

**VILLAGE *of* LAWTON**  
**VILLAGE COUNCIL/PLANNING COMMISSION JOINT MEETING**  
**125 S MAIN St, Lawton, MI 49065**  
**TUESDAY, MARCH 26<sup>TH</sup>, 2024 – 6:00 P.M.**

*please silence your cell phones*

**AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. CONSENT AGENDA**
  - A. Approval of the March 26, 2024 Council Agenda
  - B. Approval of the March 12, 2024 Council Meeting Minutes
- V. COMMUNICATIONS AND CORRESPONDENCE**
- VI. CITIZENS’ COMMENTS – (Please keep comments to 3 minutes)**
- VII. PUBLIC HEARINGS / APPOINTMENTS**
- VIII. OLD BUSINESS**
- IX. NEW BUSINESS**
  - A. Progressive AE Presents Zoning Ordinance Revisions.....Discussion
- X. COUNCIL COMMENTS**
- XI. ADJOURNMENT - NEXT REGULAR MEETING DATE – *April 9, 2024***

The Village of Lawton follows the Americans w/ Disabilities Act of 1990. Individuals with disabilities planning to attend this meeting and require accommodations, or those who have questions regarding the accessibility of this meeting or the facilities, are requested to contact the Village Clerk, at (269) 624-6407 or [brathbun@lawtonmi.org](mailto:brathbun@lawtonmi.org) to allow the Village to make reasonable accommodations. If you have questions or comments, and you are unable to make the meeting, forward to the Village Manager at [thackenberg@lawtonmi.org](mailto:thackenberg@lawtonmi.org)



**Village of Lawton**  
**VILLAGE COUNCIL**  
**REGULAR MEETING**  
**125 S. MAIN, LAWTON MI 49065 269.624.6407**  
**Tuesday March 12, 2024**  
**MINUTES**

- I. **Call to Order:** President Pro-Tem E. Dudek called the March 12 2024, meeting of the Lawton Village Council to order at 7:00 p.m.
- II. **Roll Call:** *Present:* E. Dudek, Peterson, Turner, G. Dudek, Tanis, Smith *Absent:* Appleby *Others Present:* Village Manager Hackenberg, Clerk Rathbun, Police Chief Cordes, and one guest.
- III. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
- IV. **Consent Agenda:** The Consent Agenda included the approval of the March 12 Council Agenda, the February 27, 2024 Council Meeting Minutes, and approval of the February 2024 disbursements in the amount of \$223,866.96. made a motion to approve the Consent Agenda as presented, supported by. A unanimous roll call vote approved the motion.
- V. **Communications, Correspondence, and Presentations:** None.
- VI. **Citizen Comments:** Manuel Pratt of 806 E. 4<sup>th</sup> St came in to say thank you for listening and taking care of his brush problem in such a timely manner.
- VI: **Public Hearings/Appointments/Proclamations:** None.
- VII. **Old Business:** None.
- VII: **New Business:**
  - A. E. Dudek brought Resolution 03-2024 to the floor for discussion. Village Manager Hackenberg stated that this resolution is just to extend the current DNR grant from it's original date of 03/31/2024 to 03/31/2025, and the extension has already been approved by the DNR, so it just needs council approval. Following discussion, Turner made a motion to adopt Resolution 03-2024 in order to extend the DNR grant to 03/31/2025. Smith seconded the motion, followed by a roll call vote with all present members in favor and none opposed. Motion carried.
  - B. E. Dudek brought Resolution 04-2024 to the floor for discussion. This resolution was brought to the floor to update the Village's current Master Fee Schedule. Hackenberg stated this would get us one large Master Fee schedule to place on the website for residents. All of the updated fees have an asterisk by them. G. Dudek, seconded by Tanis made a motion to approve Resolution 04-2024 to adopt an updated Master Fee Schedule. A roll call vote was taken, with all members who were present in favor, and none opposed. Motion carried.

**VIII: Board, Committee, and Staff Reports:**

- A.** Village Manager Hackenberg reported we pumped approximately 2.55 million gallons of waste water for the month of February. He reported we are running about 35% capacity right now. School Superintendent, Ben Banfield sent Hackenberg an email that the tech center would like to do a Construction Trades house with the Village. The email stated that the way the process is done has been changed since the last time the Village did this partnership in 2020. All the Village needs to do for the new process, is deed the property to the tech center, with all other costs to be taken on by the tech center itself. The Village would then receive taxes once a home was built and sold on the property by the tech center. The Village does own a few properties this would be feasible for. Hackenberg would like to further conversation with them, as this is a project they are looking at in 2025. Council agreed they believe it is definitely worth looking into further. Estimated time frame for the M-40 project is April 15<sup>th</sup> to begin staging everything and it will go through a targeted completion date of August 23<sup>rd</sup>. Hackenberg just needs to have a few easements signed prior. During the week of April 1<sup>st</sup>, AEP will come and take down all of the street lighting to prepare for the project, at which point our public lot will also be shut down because it will be a construction staging area. The water and sewer extension will begin in June and will be done in tandem with the M40 project. Next week (March 18-22) the Village office will be short on staffing because Hackenberg, Rathbun, and Cordes will be at training, and Leonard will be at a training on the 19<sup>th</sup>. In the park, both bathroom heaters need to be replaced, and cameras are being put up this year along with surveillance signs. The auditors are recommending the amendment be done after the audit is completed. As a reminder, Lew Bender will be here April 18<sup>th</sup> for the council training. It begins at 9 am and will be an all-day training. Tomorrow, Hackenberg has a meeting MDOT for the White Oak Project for 2025. He reported the cemetery plotting is going according to schedule, and they are hoping to add more graves in. Hackenberg stated Spring Cleanup is planned for May 20-25. There is a new plan for brush pickup. Beginning this year, we will do Zone 1 pickups April 1-5, April 15-19, May 6-10, and May 20-24. For Zone 2, pickups will be done April 8-12, April 22-26, May 13-17, and May 27-31. From June to October, the DPW will be open two Saturdays per month for residents to bring down their own brush to dump. The DPW will do scheduled pickups for elderly residents, by appointment only during June-October. During these months, the DPW will go out and do pickup as time allows after a storm. Updates will be placed on the website, as well as in IRIS to inform residents if these special storm pickups are happening. A similar leaf pickup schedule will follow when leaves begin to fall.
- C.** Rathbun reported that President Appleby, as well as trustees Peterson, G. Dudek, and Smith are all up for election this year. These candidates will need to go to the Antwerp Township for a petition sheet, and collect signatures prior to July 23, 2024 at 4:00 PM in order to be placed on the ballot.
- D.** Chief Cordes Reported that it was a fairly normal month for the police department. He stated that there were only a few noticeable incidents and arrests this month. Cordes stated he was at the Michigan Police Chief training in Grand Rapids last month, and was able to get some good information and contacts. Chief Cordes stated he has made it his goal to go through the evidence room and it has been inventoried and labeled back to the 1980s. He ordered a stamp that will place destruction dates on things to make this easier to stay on top of the police retention schedule for the future. He has plans to secure the evidence better than what it has been in the past next on his list. Chief Cordes also stated that he has been trying to do about 5-7 policies a day and he is hopeful to have a

completed policy book by this summer some time. Cordes reported cleanups with Zoning Solutions are scheduled for the last week of March and the first week of April. There are 10-12 properties that are scheduled to be cleaned up and he will know exact locations and dates by the end of next week. Cordes will be gone to Okemos next week for another training at the new Police Chief School.

- E. Peterson reported Planning Commission had their meeting with the Village Council for Zoning Ordinance rewrites, their next meeting is another joint meeting with the council scheduled on March 26, at 6:00 PM.
- F. G. Dudek Reported the DDA met, and has nothing new to report.
- G. E. Dudek reported that the fireboard met, and the department had the largest fire they've ever had last month in Marcellus, with 27 departments showing up and working together to put it out.
- H. Rathbun reported that the library board met, and the library will be closed March 28-30 in order to have the carpets cleaned (including the hallway). The library is planning a summer reading program with a complete list to be available by May, and the Library would like to see if the Village would like to joint host a meet-the-artist evening for Jackie who painted the walls potentially in May.

**IX: Council Comments:** Council member Tanis asked where we are with the demolition for the house on Washington. Hackenberg stated that was included with two other towns for one lump sum of money, so we are waiting on hearing on their bids as well, so there are no dates as of yet, but on our end everything is ready to go. Trustee Smith asked about the house on Durkee that has not been finished. It was reported that is currently in court, so it is on hold. R. Tanis asked about the lot across the street from Motycka's, Hackenberg reported it is still owned by Motycka.

**X. Adjournment:** Turner moved, with support from Smith to adjourn the Village Council Meeting at 7:52 p.m. Next regular council meeting to take place on March 26, 2024.

Respectfully Submitted by,

Brittany Rathbun  
Village Clerk

# VILLAGE OF LAWTON ZONING ORDINANCE

March 21, 2024

DRAFT

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DRAFT

**ARTICLE 1 – TITLE, PURPOSE, AND SCOPE**

**Section 1.01. – Title.**

This Ordinance shall be known as the Village of Lawton Zoning Ordinance.

**Section 1.02. – Authority.**

This Ordinance is ordained and enacted into law in accordance with the Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006.

