. The individual area within a given congregate living dwelling or project that provides an enclosed living environment for those activities relating to self-maintaining behavior such as sleeping, grooming, bathing and toileting. Each living unit may be occupied by no more than two persons.

Convalescent or Nursing Home. A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. Such home shall also conform to and qualify for a license under applicable State laws (Public Act 139 of 1956, as amended).

Corner Clearance Area. A triangular area, formed at an intersection of any two street rights-of-way by a straight line drawn from one right-of-way line to the other at a distance along each line of ten (10) feet from their intersection point.

Courtyard or Court. An open unoccupied space other than a yard, on the same lot with a building and which is bounded on three or more sides by the building.

Cul-de-Sac. A dead-end public or private street which terminates in a circular or semicircular section of street which allows for vehicle turnaround.

Deceleration Lane. An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units situated on or to be developed per net or gross acre of land.

Detention basin. A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

Development. The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.

District. A portion of the Village of Armada within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term “zone” or “zoning district.”

Drainage Ways and Streams. Existing permanent or intermittent watercourses.

Drive-In Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption within motor vehicles may be facilitated.

Drive-Through Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Driveways. A driveway shall be hard-surfaced access connecting such parking space with a street or alley and permitting ingress and egress of a motor vehicle.

Dumpster Enclosure. Any exterior space which secures or screens containers, structures, or other receptacles intended for temporary storage of solid waste materials.

Dwelling. A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, cooking, eating and sanitation.

- A. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
1. **Accessory Apartment.** A dwelling for one (1) family located within a primary building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. “mother-in-law” apartment).
 2. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
- B. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
- C. **Detached Dwelling.** A dwelling unit which is not attached to any other dwelling unit by any means.
- D. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
 2. 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;
 3. 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 the site.
- E. **Manufactured (Mobile) Home.** A type of manufactured housing 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 manufactured homes for the purposes of this Ordinance.
- F. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.
- G. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families with each floor having two (2) means of egress, exclusive of an elevator.
- H. **Site Built Dwelling.** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- I. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family.
- J. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate

manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.

- K. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling shall be capable of individual use and maintenance without trespassing upon adjoining dwellings, and access, utilities and service facilities shall be independent for each dwelling.
- L. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families.

Easement. A grant of one (1) or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this ordinance. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this ordinance.

Estate Sale. The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.

Excavation. Any breaking of ground, except common household gardening and ground care.

Exterior Architectural Feature. The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative and structural features.

Family.

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, 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 of other similar determinable periods.

Farm. A platted or unplatted parcel of land not less than three (3) acres used for agricultural purposes.

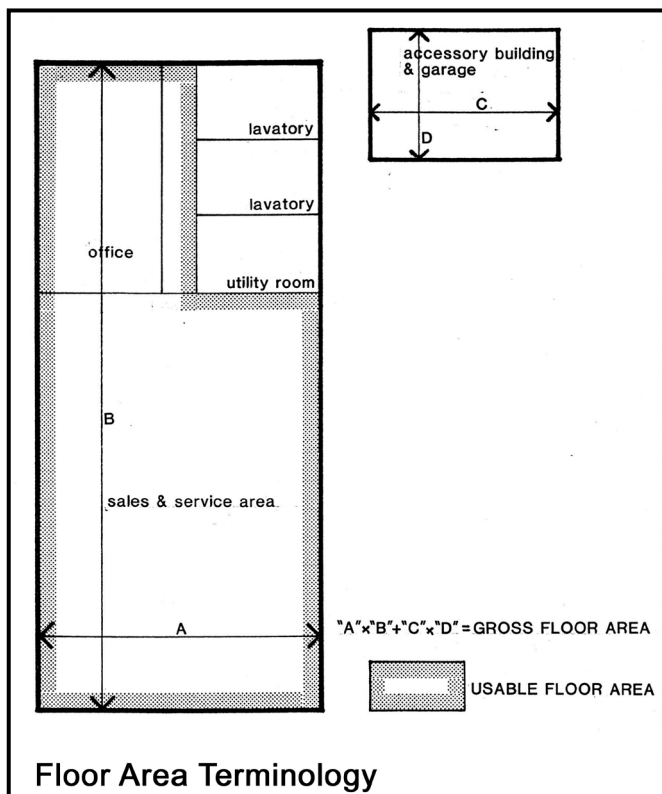
Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner or position to serve as such.

- A. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
- B. **Industrial fence.** A chain-link or ornamental fence constructed for the purpose of enclosing or securing an industrial use.
- C. **Living fence.** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
- D. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- E. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.
- F. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6') apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).
- G. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Building Inspector for the purpose of enclosing or securing an area for a limited period of time.

- 1. **Construction.** A fence erected for the purpose of securing a construction site against unauthorized access.
- 2. **Special Events.** A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the Village Council and Macomb County Road Commission, where appropriate.

Filling. Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm 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 building or structure used for parking of motor vehicles shall not be computed in the floor area. Courtyards or balconies open to the sky



and roofs which are utilized for recreation, etc., shall not be counted in the floor area but shall be a part of the recreational space.

- A. **Floor Area, Gross (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. The “floor area” of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
- B. **Floor Area Ratio (FAR).** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: a FAR of 2.0 would allow floor space of twice the lot area, or a four-story, building covering one-half ($\frac{1}{2}$) of the lot. A FAR of 0.5 would allow floor space of one-half ($\frac{1}{2}$) the lot area, or a two-story building covering one-quarter ($\frac{1}{4}$) of the lot.
- C. **Floor Area, Usable (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. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Frontage. All the property adjacent to one side of a street, as measured along the street right-of-way line, or at the front yard setback line for pie-shaped lots on cul-de-sacs.

Garage Sale. The sale of used tangible household personal belongings to the householder and conducted on an individual lot used as a one-family, two-family, or multiple-family dwelling. The items offered for sale shall be limited to personal property that is usual to a residence and commonly used in a family. A garage sale is not for the sale, display, or trading of articles of commerce obtained either new or used for the purpose of sale or resale nor for the sale, display or trading of goods manufactured or processed either on or off the lot for the purpose of sale or resale.

Garage, Private. Space in a principal building, or in an accessory building or on the same lot, used for storage and maintenance of occupant-owned motor vehicles as an accessory use only.

Garage, Storage. A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Garbage. Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building/dwelling.

- A. **Grade, Average.** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

- B. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
- C. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

Hedgerow. A row of eight (8) or more trees having a four (4) inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

Height, Building. The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

Home Occupation: Any business, occupation, or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

- A. **Hobby.** An accessory use carried on by the occupant of the premises in a shop, studio or other workroom, purely for personal enjoyment, amusement or recreation; provided that the articles produced or constructed in said shop, studio, or workroom are not sold either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- B. **Home Office:** An accessory use within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation is undertaken, including, but not limited to: receiving or initiating correspondence, such as telephone calls, mail, facsimiles, or electronic-mail; preparing or maintaining business records; word or data processing; and telephone, mail order, and off-premise sales.

Hospital, General. An institution providing in-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time. Included as an integral part of the institutions are such related facilities as laboratories, out-patient departments, educational facilities, food services and staff offices.

- A. **Hospital, Long Term.** An institution providing in-patient medical treatment of an intensive and specialized nature for the chronically ill, who are generally confined for periods of time exceeding thirty (30) days. Long-term hospitals include homes for alcoholic, narcotic, or psychiatric patients, and institutions for patients with a contagious disease, such as tuberculosis sanitariums.

Hotel. One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. This definition shall include hotels, extended stay hotels, motels and inns.

Junk Yard or Motor Vehicle Storage or Dismantling Yard. An open area where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term "junk yard" does not include drop-off stations for residential recyclables.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

Kennel.

- A. Any building, lot or premises where four or more dogs or cats (at least eight weeks of age) are kept. This shall not include residentially zoned premises or premises which are used for residential purposes, at which the occupant is keeping his or her own dogs or cats; or
- B. Any building, lot, or premises where dogs or cats are kept or housed, for which remuneration is received.

Laboratory. A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landmark Tree. Any tree of stature standing alone in the open; or any tree which stands obviously apart from others within the immediate vicinity by size, form or species. Trees equal to or greater than the diameters shown below will generally be considered a landmark tree regardless of location:

COMMON NAME	DBH
American Hornbeam	8
Arborvitae	18
Ash	24
Basswood	24
Beech, American	18
Beech, Blue	8
Birch	18
Black Walnut	24
Catalpa	24
Cedar, Red	12
Chestnut	18
Crabapple/Hawthorne	8
Dogwood, Flowering	8
Elm	24
Fir	18
Ginkgo	18
Hackberry	24

COMMON NAME	DBH
Hemlock	18
Hickory	18
Honey Locust	24
Kentucky Coffeetree	18
Larch/Tamarack	12
London Plane, Sycamore	24
Maple	18
Oak	18
Pine	18
Redbud	8
Sassafras	18
Serviceberry	8
Spruce	18
Sweetgum	16
Tulip Popular	24
Wild Cherry	18
Witch Hazel	8

Landmark. A structure or property which is of value in preserving the historical, cultural, architectural or archeological heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such structures or property should be preserved and restored to their historical character and should be protected from modifications which detract from their historical significance.