**Section 1.03. – Purpose and Intent.**

- A. In addition to promoting the purposes provided in the Zoning Enabling Act, this Ordinance is necessary to promote the public health, safety, and general welfare of the Village of Lawton as well as to implement the themes, policies and goals contained in the Village of Lawton Master Plan, which build on a strong sense of community and its unique character, with the intent that Lawton will proactively adapt to change, enhance its assets, and facilitate strategic, positive growth to benefit all people in the Village;
- B. Provide for the orderly development of the Village that provides for growth in a balanced way that focuses development in areas that are best suited to support it, with a particular focus on the redevelopment of underutilized parcels;
- C. Minimize the impacts of incompatible land uses and prevent nuisances from interfering with the reasonable use and enjoyment of private property;
- D. Promote the proper use of lands and natural resources of the Village in accordance with their historical and cultural value, as well as character and compatibility;
- E. Support and promote downtown as the “heart” of the community and encourage development and redevelopment in the downtown district;
- F. Encourage new home construction and the improvement of existing housing to provide options for a variety of ages (including aging-in-place), incomes, abilities, family sizes and other household needs;
- G. Enhance safety for all transportation modes and all users (pedestrian/bicycle/golf cart/transit/automobile/freight), and in particular access and connectivity for non-motorized users;
- H. Provide, in the interest of public health and safety, the minimum standards under which certain buildings and structures may be hereafter erected and used;
- I. Support green infrastructure (trees, stormwater management, etc.) to assist with climate adaptation, promote a healthy and sustainable quality of life, and increase resiliency to natural disasters; and
- J. Facilitate the development of an adequate system of transportation, recreation, sewage disposal, safe and adequate water supply and other public requirements.

**Section 1.04. – Effective Date.**

This Ordinance shall take effect and be in force on and after May X, 2024.

**Section 1.05. – Applicability.**

- A. This Ordinance is applicable to all land located within the Village of Lawton. Zoning affects every building, structure and use and extends vertically. All lands, buildings, and uses in a Zone District shall be subject to the applicable provisions of this Ordinance.
- B. No building or structure, or part thereof, shall hereafter be erected, constructed, altered, maintained or used, and no new use or change shall be made to any building, structure or land, or part thereof, except in conformity with this Ordinance.
- C. The provisions of this Ordinance shall not impact the continued use of any building, dwelling or structure of any land or premises which was lawful and existing prior to the adoption of this Ordinance.
- D. If construction on a building is lawfully begun prior to the adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of such a building provided that actual construction is being diligently carried on, and further provided that such a building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance or affecting amendment.

**Section 1.06. – Validity and Severability.**

- A. This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged to be unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected and shall remain in force.
- B. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance to a particular property, structure, or situation; or any condition attached to the approval of a development review application; then that judgment shall not affect the application of that provision to any other building, structure, situation, or condition not specifically included in that judgment.
- C. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered that condition or limitation necessary to carry out the requirements, standards, purposes, or spirit and intent of this Ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

**Section 1.07. – Vested Rights.**

Nothing in this Ordinance shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, density, Zone District, or permissible activity therein. All land, buildings, structures, uses and designations are hereby declared to be subject to any

subsequent amendment, change or modification as may be necessary to meet the purposes and intent of this Ordinance.

**Section 1.08. – Relationship to Other Laws and Agreements.**

- A. Other Public Laws, Ordinances, Regulations or Permits. This Ordinance is intended to complement other municipal, state and federal regulations that affect land use. Unless otherwise noted in this Ordinance, where conditions, standards or requirements imposed by any provision of this Ordinance are more restrictive than comparable provisions imposed by other regulations, the provisions of this Ordinance shall govern.
- B. Private Agreements. This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; provided, however, that where this Ordinance imposes a greater restriction or requirement, the provisions of this Ordinance shall control. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but any covenant or restriction shall not be used to justify a lack of compliance with this Ordinance. The Village shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

**Section 1.09. – Conflicts Between Requirements.**

- A. In cases where two (2) or more requirements in this Ordinance conflict with one another, the more restrictive requirement shall control.
- B. The Village Manager shall determine which requirement controls based on the degree to which one (1) or more requirements results in:
  - 1. Greater consistency with the goals and objectives contained within the Master Plan;
  - 2. Better support for the purposes of this Ordinance as described in Section 1.03. Purpose and Intent, and in the applicable purposes of the conflicting provisions;
  - 3. Increased compatibility with adjacent development and surrounding community character;
  - 4. Enhanced environmental quality and protection of natural resources;
  - 5. Greater protection and preservation of historic and cultural resources; or
  - 6. Higher quality of building form, design and/or architecture.

## ARTICLE 2 – GENERAL PROVISIONS

### Section 2.01. – Application of Regulations.

The regulations set forth in this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure, land or use and throughout the Village and within each zoning district.

- A. All buildings, structures, or land may be hereafter used, constructed, altered or occupied only when in conformity with all of the regulations herein specified for the district in which it is located.
- B. The provisions of this Article apply to all Zone Districts unless indicated otherwise. If there is a conflict between this Article and the individual requirements of the Zone District, the Village Manager or designee shall determine which requirements controls, in accordance with this Ordinance.

### Section 2.02. – General Exceptions.

- A. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention to exempt such essential services from the application of this Ordinance.
- B. Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

### Section 2.04. – Accessory Buildings and Structures.

- A. Definition. Accessory Structure. A building or structure that is subordinate in use and square footage to the principal use of land or buildings and is customarily found in connection with and on the same lot as the principal use or main building. Examples are garages, carports, sheds, gazebos, large play structures and greenhouses.
- B. Principal Use Required.
  - 1. Unless otherwise expressly allowed in this Ordinance, accessory structures are only allowed with a principal use and a main building or structure on the same lot or on an abutting lot with contiguous ownership.
  - 2. Accessory structures may only be constructed at the same time as, or after the construction of, the main building or structure. The Village Manager or their designee may grant approval for an accessory structure to be constructed before the main building or structure if the owner demonstrates the following:
    - a) Plans for the main building or structure are prepared for building permits;
    - b) Financing has been secured; and
    - c) Construction will commence within three (3) months.

3. If the main building or structure is destroyed, demolished, or removed, any accessory buildings or structures on the same lot shall be removed within twelve (12) months, unless a permit for construction of a new main building has been approved. The Village Manager or designee may extend this timeframe by one (1) year where substantial progress has been demonstrated.
- C. Approval Process. Any accessory structure requires a permit from the Village Manager or designee, unless it is considered an exempted structure in Section 2.04.E.
- D. Placement.
1. Accessory structures can only be built in a rear yard, unless it is structurally attached to a main building then it shall be considered part of the main building..
  2. No detached accessory building shall be closer than six (6) feet to any main building, excluding decks, nor shall it be closer than five (5) feet to any side or rear lot line in Residential Districts.
  3. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line to its rear, said building shall not project beyond the front yard setback line. In no instance shall an accessory building be located closer than ten (10) feet to a street right-of-way line.
  4. Minimum Greenspace. Accessory structures are subject to minimum greenspace calculations as established within each Zone District.
  5. Administrative Departure. An Administrative Departure may be approved to allow the wall(s) of a detached accessory structure to within one (1) foot of the side or rear lot line if the following conditions are met:
    - a. Topography, natural features, or other site constraints exist that make compliance with required setbacks impossible.
    - b. In granting an administrative departure, the zoning administrator shall there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of the State building code are met.
    - c. A property survey and scaled site plan shall be submitted.
- E. Residential Accessory Structures. One (1) detached and one (1) attached accessory structure is permitted.
1. Except as noted, the height and combined gross floor area for all attached and detached accessory structures shall not exceed the dimensions based on the requirements of Table 2.08.
  2. Any accessory structure with a gross floor area greater than one hundred twenty (120) square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building and other similar codes for a structure. The architectural character of the accessory building shall be compatible with, and similar to, the main building with respect to materials, scale, design, and aesthetic quality as determined by the Village

Manager or designee. Exterior finish materials shall be those materials customarily used for residential construction and shall be similar in placement and orientation to the main building.

<b>Table 2.08. Residential Accessory Structures</b>		
<b>Parcel Lot Area (sq. ft.)</b>	<b>GFA (sq. ft.) Total</b>	<b>Height (ft.)</b>
Less than 5,000	624	14
5,000 – 7,499	832	14
7,500 – 11,999	936	14
12,000 or more	1,200	16

3. Administrative Departure. Accessory structures may exceed the gross floor area of Table 2.08. for total garage or carport space up to the necessary GFA to meet the required number of parking spaces in Article 6 for multiple family dwellings, provided the applicant can demonstrate a need for the space and all other requirements are met.
- E. Exempted. The following shall not be counted toward the number or area of permitted detached accessory structures.
1. Trellises, pergolas, gazebos, arbors or other similar structures without enclosed walls;
  2. Landscape features, such as small ponds, outdoor kitchens, spas, and fire pits;
  3. Outdoor sport courts;
  4. Above-ground swimming pools or hot tubs;
  5. Decks and patios that are attached to the primary residential building; and
  6. Other similar structures as determined by the Village Manager or designee.
- F. Additional Accessory Structures.
1. In addition to the accessory structure(s) provided for in this Section, one (1) accessory structure, such as an enclosed play structure or storage structure, of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be permitted in the rear yard on a lot with a residential use. A setback of at least three (3) feet from any lot line shall be provided.
  2. For community gardens and other similar uses, one (1) accessory structure of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be erected for storage of supplies and materials related to the use. An additional structure of the same size and height may be added for properties exceeding three (3) acres. The structure(s) shall meet all setback requirements of the Zone District.
  3. Temporary accessory structures such as tents and canopies, in addition to existing, permanent accessory buildings and structures may be permitted for a period of thirty (30) days, unless granted an extension by the Zoning Board of Appeals.



G. Prohibited Structures.

1. No accessory structure shall be constructed with a tubular frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.
2. No mobile home, trailer, vehicle, tank, boat, container, pod, railroad car, dumpster, barrels, crate, furniture, tent, junk object or salvage materials or similar items shall be used as an accessory structure.
3. Living or sleeping quarters, temporary or permanent, in an accessory structure or other building, travel trailer, motor home or other recreation vehicle, auto chassis, boat or portable building, are prohibited.

**Section 2.03. – Permitted Encroachments.**

A. Permitted Encroachments into Setbacks and Yards. Encroachments permitted by this Section may be within setbacks or yards. All permitted encroachments are subject to meeting the minimum greenspace requirements.

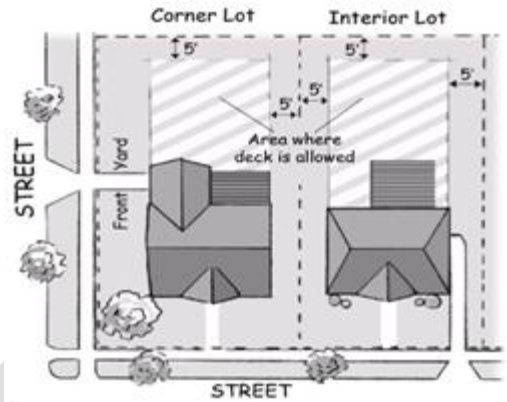
B. Architectural Elements, Porches and Stoops.

1. Front Yard.
  - a. Architectural Elements. Architectural elements may project into the front yard by not more than three (3) feet.
  - b. Unenclosed Porches and Stoops. Unenclosed porches and stoops (not including steps) may project into the front yard by no more than ten (10) feet, but shall be no closer than five (5) feet from the front sidewalk.
  - c. Balconies. Upper-level balconies may project into a front yard by no more than six (6) feet.
2. Side Yard.
  - a. Architectural Elements. Architectural elements, including chimneys, are permitted within five (5) feet of a side lot line.
  - b. Unenclosed Porches and Stoops. An unenclosed porch or stoop (including steps) may project into the side yard, provided it is at least five (5) feet from the side lot line.

C. Decks and Patios.

1. Interior Lot.

- a. A ground-level deck or patio may be in the side yard, provided it meets the minimum side setback for the Zone District, is set back at least ten (10) feet from the front building façade and is screened from view of the public right-of-way by landscaping or permitted fencing.
- b. A ground-level deck or patio may be located in the rear yard, provided it is at least five (5) feet from all lot lines.
- c. A deck with a platform over four (4) feet in height may be in the rear yard, subject to rear and side yard building setbacks.
- d. A deck or patio is not permitted within the front yard.



2. Corner Lot.

- a. A ground-level deck or patio may be in the side yard, provided it is at least five (5) feet from the yard lot lines and is not in a front yard.
- b. A deck with a platform over four (4) feet high shall meet required side yard setbacks.

3. Administrative Departure. An Administrative Departure may be approved to reduce the minimum side or rear setback of a ground-level deck or patio to not less than three (3) feet where there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of State building codes are met.

D. Wheelchair Ramps.

1. The Village Manager or designee may permit wheelchair ramps used for persons with mobility impairments in a front or rear yard, provided the location does not create a hazard, or impede access for operations related to safety, such as access for fire personnel or equipment. In no case shall a ramp be placed nearer than three (3) feet from any side lot line.
2. Administrative Departure. An Administrative Departure may be approved to permit a ramp, or any additional modifications needed, nearer than three (3) feet to the side lot line, where it is demonstrated that no other feasible location is practical.

E. Basement Egress Window Wells. Basement egress window wells are permitted in all yards, provided the following conditions are met:

1. Setback. A window well shall be set back at least three (3) feet from the side or rear lot line, and at least ten (10) feet from the front lot line.
2. Front Yard Screening. When in a front yard, a three (3) foot high landscape or building material screen shall be provided in front of the window well. If screened with a building material, the material shall be compatible with the materials and colors used for the main building.

F. Ground-Mounted Mechanical Equipment (e.g. air conditioning condensers; swimming pool and spa heaters, pumps and filters; transformers and generators; and similar

equipment). Mechanical equipment should first attempt to be placed within the main structure or an accessory structure. If this is not feasible, then one of the following alternatives may be used provided the following conditions are met:

1. **Setback.** Mechanical equipment is set back at least three (3) feet from the side or rear lot line, and at least ten (10) feet from the front lot line.
  2. **Front Yard Screening.** When in a front yard, a three (3) foot high landscape or building material screen shall be provided in front of the mechanical equipment.
    - a. If screened with landscaping, the vegetation must provide at least 50% solid green screening year-round.
    - b. If screened with building material, the material shall be compatible with the materials and colors used for the main building.
- G. **Projections into the Public Right-of-Way.** The following projections are permitted, subject to approval of an encroachment permit from the Village Manager or designee.
1. **Balconies.** A balcony with a minimum ground clearance of sixteen (16) feet above finished grade may extend up to five (5) feet over a public sidewalk.
  2. **Awnings.** An awning with a minimum ground clearance of eight (8) feet may extend over a public right-of-way.

**Section 2.05. – Recreational Vehicles.**

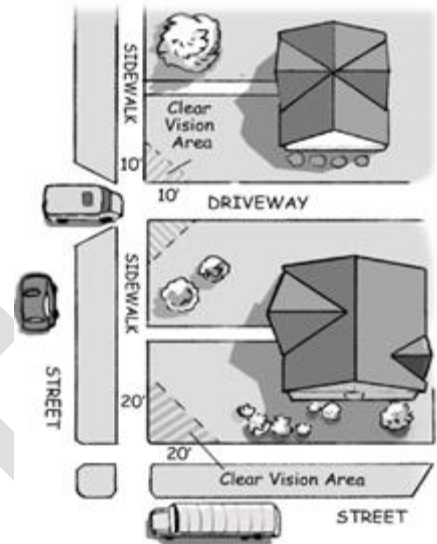
- A. **Principle Use Required.** The open storage of any outdoor recreational vehicle such as a truck camper body, snowmobile, boat, golf cart, motor home, camper trailer, boat trailer, utility trailer etc. is only allowed with a principal use and a main building or structure on the same lot.
- B. **Placement.**
1. Recreational vehicles may be located in the side or rear yard.
  2. Recreational vehicle storage may be no closer than five (5) feet to any side or rear lot line. When located on a corner lot, storage shall not project beyond the front yard setback line, provided it is no closer to a street than the main building.
- C. **Area.** The total amount of land area allowed for recreational vehicle storage shall be half that allowed for residential accessory structures based on the lot size of the parcel, as defined in Article 5.
- D. **Temporary Parking.** Vehicles parked in the front yard must be on an improved driveway and in good condition. They must be operable, not occupied, cannot be undergoing repair. Vehicles must be at least fifteen (15) feet from the front lot line and outside of the clear vision area.

**Section 2.06. – Clear Vision Areas.**

A. Requirement. Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway. No structure, wall, fence, shrubbery, parked vehicle, stored material, or trees shall be placed, erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection or driveway.

B. Measurement. At the intersection of two (2) streets or the intersection of a street and a driveway, the required clear vision area shall be established as follows:

1. Street Corners. For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines, and connected by a straight line to form a triangular area. In the case of a rounded corner, the measurement shall be taken from the intersection of the front lot lines extended.
2. Driveways. For driveways, ten (10) feet along the lot line and the driveway starting at the intersection of the lot line and the closest edge of the driveway, and connected by a straight line to form a triangular area.



**Section 2.07. – Swimming Pools.**

F. Permit Application. It shall be unlawful for any person to construct or maintain an outdoor above-ground or below-ground swimming pool without first obtaining a permit. A plot plan of the property showing the location of the swimming pool, detailed pool plans, and full information as to the type, height and location of the fence surrounding the pool and gate locations will be provided.

G. Location. Outdoor swimming pools may be erected in the side or rear yard only, provided that they are located no closer than six (6) feet from the side or rear lot lines. A minimum distance of four (4) feet between the outside pool wall and any building located on the same lot is required. If on a corner lot, the pool shall have a minimum setback of thirty-five (35) feet from any front lot line.

H. Fencing. A swimming pool shall be completely enclosed by a fence not less than four (4) feet in height with locking gates to restrict unauthorized access.

I. State Regulations. All requirements not contained herein shall be in accordance with regulations of the State of Michigan.

**Section 2.08. – Lighting.**

A. Applicability.

- B. Outdoor Lighting. All outdoor lighting, including freestanding, canopy, pole, and building mounted, shall be fully shielded and directed downward to prevent off-site glare and illumination. No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield.
- C. Intensity. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any lot line, except where it abuts or faces a Residential Zone District or residential use, a maximum of 0.5 footcandles is permitted.
- D. Uniformity Ratios. To maintain uniformity in light levels across a development and prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot is measured in footcandles at ground level and shall not exceed a ratio of fifteen-to-one (15:1). Parking lots shall maintain the same uniformity ratios as the main building or principal use served.
- E. Height. Height shall be measured from the ground to the top of the light fixture. Except as otherwise required, the height of fixtures in a Residential Zone District or within two hundred (200) feet of that district shall not exceed the following light source to ground level height limits, except as may be permitted by the Planning Commission.
  - 1. Twenty-two and one-half (22½) feet for parking lots.
  - 2. Twenty (20) feet for sidewalks and pathways.
- J. Fixtures.
  - 1. All outdoor fixtures, including building mounted fixtures, shall be full cut-off, shielded fixtures as defined by Illuminating Engineering Society of North America (IESNA).
  - 2. Poles for lighting fixtures shall be of a fixed height. Adjustable poles are prohibited.
  - 3. High Intensity Discharge (HID) fixtures shall be used in an effort to maintain a unified lighting standard throughout the Village and prevent "sky glow." High pressure sodium fixtures shall be prohibited.
  - 4. The Village may approve decorative light fixtures as an alternative to shielded fixtures when it can be demonstrated that there shall be no off-site glare or illumination and the proposed fixtures will improve the appearance of the site.
- K. Building Lighting.
  - 1. Direction of Lights. Lighting fixtures shall be carefully sited, aimed and shielded so that light is directed only onto the face of a building. Lighting fixtures shall not be directed toward adjacent streets, streets or properties, and light shall not trespass onto surrounding properties.
  - 2. Façade Lighting. Lighting fixtures mounted on the building and designed to wash the façade with light are permitted. Ground or pole-mounted floodlights are not permitted for façade lighting.