Lighting. The following definitions are related to lighting:

- A. **Awning.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- B. **Floodlight.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- C. **Footcandle.** A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
- D. **Fully Shielded Fixture.** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal

plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

- E. **Glare.** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- F. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting
- G. **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties
- H. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of property in which it is located
- I. **Luminaire.** The complete lighting system including the lamp and light fixture.
- J. **Luminaire Cut-Off Angle.** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- K. **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
- L. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

Loading Space. An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodge. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Lot. A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any structures, and having frontage upon a public or private street or road.

- A. **Corner Lot.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, where any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.
- B. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- C. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a street.
- D. **Zoning Lot.** An area of land that, at the time of filing for site plan review or a permit, is designated to be used, developed or built upon as a unit. A zoning lot may include one or more lots of record, and shall satisfy the dimensional requirements of this Ordinance. Multiple adjacent lots under common ownership shall be deemed a single zoning lot if they are occupied by or designated for occupation by a single primary use or integrated primary uses and are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.
- E. **Lot Area.**
 - 1. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.

2. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

Lot Coverage. A ratio, expressed as a percentage, of the lot area covered or occupied by buildings or structures to the net lot area of the zoning lot.

Lot Depth. The mean horizontal distance measured from the front street right-of-way line to the rear lot line.

Lot Line. Any line dividing one lot from another lot, or from a street right-of-way or from any public place. Specifically:

- A. **Front Lot Line.** The line separating a lot from a street right-of-way (in the case of a private street that does not have a dedicated right-of-way, this line shall be parallel to and thirty feet (30') back from the centerline of the pavement). Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the street.
- B. **Rear Lot Line.** The boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.
- C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot Of Record. A parcel of land, the dimensions and legal description of which are on file with the County Register of Deeds, or any parcel which has been created in accordance with the provisions of state laws and local ordinances regulating the division of land and has been assigned a parcel (tax) identification number by the Assessor for the Village of Armada.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

Major Street. An arterial street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major street in the Village of Armada Master Plan.

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach, or travel trailers.

Manufactured Home, HUD-Code. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

Manufactured Home Site. An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

Manufactured Housing 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules

and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

Marquee. A structure of a permanent nature projecting from the wall of a building.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

- A. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. The comprehensive plan(s) including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the Village of Armada, as well as the general location for streets, parks, schools, public buildings, and all physical development of the Village of Armada, and includes any unit or part of such plan(s), and any amendment to such plan(s) or part(s) thereof. Such plan(s) shall be adopted by the Planning Commission and may or may not be adopted by Village Council.

Mechanical Amusement Arcade. Coin-operated amusement machine and/or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines and/or devices.

Mechanical Amusement Device. A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table, or any other similar machine, instrument, or contrivance which may be operated or set in motion upon the insertion of a coin, or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

Microbrewery. A brewer licensed by the State of Michigan which produces and manufactures in total less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

Mixed Use. A structure or project containing residential and nonresidential uses.

Motor Home (Trailer Coach). A self-propelled motorized vehicular unit primarily designed, used, or constructed for travel and/or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

Nonconformities:

- A. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- B. **Class A Nonconforming Designation.** A nonconforming structure or use of land that has been designated by the Planning Commission to be allowed to be perpetuated and improved in accordance with the provisions of this Ordinance and an approved site plan.

- C. **Class B Nonconforming Status.** Nonconforming structures or uses of land, other than those designated as Class A, are considered to be Class B and are allowed to continue within the restricted provisions of this Ordinance.
- D. **Illegal Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.
- E. **Illegal Use Of Land.** A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.
- F. **Nonconforming Lot of Record.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- G. **Nonconforming Sign.** See **Signs**.
- H. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- I. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.
- J. **Nonconforming Use Of Land.** A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance Factors. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, or invasion of non-abutting street frontage by traffic.

Nursery. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscene Material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].

Obscuring Screen. A visual barrier between adjacent areas or uses consisting of structures, such as a wall or fence, or living plant material.

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load. The number of individuals normally permitted to occupy a building or part thereof, as determined by the Building Inspector.

Occupied. Includes “arranged,” “designed,” “built,” “altered,” “converted to,” “rented,” “leased” or “intended to be inhabited,” not necessarily for dwelling purposes.

Offset. The distance between the center lines of driveways or streets across the street from one another.

Off-Street Parking Lot. A facility located outside of the street right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use. Grading in the open space shall be minimal, with the intent to preserve existing topography.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building, excluding garages sales that are otherwise regulated in this Ordinance.

Outdoor Motor Vehicle Storage or Dismantling Yard (Junk Yard). Any business and any place of storage or deposit which displays, or in or upon which there are displayed, to view from a public right-of-way, two or more registered or unregistered motor vehicles which are unfit for reconditioning for use on the public highways, or used parts of motor vehicles, or old iron, metal, glass, paper, cordage, or other waste, or discarded or secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing or operation on privately owned drag strips or raceways, vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation, and vehicles stored as the property of a member of the armed forces of the United States who is on active duty assignment outside the continental and territorial limits of the United States.