3. Accent Lighting and Prohibited Lighting.
  - a. Luminous tube (neon), string lighting, LED or fluorescent lighting may be allowed as an architectural detail on the exterior of any structure, provided that such lighting shall not completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes.
  - b. Accent lighting may be approved by the Village upon determining that the accents would not cause off-site glare or light pollution and that lighting is not intended to be used as the equivalent of a sign. Lighting shall not consist of or have the appearance of movement or flashing components.
  - c. Notwithstanding, seasonal lighting displays, including string lighting, may be allowed without Village Manager or designee review in conjunction with a nationally recognized holiday provided such displays are strung no sooner than sixty (60) days before the holiday and shall be removed within twenty (20) days following the holiday.
  - d. The use of a laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- L. Exemptions. The following outdoor light fixtures are exempt from the provisions of this Section.
  1. Outdoor light fixtures installed prior to the effective date of this Ordinance. Fixture replacements shall comply with the requirements of this Section to the extent that the overall appearance of the site is not adversely affected. The Village Manager or designee may require that existing light fixtures be redirected in conditions where excessive glare onto adjacent properties and roadways creates a nuisance or safety concern.
  2. Streetlights within a public right-of-way.
  3. Landscaping lighting that does not generate excessive light levels, cause glare, or direct light beyond the landscaping.
  4. Lighting necessary for designated recreational fields or similar uses that cannot reasonably comply with the standards and provide sufficient illumination of the recreational field for safe use, following IESNA standards. The fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area. Lights shall be turned off within one-half (½) hour of the completion of the event.
- M. Lighting Plan. Commercial, industrial, and multi-family residential buildings shall submit plans for the Planning Commission's review prior to lighting installation. The following information shall be included for all Site Plan Reviews.
  1. A site plan drawn to a scale of no more than one (1) inch to thirty (30) feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting, including the building lighting.

2. A photometric grid overlaid on the proposed site plan. A photometric plan shall indicate lighting levels at ground level based on no greater than a twenty-five (25) foot on-center grid and shall project twenty-five (25) feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels shall also be measured for all surrounding streets at the public right-of-way.
  3. An analysis showing that the proposed installation conforms to the lighting level standards in this Ordinance. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illuminations Engineering Society of North America (IESNA).
  4. Specifications for all proposed lighting fixtures including mounting heights, photometric data, designation as full cut-off, shielded fixtures by IESNA, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.
- J. Nuisance. The Village Manager or their designee may require that the items listed above (Section 2.08.M.) be submitted for a residential property or on any other sites which may be in violation of this ordinance for reasons of excess glare, lighting intensity, or other reasons that may create a nuisance.
- K. Administrative Departure. An Administrative Departure from the requirements this Section may be granted if it is determined that proposed lighting otherwise meets the purposes of this Section and does not adversely affect the health, safety and welfare of the public.



## ARTICLE 3 – NONCONFORMITIES

### Section 3.01. – Intent.

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions of this Ordinance or a subsequent amendment, but which are lawfully established prior to the time of the adoption of the Ordinance or subsequent amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located.

Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

### Section 3.02. – General Provisions for Nonconformities.

- A. Previous Ordinances. Any lot, use of land, building, or structure which has been established in violation of the provisions of a previous zoning ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, building, or structure which has been lawfully established under a previous zoning ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this ordinance.
- B. Existing Legal Nonconformities. An existing lot, use of land, building, or structure which does not fully comply with the provisions of this ordinance, as amended, and either was lawfully established under a previous zoning ordinance, created or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of this ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, it shall be permitted to continue, provided that such lot, use of land, building, or structure is in compliance with this chapter.
- C. Tenancy. A change of tenancy, ownership, or management of any existing nonconforming lots, uses of land, buildings, or structures, shall be permitted. Such changes shall not affect the nonconforming status of a nonconforming lot, use of land, building, or structure.
- D. Change of Status. If a nonconformity existing prior to the effective date of this ordinance becomes conforming because of the adoption of any subsequent amendment thereto, then it shall no longer have nonconforming status.
- E. Removal of nonconforming uses and structures. The Village may acquire by purchase, condemnation, or otherwise, private property if it finds that its continuance constitutes a nuisance or is detrimental to the health, safety, and welfare of the Village and its residents.

### Section 3.03. – Nonconforming Uses of Land.

- A. If a lawful use of land exists on the effective date of this Ordinance, or the effective date of an amendment to this Ordinance, that is no longer permissible under the terms of this Ordinance



the use may continue so long as it remains otherwise lawful. No nonconforming use shall be moved to another portion of a building or lot, enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, except as provided below.

- B. When any amendment to this Ordinance changes a Permitted Use to a Special Land Use in whole or in part, any use legally established before that amendment shall be considered a legal Special Land Use on and after the effective date of the amendment unless additional development occurs that was not permitted by the previous ordinance or this ordinance, in which case a new Special Land Use will be required.
- C. A nonconforming use may be changed to another nonconforming use provided the Planning Commission makes all of the following determinations:
  - 1. The proposed use is equally compatible, or more compatible, with the surrounding area and the use is equal to or more conforming to the uses allowed in the zone district than the previous nonconforming use.
  - 2. The new proposed nonconforming use is not enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by the Planning Commission.
  - 3. If the Planning Commission permits an expansion of the area related to the proposed new nonconforming use, the nonconforming use must comply with all applicable parking, landscaping, or other site development regulations.
- D. A nonconforming use within an existing building shall not be substantially enlarged or increased, nor extended to occupy a greater portion of land or building than was occupied at the effective date of the adoption or amendment of this ordinance, unless it is approved by the Planning Commission after reviewing the following criteria:
  - 1. Roads and streets leading to and from the nonconforming use are adequate and no additional traffic flow problems will be created by said expansion.
  - 2. There will be no increase in noise, odor, fumes, lights, glare, waste, sewer discharge, or other like detrimental effects created by the proposed expansion.
  - 3. The proposed expansion of the nonconforming use is compatible with the surrounding areas and properties.
  - 4. Whether the proposed expansion could be made less detrimental to surrounding properties and areas using appropriate buffering and screening.
- E. In consideration of the substitution or expansion of a nonconforming use, the Planning Commission may impose reasonable conditions that are necessary to ensure that the proposed

substitution, enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.

F. If a nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, the Planning Commission may declare the use abandoned and any subsequent use of such land shall conform to the regulations specified in this Ordinance for the district in which such land is located. In applying this section to seasonal uses, the time during the off-season shall not be counted. To declare a nonconforming use abandoned, the Planning Commission must determine that there is a clear intent to abandon the use. Prior to declaring a nonconforming use abandoned, the Planning Commission shall send notice to the current property owner and hold a public hearing, consistent with the requirements of Section 10.5. During the public hearing, the Planning Commission shall consider the following factors to determine whether there was an intent to abandon the use:

1. Reports from the building inspection or health department indicating the property is or has not been suitable for occupation.
2. Whether utilities have been disconnected to the building.
3. Signs or other evidence stating that the use or business has moved to another location.
4. Removal of equipment or fixtures necessary for the operation of the nonconforming use.
5. Requests from the property owner for changes in property tax classification inconsistent with the nonconforming use.
6. Other actions by the property owner or lessee that demonstrate an intent to abandon the nonconforming use.

**Section 3.04. – Nonconforming Structures.**

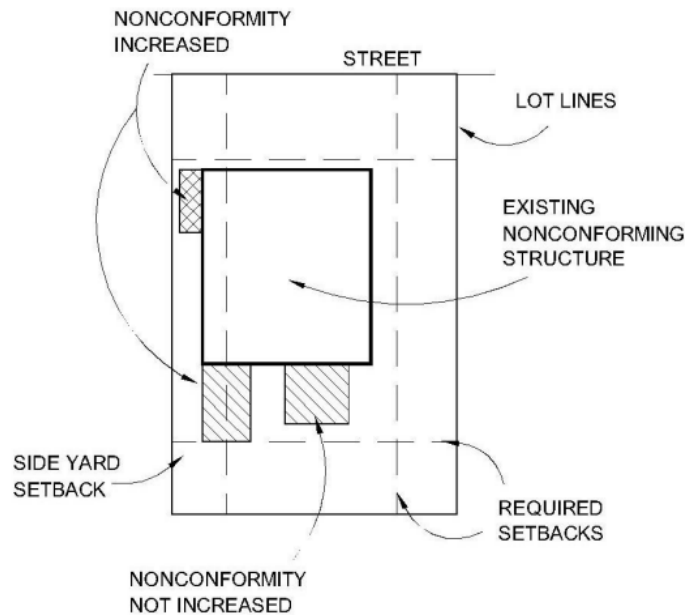
- A. Where a lawful structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance due to its height, size, setback, lot coverage or other dimensional standard, such structure may be continued so long as it remains otherwise lawful.
- B. Structures that are nonconforming by reason of height, yards, area, parking provisions may be extended, altered, or modernized provided that no additional encroachment(s) are realized.
- C. Should such a structure be moved to another lot, it shall conform to the regulations of the district to which it is relocated.
- D. In the event any nonconforming building or structure is damaged by fire, wind, an act of God, or lack of maintenance, it may be rebuilt or restored provided the cost of restoration does not exceed 60 percent of the replacement value of the building or structure as determined by the Village. If the cost of restoration exceeds 60 percent of the replacement value of the building

or structure as determined by the Village, the building or structure shall only be rebuilt in conformance with all provisions of this ordinance.

1. In determining the replacement value, the Village shall not include the costs of demolition of the building or structure.
2. Restoration must be started within a period of twelve (12) months after the time such damage occurred. Extensions to begin restoration may be granted by the Planning Commission for just cause.
3. Repairs or maintenance considered necessary by the Building Inspector to keep nonconforming structures safe and sound are permitted.
4. The Planning Commission may permit the rebuilding or restoration of a nonconforming building or structure where the cost of restoration exceeds 60 percent of the replacement value as determined by the Village as a Special Land Use subject to the usual standards as well as the following:
  - a. Such rebuilding or restoration will not substantially extend the probable duration of such non-conforming use, had such damage not occurred; or
  - b. Circumstances are such that the land previously occupied by such non-conforming use cannot be reasonably used for a use or structure conforming to the regulations of the district.

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**ADDITIONS TO A NONCONFORMING STRUCTURE**



- E. If a nonconforming building or structure is altered such that it is made conforming, it shall not be altered in any way to make it again nonconforming.