Outlot. A parcel of land designated on a site plan for future development.

Package Liquor Store. A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Parapet Wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active or passive recreational pursuits.

A. **Public Park.** Any park within the jurisdiction and control of a government agency.

Parking Area, Public. An open area other than a street, alley or place used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Parking Space. A space set aside for the sole purpose of parking an automobile on a temporary basis.

Pavement Or Hard Surface. Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the Village of Armada.

Pawn Shop. A shop that lends money in exchange for valuable personal property as security. This definition includes the sale of such securities after repossession and the sale of new merchandise generally found in retail stores.

Permit. Authorization given by the Village of Armada to erect, construct, renovate, maintain, or conduct any other specified activity on any building or structure, or on any installations or facilities therein in conformity with this Ordinance. The term “permit” shall include but not be limited to building, electrical, mechanical, plumbing and zoning permits.

Planned Development. A form of comprehensively planned land development which permits flexibility in site design, arrangement and types of permitted uses.

Planning Commission. The Village of Armada Planning Commission, being the agency designated to prepare and to recommend amendments to this Ordinance in accordance with authority of Michigan Planning Enabling Act, Public Act 33 of 2008 and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Planting Season. The period of time during the year, as determined by a registered arborist or landscape architect, during which trees, shrubs and other plant materials may be planted with the greatest likelihood of successful growth and development.

Plat. A map of a subdivision of land.

Porch, Enclosed. A completely enclosed (with materials other than mesh screening) and roofed space that serves as an entrance to a building or structure and a sheltered transition zone between indoor and outdoor areas.

Porch, Open. A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a building or structure and a transition zone between indoor and outdoor areas.

Premises. A single zoning lot, or multiple adjacent lots under common ownership occupied by a single primary use or integrated primary uses that are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.

Private Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Public And Semi-Public Institutional Buildings, Structures, And Uses. Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, churches, municipal parking lots, post offices, libraries, and community centers.

Public Services. Such uses and services that provide a service to the general public, such as voting booths, pumping stations, fire halls, police stations, public health activities and similar uses.

Public or Private Utility. A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this ordinance.

Radioactive Materials. Materials defined as radioactive under state or federal regulations for transportation of radioactive materials.

Recreation Establishment, Indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness

centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, and fishing lot or parcel that is utilized for recreation.

Recreational Vehicle. A vehicle which is: 1) built on a single chassis; 2) four hundred (400) square feet or less when measured at the largest horizontal projections; 3) self-propelled or permanently towable by motor vehicle or light duty truck; 4) designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and 5) required by Michigan law to have a valid vehicle registration when traveling upon public streets.

Re-Occupancy. A discontinuance of an existing use and the substitution of a use of a different kind or class.

Repair And Maintenance, Ordinary. Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose primary business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation and whose design and principal method of operation includes the following:

- A. Suitable seating for customers and/or a service counter for carry-out orders.
- B. Adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night.
- C. Customers are served their food and beverages by a restaurant employee at the table where such items will be consumed, or at the counter where such items are ordered by the customer.

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

- A. Food and beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
- B. The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Drive-In. Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one or both of the following characteristics:

- A. Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
- B. The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares, or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items. Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the primary use of retail sales to the customer in the building. This definition does not include temporary uses, outdoor display or sales areas, or adult uses and sexually-oriented businesses.

Retaining Wall. A permanent, solid barrier of brick, stone or similar material approved by the Village of Armada, intended to enclose an area. All supporting members, posts, stringers, braces, pilasters or other construction features shall be located and placed on the inside of the wall away from public view, and all visible exterior surfaces shall be constructed, painted, tinted or colored. No signs shall be placed, affixed, painted or designed on retaining walls.

Right-Of-Way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and 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 one (1), two (2), or three (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.

School, Nonpublic. A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

School, Public. A public school is a public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

Second Hand Dealers. Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.

Self-Storage Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Senior Housing. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) 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. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.
- D. **Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.
- E. **Senior Apartments.** Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

Separate Ownership. Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

Service Drive. An alley or other paved vehicular access that generally parallels the public right-of-way and provides shared access to multiple lots.

Setback. The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or street rights-of-way.

- A. **Parking Lot Setback.** The minimum horizontal distance between the street right-of-way or property line and the near edge of pavement in an off-street parking lot.
- B. **Required Setback.** The minimum horizontal distance between a front, rear, or side lot line and a building line required to comply with required yard provisions of this Ordinance.

Shopping Center. A group of commercial establishments, planned, developed, owned and managed as a unit, and related in location, size and type of shops to the trade area it serves.

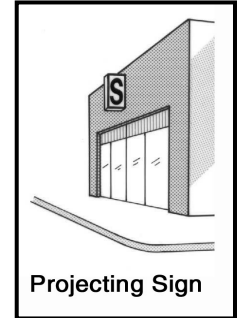
Signs. Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. Graphics painted upon the side of a building which carry no advertising shall not be construed to be a sign, except where such graphics pictorially display products or business that convey an advertising intent. The term "sign" includes the sign structure, supports, braces, guys and anchors.

- A. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than one hundred eighty (180) days.
- B. **Accessory Sign.** A sign which pertains to the primary use of the premises.
- C. **Billboard or Non-Accessory Sign.** A sign that does not pertain to the primary use of the premises, or that advertises one or more businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located.

- D. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs would include, but are not limited to canopy, marquee, wall or window signs.

Building Directory	
Name	Suite
Terry's Bakery	101
Cannon Insurance	102
Dr. Wiedermeyer	201
Dr. Ishmael, DDS	202
Mr. Jim Smith	301
Ms. Janet Doe	302

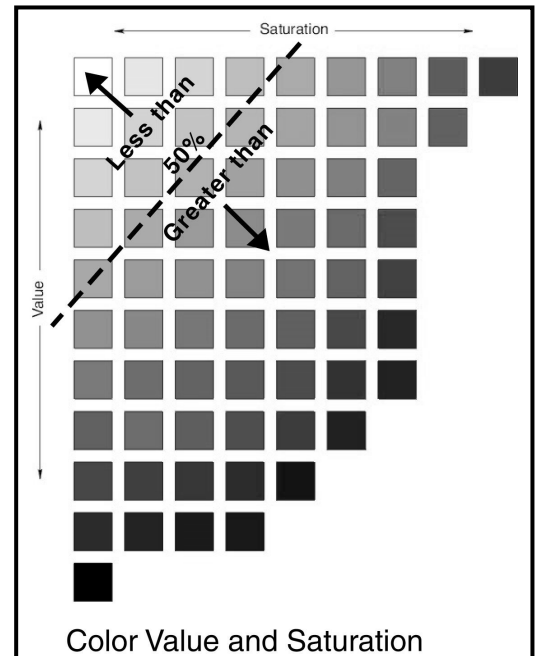
1. **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level may display information directing visitors to their portion of the building.
2. **Canopy Sign.** A sign which is painted on or attached to an awning or canopy.
3. **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building and extending beyond the building wall, building line or street right-of-way line.
4. **Wall Sign.** A display sign which is painted on, adjacent to or attached to a building wall, door, window or related architectural feature and projecting not more than eighteen inches (18") from the wall.
5. **Window Sign.** A sign affixed to a window or so as to be observable from the opposite side of the window to which such sign is located or affixed.



- E. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

- F. **Color Value.** The perception of an internally illuminated color's lightness or darkness, or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.

1. **Saturation.** The dominance of hue (i.e. red, purple, blue, etc. - expressed as a percentage) in the color, or the ratio of the dominant wavelength to other wavelengths in the color.

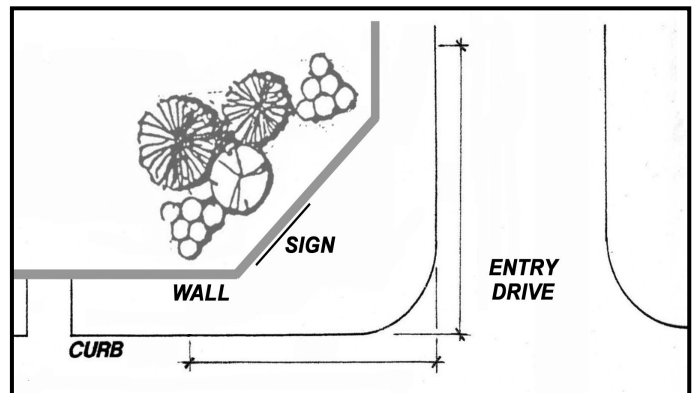


- G. **Damaged Sign.** A sign or supporting structure which is torn, defaced, dented, smashed, broken, vandalized or destroyed.

- H. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

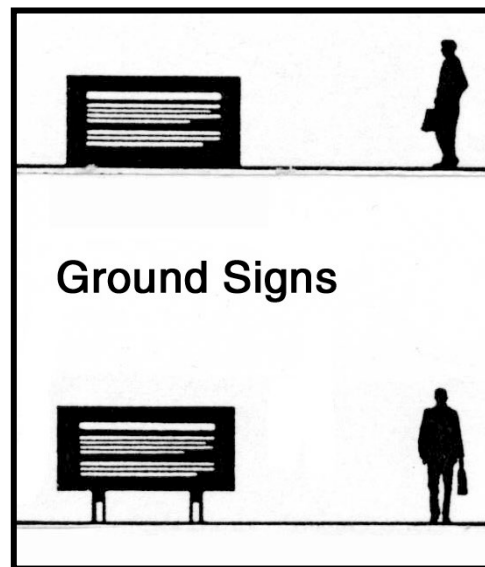
- I. **Directional Sign.** A sign that uses arrows or words like "enter" and "exit" to regulate on-site traffic and parking.