**Section 3.05. – Nonconforming Lots.**

- A. A nonconforming lot may be used for the purposes permitted in the zoning district in which it is located, provided that if the lot area or lot width is less than the minimum requirements of this ordinance, the lot shall not be divided or reduced in dimensions or area so as to increase the degree of nonconformance with the minimum requirements of this ordinance.
- B. Where an existing lot has a lot area that is less than 90 percent of its district requirements, the lot may be used for purposes permitted in that zoning district, and the required side and rear yards may be reduced by the same percentage that the lot's district requirements. However, in no case shall a side yard be less than five feet, no rear yard less than 35 feet (unless the specific district requirements permit a lesser side or rear yard) and all off-street parking requirements must be met.

**Section 3.06. – Nonconforming Site Elements.**

Improvements and minor modifications to nonconforming sites and building elements that pre-date this ordinance may be brought into gradual compliance with landscaping, paving, transparency, and building material requirements under the Administrative Review process or by the Planning Commission during the Site Plan Review or Special Land Use processes without requiring full compliance with the provisions of this ordinance subject to the following:

- A. Efforts must be made to meet the intent of the ordinance's provisions and goals of the Master Plan while balancing considerations such as topography, natural features, or other site constraints.
- B. Site element and/or building element improvements shall be comparable to the scale and the construction cost of the building improvement.
- C. Site and building elements shall be brought into full compliance with this ordinance as follows:
  - 1. Building Exteriors. Where improvements or modifications to the exterior of the building elements exceed more than 50 percent of the exterior wall area, building elements shall be brought into full compliance with this ordinance. Improvements or modifications involving less than 50 percent of the exterior wall area, are not required to meet the full façade variation, transparency, and building material requirements of the zone district.
  - 2. Parking and Landscaping. Where a parking or landscape area is expanded or reconstructed (existing pavement and/or landscape materials and ground cover removed and replaced) by 25 percent or more of the original nonconforming area parking and landscaping shall be brought into full compliance with the requirements of this ordinance.
  - 3. Fencing. When a non-conforming fence is in poor condition, the fence shall be fully replaced.
  - 4. Lighting. Where the size of the nonconforming site covered by existing lighting is expanded by an area that is 50 percent or more of the original nonconforming area; and/or 70 percent or more of the existing light poles and/or fixtures are replaced by new poles,

bases, or fixtures lighting shall be brought into full compliance with requirements of this ordinance.

5. Drive-through. Where a drive-through is present and the drive-through use is being enlarged, site landscaping and buffers shall meet the requirements of this ordinance.
6. Cumulative Impact. Full compliance is required where the cumulative percentage of improvements exceeds the percentages provided above, over a 10-year period.

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**ARTICLE 4 – ZONING DISTRICTS AND MAP**

**Section 4.01. – Districts Established.**

For the purpose of this Ordinance, the Village of Lawton is hereby divided into the following districts:

<b>Table 4.01.A. Zone Districts</b>	
<b>Abbreviation</b>	<b>Zone District</b>
<b>Residential Districts</b>	
AG	Agricultural District
LDR	Low-Density Residential District
MDR	Mixed-Density Residential District
<b>Mixed-Use Commercial Districts</b>	
CBD	Central Business District
GBD	General Business District
<b>Special Districts</b>	
I	Industrial District
PUD	Planned Unit Development District

**Section 4.02. – Zoning Districts Purpose and Intent.**

- A. **AG AGRICULTURAL DISTRICT.** The AG Agricultural District is intended to provide land area for current horticultural activities which are compatible with adjacent land uses, particularly the vineyards. The District is designed to acknowledge the limits of the Village’s infrastructure and to direct focus on infill and village-supportive development.
- B. **LDR LOW-DENSITY RESIDENTIAL.** The LDR zone district is primarily characterized by existing single-unit detached structures that are located on parcels in a range of sizes. New housing development in this district will be in keeping with Lawton’s small-town character and designed as an extension of the existing built community, connected to public utilities, and laid out in a consistent grid pattern.
- C. **MDR MIXED-DENSITY RESIDENTIAL.** The MDR zone district is intended to preserve and promote a variety of housing opportunities while also maintaining the desired physical characteristics of the Village's mixed-density neighborhoods, which are important to support

the health of the businesses and school district. designed in a variety of configurations to accommodate the wide range of household needs and stages of life for village residents, including senior living, cottage courts, townhouses, duplexes, and accessory dwelling units.

- D. CBD CENTRAL BUSINESS DISTRICT. The CBD zone district is intended to accommodate various types of retail, restaurant, entertainment, service, and office establishments. It can also include upper-level residential uses. Placemaking elements, such as storefront windows and outdoor seating are important to add to the vitality of the district. This district should be the most walkable of all of the zone districts with small lot sizes and a distinct sense of place.
- E. GBD GENERAL BUSINESS DISTRICT. The GB zone district is intended to serve the shopping needs of the residents of the greater Village of Lawton area as well as the passing motorist. It is characterized by businesses with larger lots and bigger buildings on major thoroughfare locations. Development in this district is generally more destination-oriented; with a greater dependence upon motor vehicles. In addition to commercial development, some light industrial uses may be acceptable in appropriate locations.
- F. I INDUSTRIAL DISTRICT. The I zone district is designed to accommodate wholesale activities, warehousing, technology, research, and industrial operations whose external physical effects are restricted to the area of the district. The district is so structured as to permit the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is understood office uses and limited commercial uses may be acceptable in this district.
- G. PUD PLANNED UNIT DISTRICT. The PUD zone district is reserved for unique development projects that require greater flexibility than what is found in a typical zone district in order to meet the Purpose and Intent of the Master Plan, reinforce the health and vibrancy of the downtown, support walkability, protect the natural environment.

**Section 4.03. – District Boundaries and Inclusion of the Zoning Map by Reference.**

The boundaries of these districts are hereby established as shown on the Zoning Map, Village of Lawton Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of the Ordinance as is fully described herein.

**Section 4.04. – Interpretation of District Boundaries.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries as approximately following center lines of streets, highways, 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 village limits shall be construed as following Village limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Sec. 4.03 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- G. Where physical or natural 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.

**Section 4.05. – Zoning of Annexed Areas and 425 Agreements.**

Whenever any area is annexed to the Village of Lawton, it shall immediately upon such annexation, be automatically classified as an LDR District until a Zoning Map for said area has been adopted by the Village Council. The Planning Commission shall recommend the appropriate zoning districts for such area within six (6) months after the area is annexed.

**Section 4.06. – Zoning of Vacated Areas.**

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

**Section 4.07. – District Requirements.**

All buildings and uses in any district shall conform to the requirements of the Schedule of Regulations.



**ARTICLE 5 – USES AND USE REGULATIONS**

**Section 5.01. – Uses of Land.**

- A. By Right. Uses permitted by right in the Zone District, subject to compliance with all other applicable requirements. These uses are identified with a “P.”
- B. Special Land Uses. Uses which may be allowed to review and approval by the Planning Commission, and all other applicable requirements. These uses are identified with an “S.”
- C. Unlisted Uses. Uses not listed in the Table 5.01.A. may be approved if the Village Manager or designee determines that the use is similar to other uses listed either as a Permitted Use or Special Land Use.

**Section 5.02. – Permitted Uses in Residential Districts.**

- A. Permitted Uses. Uses are allowed in residential Zone Districts in accordance with Table 5.02.A.
- B. Utilities. Public utilities, but not including storage yards and cell towers, are permitted when operating requirements necessitate locating within the District to serve the immediate neighborhood.

<b>Table 5.02.A. Permitted Uses in AG and Residential Zone Districts</b>				
<b>Use</b>	<b>AG</b>	<b>LDR</b>	<b>MDR</b>	<b>Use Regs</b>
Single-unit dwelling, detached	P	P	P	
2-4 dwelling units	-	P	P	
Cottage court units	-	S	P	
Multi-unit dwelling (5+ units)	-	S	S	
Adult foster care, family home (1-6 persons)	-	P	P	
Adult foster care, small group home (7-12)	-	S	S	
Adult foster care, large group home (13 +)	-	S	S	
Day care home	P	P	P	
Accessory dwelling unit	P	P	P	5.04
Bed and breakfast	-	S	S	5.08
Electrical substations and utilities	P	S	S	5.10
Home occupation	P	P	P	5.11
Public park or recreation facility	P	P	P	
Museum or library	-	P	P	
School or religious institution	S	S	S	
Agricultural operations	P	-	-	
Kennels	P	-	-	

**Section 5.03. – Permitted Uses in Commercial and Industrial Zone Districts.**

A. Commercial Districts are intended to accommodate commercial and residential uses that are compatible with the character of existing neighborhoods as defined through the Master Plan. The preservation and reuse of existing buildings, construction of new buildings on underutilized sites and the continuation of a compact development pattern as reflected in the Master Plan are key objectives for these Zone Districts. Uses are allowed in Commercial and Industrial Districts in accordance with Table 5.03.A.