- J. **Site Entry Feature with Signage (Entrance Sign).** A sign located at the entrance to the development from a thoroughfare or collector road and bearing the name, management organization or contact information for a residential subdivision, apartment community,



condominium development, mobile home park, or office, business or industrial park.

- K. **Front Face Area.** The area of the front wall, including doors and windows, of the principal building facing a public street where the address or primary public entrance is located. Buildings on corner lots may have up to two front faces if each face satisfies the above criteria. If the building is devoted to two or more uses or businesses, the front face area for each use or business shall be determined by the Zoning Administrator based upon the proportionate share of the building occupied by each use or business.
- L. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface.
- M. **Illegal Sign.** A sign for which no valid permit was issued by the Village at the time such sign was erected, or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
- N. **Nameplate.** A wall sign denoting the name of the occupant in a residential dwelling unit or denoting only the name and profession of the occupants in a commercial, public or other institutional building.
- O. **Noncombustible Material.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- P. **Nonconforming Sign.** A sign for which the Village issued a permit at the time such sign was erected, but which is not in compliance with current zoning ordinance provisions for signs. Such signs must be located outside of any existing right-of-way, away from any public or private easement and wholly upon the parcel to which it is associated. Such signs must have all necessary structural and decorative parts, including, but not limited to supports, sign box or enclosure and electrical equipment. The sign face or sign copy area must be intact and illuminated signs must be capable of immediate illumination.
- Q. **Portable Sign.** A sign and sign structure which is not attached to a building and is capable of being moved within the zoning lot on which it is located or from one zoning lot to another.
- R. **Roof Sign.** A display sign which is erected, constructed and maintained on or above the roof of the building, or that extends above the roofline.
- S. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Where a sign has two (2) or more faces, the sign area shall equal the total area of all sign faces, except where two (2) faces are placed back to back and are at no point more than three feet (3') apart, the sign area shall equal the area of the larger single sign face.
- T. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
1. **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.



2. **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, that can be altered by natural, mechanical or electrical means without replacing the sign copy area.
- U. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- V. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. Temporary signs, other than construction signs, must display the date by which the sign shall be removed in a manner that is legible from the property line or public right-of-way.
 1. **Construction Sign.** A temporary sign identifying architects, contractors, subcontractors and material suppliers for a development, or advertising available lots or buildings in a new residential development.
 2. **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
 3. **Garage Sale Sign.** Signs may be used to advertise a garage sale and shall be promptly removed upon completion of the garage sale.
 4. **Opinion Sign.** A temporary sign that announces the candidacy of persons running for public office, addresses issues to be voted upon at an election, or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services or businesses.
 5. **Real Estate Sign.** Signs advertising the rental, sale or lease of the property upon which they are located.
 6. **Sale Of Produce Sign.** Signs advertising the sale of produce during the local harvest season of the produce being sold.
 7. **Special Event Sign.** Banners, pennants, balloons or festoons associated with a special event and displayed for a specified and limited period of time.
- W. **Unsafe Sign.** A sign that is not properly secured, is in danger of falling or has otherwise been found to be in a condition that is hazardous to the public health, safety or welfare by the Building Inspector.

Site Plan. A scaled drawing illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance and the Code of Ordinances.

Site, Developed. For the purpose of the landscape provisions in Chapter 6, Article 3, a premises that contains existing structures or buildings for which a building permit was required.

Site, Undeveloped. For the purposes of the landscape provisions in Chapter 6, Article 3, a premises that does not contain a structure or building for which a building permit was required.

Soil. The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.

Special Approval Use Permit. An authorization by the Village Council or Planning Commission specified herein to use a parcel of land and/or structure for a special approval land use.

Stable, Commercial. A structure in which livestock used for pleasure riding or driving are housed or kept for hire, including a riding track.

Stable, Private. Space in a principal building or an accessory building on the same lot used for stabling of livestock owned by the occupants, exclusively as an accessory use.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state pursuant to the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as amended (MCLA 400.701 et seq.), or the Child Care Organizations Act, Public Act 116 of 1973, as amended (MCLA 722.111 et seq.), which facility provides resident services and twenty-four (24) hour supervision or care for six (6) or fewer persons in need of supervision or care.