<b>Table 5.03.A. Permitted Uses in AG and Residential Zone Districts</b>				
<b>Use</b>	<b>CBD</b>	<b>GB</b>	<b>I</b>	<b>Use Regs</b>
<b>RESIDENTIAL</b>				
Ground floor residential	-	P	-	
Upper level residential	P	P	-	
Household living	p	P	-	
Group living	S	S	-	
Home occupation	P	P	-	5.11
<b>EDUCATIONAL, GOVERNMENT, AND INSTITUTIONAL</b>				
Public park, recreation facility, library	P	P	-	
School or religious institution	S	S	-	
Cemetery, crematorium	-	S	S	
<b>COMMERCIAL, OFFICE, RETAIL</b>				
Alcohol-related	S	S	-	5.07
Auto-oriented	-	S	S	5.09, 5.23
Entertainment and hospitality	P	P	-	
Office or bank	P	P	S	
Outdoor seating	P/S	P/S	-	5.16
Parking lot (stand-alone)	-	S	P	
Professional services	P	P	-	
Retail sales	P	P	Exception	5.18
24-hour operations	S	S	S	
Co-located wireless communication	-	P	P	
<b>INDUSTRIAL</b>				
Adult uses	-	-	P	5.05
Electrical substations and utilities	S	P	P	5.10
Kennels	-	-	P	
Storage, warehousing, wholesale	-	-	P	5.15, 5.20
Light industrial	-	S	P	
Heavy industrial	-	-	S	5.12
Freestanding communications tower	-	S	S	

**Section 5.04. – Accessory Dwelling Units.**

- A. Purpose. The purpose of an accessory dwelling unit (ADU) is to:
1. Increase the supply of housing without the need for more infrastructure or further land development;
  2. Provide flexible housing options for residents and their families;
  3. Integrate housing into the community with minimal negative impact; and
  4. Provide elderly citizens with the opportunity to retain their homes and age in place.
- B. Criteria for approval. All of the following criteria must be met in order for the building inspector to approve the construction of an ADU:
1. A maximum of one (1) ADU may be permitted on property located within the Residential Zone Districts.
  2. The accessory dwelling unit shall have an independent means of ingress and egress.
  3. All municipal regulations applicable to single-family dwellings and accessory structures shall also apply to an accessory dwelling unit including, but not limited to, lot and building dimensional requirements. If an accessory dwelling unit is located above a detached accessory structure, then the height of the accessory structure may be increased to 20 feet.
  4. Water and wastewater connections are required for the principal and accessory dwelling units; services may be combined or separated.
  5. Either the principal dwelling unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence and legal domicile. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership.
  6. Accessory dwelling units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.
  7. An accessory dwelling unit may be no larger than 750 square feet.
  8. An accessory dwelling unit must contain a kitchen and a bathroom.
  9. One on-site parking space shall be assigned for the ADU.
- C. Occupancy permit required. Prior to occupancy of the accessory dwelling unit, the homeowner shall obtain an occupancy permit from the Building Inspector.

**Section 5.05. – Adult Uses.**

- A. In the preparation, enactment, and enforcement of this section, it is recognized that there are some uses relating to sexual material which, because of their very nature have serious operational characteristics that have a deleterious effect upon residential, office, and commercial areas. Because certain forms of expression relating to sexual material have particular functional and inherent characteristics with a high potential of being injurious to

surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of reasonable regulatory standards which can be used for approving or disapproving the establishment of this type of use in a viable and accessible location, where the adverse impact of their operations may be minimized. However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special designation and regulation in the I Industrial District is therefore necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the Village where these uses are considered more compatible and less deleterious.

- B. Uses Specified. Uses subject to these controls as defined herein as “adult only businesses” are as follows:
1. Adult cabarets and theaters;
  2. Escort agency;
  3. Adult merchandise store;
  4. Adult motel or encounter site; or
  5. Nude artist and photography studios.
- C. Site Location Principles. The following principles shall be utilized to evaluate the proposed location of any use listed in 5.05.B. These principles shall be applied by the Planning Commission and Village Council as general guidelines to help assess the impact of such a use upon the district in which it is proposed:
1. No adult only business shall be located within one-thousand (1000) feet, measured from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated, of a: residential zoning district, church, monastery, temple, mosque or similar place of worship, cemetery, school, library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.), or arcade.
  2. An adult only business shall be located as a special use in the I Industrial District.
- D. Site Development Requirements.
1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
  2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance and shall be approved by the Village Council prior to their use.
  3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-

public area as determined by the Village. No loud speakers or sound equipment shall be used by an adult only business that projects sound outside of the adult only business so that sound can be discerned by the public from public or semi-public areas.

4. An adult only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

E. Use Regulations

1. No person shall reside in or permit a person to reside in the premises of an adult only business.
2. No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
4. No adult only business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
5. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from the Village of Lawton, County of Van Buren, and State of Michigan.

F. Conditions and Limitations. Prior to the granting of any permit herein provided, the Planning Commission or Village Council may impose any such reasonable conditions or limitations upon the location, construction, maintenance or operation of the establishment or regulated use, as may in its judgment, be necessary for the protection of the public interest. Failure to follow such limitation or condition will act to immediately terminate any permit issued.

G. Limit on Re-application. No application for an adult use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

**Section 5.06. – Adult Foster Care and Adult Day Care.**

A. Adult Foster Care Family Home. The adult foster care home licensee, whether one (1) person or two (2), shall be a member of the household and an occupant of the residence, and is not counted among total adults permitted as part of the care facility.

- B. Adult Foster Care Small and Large Group Homes. The adult foster care group homes shall be registered and licensed as required for adult foster care under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended.
- C. Adult Day Care Homes. An adult day care home shall be registered and licensed as required for group day care homes under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, MCL 722.11 *et seq.*, as amended.

**Section 5.07. – Alcohol-Related Uses.**

- A. Applicability. Any land use that requires a license from the Michigan Liquor Control Commission (MLCC) for the sale or consumption of beer, wine, or alcoholic beverages (on- or off-premises, whether packaged, by the bottle, by the glass or otherwise) and any expansion or other changes in that land use, shall require review and approval as specified below.
- B. The following uses and expansion of existing uses shall be considered to be deemed of minor impact to the Village of Lawton and may be approved by the Village Manager or designee:
  - 1. Expansion of an existing bar or restaurant with less than a 20% increase in seating capacity and/or dedicated floor area.
  - 2. A new license for a new or existing restaurant that closes before midnight for on-premises consumption.
  - 3. A new retail license (Specially Designated Merchant/SDM) in conjunction with a restaurant, brewpub, or tasting room; or a general retail use that has less than five (5) linear feet of shelf space dedicated for alcohol sales.
- C. The following uses and expansion of existing uses shall be considered to have the potential to create a nuisance or enforcement issues if not properly managed. An assessment of whether the use is appropriate and compatible with the neighborhood or business district in which it is located shall be determined by the Planning Commission following Special Land Use procedures:
  - 1. On-premises sales and/or consumption in a bar or restaurant past midnight.
  - 2. Alcohol consumption in conjunction with live entertainment, banquet hall, auditorium, theater, dancing, or after-hours operations.
  - 3. A new Specially Designated Distributor (SDD) license or expansion of an existing sales area where a SDD license is held.
  - 4. Any other approvals that were not identified as approvable by the Village Manager.
- D. The applicant shall provide a detailed site plan showing the alcohol sales location, a copy of the license application submitted to the MLCC, and if applicable a description of how the operator will manage the facility during events.

**Section 5.08. – Bed and Breakfast.**

- A. Principal Residence of Owner. The dwelling unit in which the bed and breakfast operates shall be the principal residence of the owner-operator who shall reside on the premises when the use is in operation. Separate cooking facilities are prohibited.
- B. Guest Rooms. The number of guest rooms is limited to one (1) fewer than the total number of bedrooms in the dwelling unit, not to exceed 5 guest rooms. Maximum occupancy is limited to two (2) adults per guest room. One additional on-site parking space shall be provided for each guest room in addition to the parking required for the principal residence.
- C. Maximum Stay. The owner shall ensure that the length of stay for a lodger not exceed twenty-nine (29) consecutive days.
- D. Proximity. To avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no bed and breakfast shall be within a 500-foot radius of another existing bed and breakfast, as measured from the perimeter of the parcel.
- E. Special Events.
  - 1. A bed and breakfast establishment may hold up to 4 events within a calendar year where non-guests of the bed and breakfast are allowed to use the premises. Events shall have a maximum duration of 2 days per occurrence.
  - 2. Food and drink may be served to non-guests at an approved event.
  - 3. Sufficient parking shall be provided for each event and occupancy limits shall be determined by the Fire Department and/or Building Official with proper safeguards in force for places of assembly.

**Section 5.09. – Drive-Through Facilities.**

- A. Purpose. The requirements of this Section are intended to minimize the potentially adverse effects of drive-in or drive-through activities on surrounding properties, pedestrians, and traffic flow.
- B. Hours of Operation. Hours of operation shall be restricted to the hours between 6:00 a.m. to 12:00 Midnight if within 150 feet of a Residential Zone District.
- C. Operations.
  - 1. The Village Manager or designee shall review proposed stacking areas leading up to and from the service window, menu board, or similar service area for a drive-in or drive-through facility and shall determine the number of stacking spaces required for that use or, alternatively, may require the applicant to provide a queuing analysis for uses generating more than thirty (30) trips per hour at peak times.
  - 2. A minimum of 20 feet per vehicle is required for each stacking space. Where 5 or more stacking spaces are provided, the individual stacking lanes shall be clearly delineated with protective bollards or similar devices.



3. Drive-through lanes and stacking areas, menu boards, speakers, or service windows shall not be placed on a street facing side of a building or within 25 feet of the lot line of any Residential Zone District or use unless the Planning Commission determines that no other location is feasible.
- D. Pedestrian Walkways. Pedestrian walkways within the site shall be clearly visible, and be emphasized by enhanced paving, a clear change in material, or markings where they intersect drive-in or drive-through aisles.
- E. Screening Requirements.
  1. Any lot line adjacent to a Residential Zone District shall be screened in accordance with the provisions of Article 8.
  2. All service areas and ground-mounted mechanical equipment shall be screened from ground-level view. Trash storage shall comply with the requirements of Section 8.03.
- F. Banks, Credit Unions and Financial Institutions. Drive-through lanes servicing Automated Teller Machines (ATMs), transaction windows and tubes shall be reviewed by the Village Manager or designee for placement number, activity level, noise, and hours of operation during site plan review.

**Section 5.10. – Electrical Substations and Private Utilities.**

- A. Outdoor Enclosure. Screening is deemed necessary to recognize the permanence of the infrastructure, help increase safety, reduce maintenance requirements, and lessen the opportunity for graffiti or vandalism.
- B. The outdoor enclosure of above-ground essential service utilities shall be screened using a permanent brick or decorative textured block wall at least one foot taller than the equipment being screened, provided that the screen need not be higher than 10 feet.
- C. Administrative Departure. An Administrative Departure may be granted and alternative enclosure or screening materials approved if the functioning of the utility would be adversely affected by this requirement or if the location of the infrastructure is not clearly visible from a public street or nearby residential uses

**Section 5.11. – Home Occupations and Remote Work.**

- A. No persons other than members of the immediate family residing on the premises shall be engaged in a home occupation or remote work on the premises.
- B. The use of the dwelling unit for the home occupation or remote work shall be clearly incidental and subordinate to its use for residential purposes by its occupants; not more than twenty (20) percent of the floor area of the dwelling unit shall be used.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence. One sign, not exceeding 2 square feet in area, non-illuminated, and mounted flat against the wall of the main building may be placed outside.



- D. No traffic shall be generated by such home occupation or remote work in greater volumes than would normally be expected in a residential neighborhood. Parking needs shall be satisfied off-street, and not in the front yard.
- E. No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the boundaries of the property on which the home occupation or remote work is conducted. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

**Section 5.12. – Industrial Use Performance Standards.**

- A. Before the issuances of any building or occupancy permit in the Industrial Zone District, the applicant shall comply with an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, the costs of inspection by experts for compliance to be borne by the applicant.
- B. Fire and Explosion Hazards. All activities shall be carried on only in buildings conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosions hazards to a use on an adjacent property. Flammable liquids as published by the Michigan State Fire Marshal, other than fuels used for heating, shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks provided:
  - 1. Said storage building is not closer than one hundred (100) feet to any occupied building.
  - 2. Every factory or manufacturing building or other buildings permitted only in the industrial area shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the Building Inspector and the Fire Chief as being sufficient in view of the nature and extent of the fire risk.
- C. Smoke, Fumes, Gases, Dust, Odors. There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the site or in a manner as to create a public nuisance.
- D. Liquid or Solid Waste. The discharge of untreated industrial waste is prohibited. All methods of salvage and industrial waste treatment and disposal shall be approved by the Village and Michigan State Health Department. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors, or discolor, poison or otherwise pollute the water or soil in any way.
- E. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- F. Noise. There shall be no noise emanating from the operation which will be more audible beyond the boundaries of the immediate site than sixty (60) decibels.
- G. Glare. There shall be no direct or sky-reflected glare exceeding one and one-half (1.5) foot candles or which would be damaging to the human eyes measured at the property line of the

lot occupied by such use. This regulation shall not apply to lights used at the entrances of exits of service drives leading to a parking lot.

**Section 5.13. – Marihuana Facilities.**

A. Applicability. Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of Michigan Medical Marihuana Facilities Licensing Act (MMFLA), Michigan Regulation and Taxation of Marihuana Act (MRTMA) or other state law providing for the sale, transport, testing, growing, distribution, and processing of marihuana or any other activity involving a marihuana-related use shall require review and approval.

B. Discuss: Provisioning Center, Grower, Processor, Transporter, Safety Compliance Facility, Microbusiness

**Section 5.14. – Materials Recovery, Mining, Junkyard, Recycling, Equipment Wrecking and Salvage.**

A. Applicability. The provisions of this Section shall apply to all materials recovery and recycling operations, including the processing of junk, waste, discarded or salvaged materials, machinery, or equipment, including vehicle wrecking or dismantling. Mineral processing shall also be included.

B. The site shall be a minimum of two (2) acres.

C. Screening.

1. Outdoor storage and activities shall be completely screened from view, as seen from public rights-of-way and adjacent properties, by a solid wall or fence with a uniform minimum height of at least eight (8) feet and a maximum height of ten (10) feet. The wall or fence shall be constructed of uniform, high-quality, weather-resistant materials. Walls, fences and gates shall be kept in good repair (free of chips, peeling and graffiti) and setback a minimum of six (6) feet from lot lines abutting public rights-of-way.
2. Landscaping. A vegetative ground cover shall be planted between the required fence and public right-of-way and maintained in good condition. Berms and landscaping shall be installed at all locations around the site that lack natural screening in accordance with Article 8, provided that berm height is not restricted.

D. Machinery, Building, Mining and Stockpile Setbacks. All wrecked vehicles, machinery, equipment, materials, buildings, structures and activities shall meet the following minimum setbacks. Where more than one (1) setback is applicable, the greater setback distance shall apply.

1. Twenty-five (25) feet from any lot line;
2. One hundred (100) feet from a residential Zone District;
3. Five hundred (500) feet from a residence, and;
4. Three hundred (300) feet from any stream, water body or wetland.

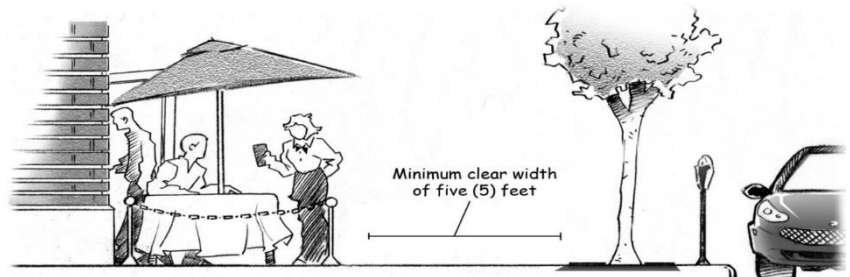
- E. Noise, Odors, Smoke, Fumes, or Dust. Any noise, odors, smoke, fumes, or dust generated on the site by any digging, excavating, loading or processing operation and apt to be borne by the wind, shall be confined to prevent a nuisance or hazard on adjacent properties or public street.
- F. Haul Route Map. An area map delineating the haul route to be used for the proposed operation shall be submitted to the Village Manager or designee. Haul routes shall not pass through residential areas, except on Regional or Major Streets.
- G. Noise Control Plan. The Special Land Use application shall include a study and report prepared by a qualified professional that estimates the noise levels at the lot lines containing the extraction operation and at successive stages of the operation. The plan shall contain mitigation measures to be implemented when noise levels exceed acceptable standards.
- H. Hours and days of operation shall be subject to Planning Commission approval based on the potential effects on surrounding properties, traffic conditions on affected roadways, and other similar factors.
- I. Evidence of applications for Federal and/or State licensing permits for crushing facilities shall be submitted as part of the Special Land Use application.

**Section 5.15. – Open Storage.**

- A. All storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, must take place in a rear or side yard, and shall be located within an area not closer than one hundred and fifty (150) feet from a street right-of-way line.
- B. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time.
- C. All such open storage shall be screened from all streets and on all sides which abut a Residential or Business District, by a solid six (6) foot wall or fence sufficient to serve as a permanent retaining wall or fence.

**Section 5.16. – Outdoor Seating Areas.**

- A. Accessory Use. Outdoor seating areas shall be permitted as an accessory use to a principal use such as a restaurant, café, or similar establishment.
- B. Application Materials. A site plan shall be submitted that includes the location and dimensions of the outdoor seating area; proposed type and location of fencing or other separation barriers; proposed dimensioned layout of tables and seating; dimensions of the building; and existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters. Photographs of the area and specifications for proposed outdoor barriers and furniture shall be included.



- C. Pedestrian Space. A minimum pedestrian clear width of five (5) feet is required along all public walkways at all times.
- D. Trash Receptacles. Trash receptacles related to outdoor seating areas shall be provided outside of the public right-of-way during non-business hours.
- E. Dining Areas. Outdoor seating areas shall be designed to be architecturally compatible with existing structures on the subject property.
- F. Hours of Operation. Outdoor seating shall cease operation by 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission as a Special Land Use.
- G. Administrative Departure. An Administrative Departure may be granted in lieu of a Special Land Use for outdoor seating areas dedicated for office or residential uses not available to the general public where in the opinion of the Village Manager or designee, the location would not adversely affect adjacent properties or substantially alter the character of the neighborhood.

**Section 5.17. – Repair and Storage of Vehicles in Residential Zone Districts.**

- A. In all residential Zone Districts, outdoor mechanical work and repair of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles or any other similar vehicles, licensed to, registered in the name of, and solely for the personal use of the dwelling occupant is permitted with the following conditions:
  - 1. Not more than one (1) vehicle shall be under repair at any given time.
  - 2. There shall be no outside storage of vehicle parts or equipment.
  - 3. Repair activities shall not create excessive noise, vibration, odor or other nuisance.
  - 4. The vehicle shall be licensed and stored in a safe and secure manner while work is not being performed.

**Section 5.18. – Retail Sales.**

- A. Retail Sales in the Industrial Zone District. Accessory retail sales are permitted in the Industrial Zone District provided that they:
  - 1. Are conducted within the same structure housing the principal manufacturing or warehouse use, with no outdoor sales allowed; and
  - 2. Only sell items manufactured by the principal use or are part of the principal use's warehouse stock.

**Section 5.19. – Temporary Outdoor Sales and Services.**

- A. Temporary Outdoor Sales and Services. Grand openings, parking lot sales, food truck events, sidewalk sales, clearance sales, special events and holiday celebrations including the temporary outdoor sale of merchandise, goods, materials or services may occur in a Mixed-Use Commercial Zone District (CBD or GBD), subject to the following requirements.