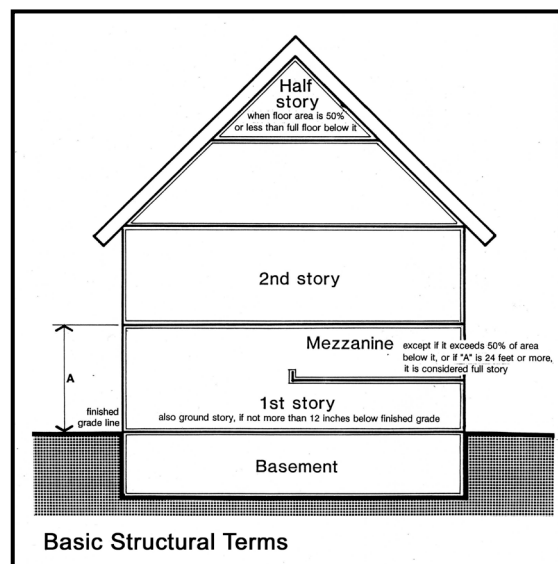
Steep Slopes. Slopes with a grade of twelve percent (12%) or more.

Store. A retail facility offering a variety of merchandise, including but not limited to the following: food, beverages, clothing, automotive supplies, personal hygiene items, toys, sports equipment, books, electronic equipment and household items.

- A. **Home Improvement or Hardware Store** A retail facility the primary focus of which is to offer a variety of merchandise for home improvement, including but not limited to building materials and supplies, appliances, plants, gardening supplies and home furnishings.
- B. **Hypermarket.** A retail store with more than forty-thousand (40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services, and includes departments for various hardline merchandise (such as hardware, lumber and building supplies, automobile parts and supplies, paint, floor coverings, furniture, home improvement supplies, sporting goods, toys, housewares, cookware, pets and pet supplies, gardening supplies, appliances, jewelry, etc.) and softline merchandise (such as clothing, shoes, cosmetics, health supplies, personal hygiene products, books and magazines, stationery and office supplies, greeting cards and gifts, infant and toddler materials, fabric and sewing supplies, household decorations, etc.).
- C. **Supermarket.** A retail store with ten thousand to forty thousand (10,000 – 40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

Story. That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

- A. **Basement.** A story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.
- B. **First Story.** The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.
- C. **Half-story.** that part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half ($\frac{1}{2}$) of the floor area of



such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

- D. **Mezzanine.** A full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- E. **Top Story Attic.** A half story when the main line of the eaves is not above the middle of the interior height of said story.

Street Right-of-Way Line. The dividing line between the street and a lot.

Street. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent property.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Subdivision. A subdivision as defined in the Village of Armada Code of Ordinances.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and intended for swimming or bathing. A swimming pool shall be considered an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

Tavern (Pub). An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

Temporary Building. A structure permitted to exist during periods of construction or for special events.

Tent. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and shall not include those types of tents used solely for children's recreational purposes.

Truck Storage. An area used for the temporary storage of private trucks or trucks for hire.

Truck Terminal. The use of property or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Use. The purpose for which land or premises, or a building thereon, is designed, arranged or intended, or for which it is occupied maintained, let or leased.

- A. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the primary use or building of the premises.
- B. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
 - 1. **Principal Use.** An activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
 - 2. **Special Approval 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.
- C. **Primary Use.** The main use to which the premises are devoted and the main purpose for which the premises exist.
- D. **Seasonal Use.** A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers and Christmas trees.
- E. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance, including, but not limited to carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events.

Variance. A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

Vacant. A building, structure, or land that has been abandoned, unoccupied, unused, or empty for a period of time.

Veterinary Clinic Or Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Wading Pool. For the purposes of this Ordinance a wading pool shall be any receptacle utilized for holding water which has a water depth not exceeding two (2) feet.

Walls.

- A. **Decorative.** A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
- B. **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps, or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- A. At least periodically, the land supports predominantly hydrophytes.
- B. The substrate is predominantly un-drained hydric soil.
- C. The substrate is saturated with water, or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Public Act 203 of 1979, as amended, that have any of the following characteristics:

- A. Contiguous to an inland lake, pond, river or stream;
- B. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- C. Other wetlands where the MDEQ determines, with notification to the property owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

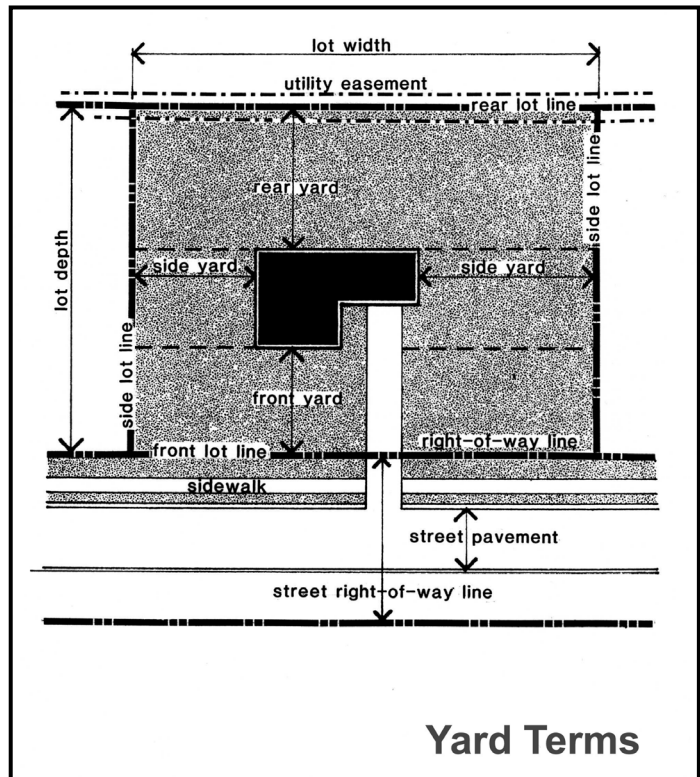
Wine Shop (Specialty). A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under twenty-one percent (21%) by volume for consumption off the premises, however no more than ten percent (10%) of the gross floor area shall be dedicated for the storage, display, and sale of beer.

Wireless Communications Facility. All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

- A. **Abandoned Tower Or Antenna.** An antenna that is not operated for a continuous period of twelve months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- B. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- C. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
- D. **Amateur Radio Communications Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- E. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
- F. **Backhaul Network.** The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- G. **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- H. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- I. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
- J. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or street right-of-way and the nearest point of the primary building.
- B. **Rear Yard.** An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the primary building.
- C. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements..
- D. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the primary building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the main building.



ARTICLE 26

ESTABLISHMENT AND AMENDMENT OF THE ZONING ORDINANCE

Section 26.01 Enabling Authority.

The previous Zoning Ordinance adopted by the Village Council on December 9, 2002, with Amendments through 2012 (MCLA 125.581 et seq.) and continued pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Said Act is made a part of this Ordinance just as if it were word for word repeated herein.

Section 26.02 Conflicting Provisions Repealed.

The previous Zoning Ordinance adopted by the Village Council on Monday, the 9th day of December, 2002 as Title V (Zoning and Planning), Chapter 51 (Zoning Ordinance) of the Village of Armada Code of Ordinances, and known as the Armada Village Zoning Ordinance, are hereby repealed and replaced by this Ordinance, along with all amendments thereof and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance.

Section 26.03 Amendments.

The Village Council may, after recommendation from the Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance as established herein, subsequently pursuant to the authority and procedure set forth in Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

- A. **Initiation of amendment.** Amendments to the provisions of this Ordinance may be initiated by the Village Council or Planning Commission, or by petition from one (1) or more residents or property owners of the Village. An amendment to the zoning district boundaries contained on the official Zoning Map may be initiated by the Village Council or Planning Commission, or by the owner or owners of property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Village Council or Planning Commission.

- B. **Application.** An amendment to this Ordinance, except those initiated by the Village Council or Planning Commission, shall be initiated by submission of a completed application form to the Village. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit such fee, as established by Village Council, with the Village Treasurer at the time that the petition is filed to cover publication and other miscellaneous costs. In the case of an amendment to the official Zoning Map, the following information shall accompany the application form and fee:
 - 1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
 - 2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
 - 3. The existing and proposed zoning district designation of the subject property.
 - 4. A written description of how the requested amendment meets the criteria stated in this Section.
 - 5. An impact assessment, if required by the Planning Commission or Village Council, in compliance with Section 1.13 of this Ordinance (Impact Assessments).

- C. **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:
1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the proposed amendment and application materials shall also be distributed to applicable outside agencies and designated Village consultants for review.
 2. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in Section 1.12 of this Ordinance (Public Hearing Procedures).
 3. **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.
 4. **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.
- D. **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 the Planning Commission determines that 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 decision-making body's application of the relevant review standards to the development proposed in the application.
 2. 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.
 3. The new application is materially different from the prior application.
- E. **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:
1. The 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, the consistency with recent development trends in the area shall be considered.
 2. The compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

3. 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.
4. 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.
5. The capacity of Village's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Village.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The apparent demand for the types of uses permitted in the requested zoning district in the Village in relation to the amount of land in the Village currently zoned and available to accommodate the demand.
8. 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.
9. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the Village's perspective than another zoning district.
10. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
11. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
12. Other factors deemed appropriate by the Planning Commission and Village Council.

Section 26.04 Validity and Severability.

This Ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.