1. Accessory Use. Outdoor temporary sales or services shall be an accessory to an allowed use on the same lot.
  2. Duration. The maximum duration for temporary sales shall be no more than six (6) occurrences, with each occurrence being no long than three (3) days within any twelve (12) month period.
  3. Parking and Access. A designated off-street parking area adequate to serve the activity shall be provided where it does not interrupt or hamper the flow of traffic on public streets, impede access to the principal use, pedestrian movements, or emergency vehicle access.
  4. Area of Operation. The area of operation for all activities associated with outdoor temporary sales or service shall:
    - a. Not exceed eight hundred (800) square feet and no single dimension shall exceed forty (40) linear feet; and
    - b. Be located on an asphalt, concrete or equivalent surface.
- B. Assembly and Fundraising Activities. Assembly activities (e.g., carnivals, fairs, rodeos, sport events, concerts, and shows) and fundraising activities (e.g. car washes, bake sales, auctions) that benefit a community service group or non-profit organization are permitted in mixed-use commercial and Residential Zone Districts on properties approved for an educational or institutional use, subject to the following requirements.
1. Parking and Access. A designated off-street parking area shall be provided adequate to serve the activity where it does not interrupt the flow of traffic on public streets; or impede access to the principal use, adjacent uses, pedestrian movements, or emergency vehicle access.
  2. Hours of Operation. In all Residential Zone Districts, hours of operation shall start no earlier than 8:00 a.m. and end no later than 8:00 p.m., except on Fridays and Saturdays the hours may extend to 10:00 p.m. Hours of operation in all other districts shall operate within the hours of 8:00 a.m. to 11:00 p.m. unless otherwise approved by Village Manager or designee. Hours shall include setup and takedown activities.
  3. Fundraising Agreement. Goods or services being sold by a commercial entity for a fundraising event shall submit evidence of an event agreement with the community service group or non-profit organization.
- C. Outdoor Seasonal Sales and Farmers' Markets. The outdoor sale of agricultural products is permitted, subject to the following requirements:
1. Farmers Markets and Seasonal Sales. Farmers markets and seasonal sales are permitted in Mixed-Use Commercial Zone District (CBD or GBD), and in all other Zone Districts on lots approved for educational, government or institutional uses.
  2. A minimum pedestrian walkway of at least five (5) feet in width shall be maintained along the display/sales areas and be clear of obstructions.

3. The maximum duration of outdoor seasonal sales shall be nine (9) total months in any twelve (12) month period.
  4. Activity is limited to three (3) days per week between 7:00 a.m. and 7:00 p.m. Expansion of the number of days or hours of operation may be approved as a Special Land Use.
- D. Mobile Food Vending. Businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way is permitted subject to the following requirements:
1. Outdoor Cooking. Outdoor cooking associated with mobile food vending is permitted provided there are no residential uses located within two hundred (200) feet of the property. The use shall not generate excessive smoke to be a nuisance or create a vision hazard for motor vehicles or pedestrians.
  2. Sanitary Facilities. Sanitary facilities shall be provided for mobile food vending operated as a principal use on a lot. An Administrative Departure from this requirement may be granted if documentation is provided for alternative arrangements.
  3. Hours of Operation. Operating hours shall be no later than 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission as a Special Land Use.
  4. Sound. No amplified outdoor music, sound, or noise shall be permitted. Planned locations for outdoor generators that provide power shall be identified. Use of generators may be prohibited if it is anticipated that they may create a nuisance to neighbors due to noise, exhaust or vibration.
  5. Revocation. Any approved stand, trailer, wagon, or vehicle on a property for the purposes of Mobile Food Vending shall remain in continuous operation so long as the premises is occupied. If the business closes, ceases to operate, or fails to keep regular business hours, then the permission for the temporary use may be revoked by the Village Manager or designee.

**Section 5.20. – Self-Storage Facilities.**

- A. Self-Storage Facilities are permitted in Industrial Zone District and are subject to Special Land Use approval.
- B. Minimum site area shall be a minimum of three (3) acres.
- C. All buildings shall be set back at least twenty-five (25) feet from any lot line.
- D. Landscape Requirements. The front yard shall be covered with grass or other ground cover or plant material, and with hedges and trees planted in a manner that effectively screens the facility from public view. In addition, any yard which is adjacent to a Residential Zone District shall have a landscape buffer per Article 8, provided the buffer is at least twenty (20) feet wide.



- E. The perimeter of the entire site shall be secured by a six (6) foot ornamental fence or solid wall.
- F. No storage of combustible or flammable liquids or fibers, or explosive or toxic materials shall be permitted.
- G. Outdoor Storage of Vehicles. Outdoor storage of motor vehicles, recreational vehicles, trailers, campers, boats, and other items of value shall be separately approved as a Special Land Use.
- H. One (1) dwelling unit for on-site manager may be provided.
- I. There shall be no commercial enterprise or activity on the premises, other than the self-storage units and a related rental office.

**Section 5.21. – Short-Term Rentals.**

- A. Whole-unit short-term rentals are only permitted in the CBD and GBD Mixed-Use Districts.
- B. Shared presence, where the permanent occupant of the residence and a short-term stay guest is occupying a portion of the dwelling unit, is permitted in all zone districts. Short-term stay guests may not stay longer than twenty-nine (29) days and the total number of rental days with a guest cannot exceed one-hundred twenty (120) days.
- C. The maximum number of occupants in a short-term rental shall not exceed a total of two (2) occupants per bedroom.
- D. Events, parties or similar activities are not permitted.

**Section 5.22. – Unclassified Uses.**

- A. Purpose. Since every type of potential use cannot be anticipated in this Ordinance, this Section provides a process for addressing uses not specifically listed or those that cannot be reasonably interpreted as substantially the same as those listed. Similarly, there are various uses that include the phrase "and similar uses." These procedures are also intended to interpret the phrase "and similar uses".
- B. The Village Manager or designee may find that a land use, while not specifically classified in this ordinance as a permitted or special land use, may be sufficiently similar to uses listed as permitted by right or as special land uses. In that event, such unclassified uses may be reviewed and treated as similar classified uses within the district. The Village Manager or designee may request that the BZA make this determination. The Manager, designee, or BZA determination shall be in writing and shall be sent to the applicant.
- C. Review Standards. The Village Manager or designee, or BZA shall base the decision on a finding that the proposed use satisfies all of the following:
  - 1. Is not specifically listed in any other Zone district;
  - 2. Is generally consistent with the purpose of the Zone District and this Ordinance;

3. Does not materially impair the present or potential use of other properties within the same Zone District or neighboring area;
  4. Has no greater potential impact on surrounding properties than those listed in the Zone District in terms of traffic generated, noise, odor, vibration, aesthetics, potential nuisances, and other impacts related to health, safety, and general welfare; and
  5. Is substantially consistent with the Master Plan or other relevant adopted plans of the Village.
- D. Text Amendments. Uses determined to be similar to a Permitted Use or a Special Land Use shall be recorded by the Village Manager or designee, and periodically presented to the Planning Commission to consider incorporation into the text of this Ordinance.
- E. Should the Village Manager or Designee or BZA determine that the use is not similar to a use addressed by this Ordinance, an applicant or the Village may seek to amend the text of this Ordinance to permit the use either as a Permitted Use or Special Land Use in accordance with the text amendment process described above. Alternatively, an applicant may seek a use variance from the Board of Zoning Appeals in accordance with the provisions of Section 11.06.

**Section 5.23. – Vehicle Service, Gas Stations, and Car Washes.**

- A. Applicability. These regulations apply to gas stations with or without vehicle service, vehicle service stations such as oil change and tire repair facilities, and car washes.
- B. Location of Equipment and Structures. Fuel pumps, pump islands, detached canopies, compressed air connections, and similar equipment shall be set back at least fifteen (15) feet from all lot lines.
- C. Fuel Pump Canopy and Station Design.
1. Canopy roofs shall not be permitted to encroach into any required yard and the fascia of canopies must be a minimum of twelve (12) feet above the average grade.
  2. Canopy lights must be recessed into the canopy ceiling or be provided with sufficient banding around the sides of the light to prevent light from spilling onto adjacent properties or roadways.
- D. Operations.
1. All equipment and activities associated with vehicle service or repair operations shall be kept within an enclosed building, except that incidental in use, such as air hoses.
  2. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
  3. Outdoor display materials may not be located in the required front or side yards and may not be displayed at a height greater than four (4) feet and comply with related sign ordinances.



4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
  5. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than 6 feet in height. Such fence shall be constructed in accordance with the requirements of Article 8 and continuously maintained in good condition.
- E. Access. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway.
- F. Landscape Buffer. Where adjoining residentially zoned or used property, a landscape buffer between uses shall be provided as required in Article 8.

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**ARTICLE 6 – DIMENSIONS AND DESIGNS**

**Section 6.01. – Site Layout and Building Placement Table**

A. All development must comply with the requirements in Table 6.01.A unless otherwise expressly stated. Lot area and lot width requirements listed in Table 6.01.A shall be used where there is not an established lot size.

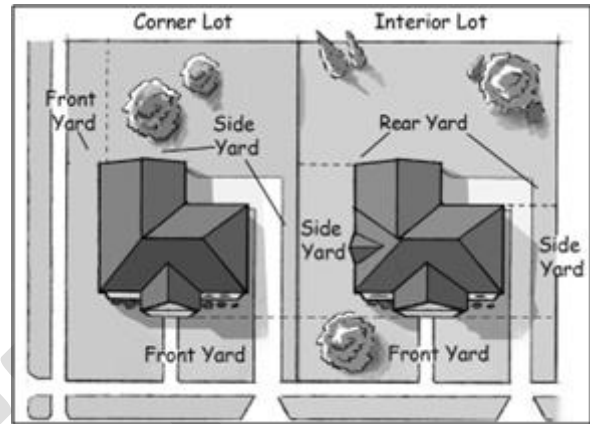
<b>Table 6.01.A. Site Layout and Building Placement</b>							
<b>Zone District</b>	<b>AG</b>	<b>LDR</b>	<b>MDR</b>	<b>CBD</b>	<b>GB</b>	<b>I</b>	<b>Addl. Regs</b>
<b>Minimum Lot Area (sq. ft.)</b>							
Detached single-family	43,560	5,000	2,500	-	-	-	
Attached single-family	-	3,500	1,250	-	-	-	
Two-family	-	5,000	2,500	-	-	-	
Multiple family/group living (per unit)	-	1,500	1,250	-	-	-	
Other Uses	43,560	6,000	6,000	2,000	2,000	5,000	
Minimum Lot Width	150 ft	50 ft	50 ft	25 ft	25 ft	100 ft	5.02
<b>Setbacks for Residential Uses (feet)</b>							
Front Setback	40	-	-	-	-	-	5.03.A.
Required Building Line	-	25 *	25 *	-	-	-	5.03.B.
Rear Setback	30	25	25	-	-	-	
Side Setback	One side	15	5	7	-	-	
	Total both sides	30	14	18	-	-	
	Corner total	35	20	20	-	-	
<b>Setbacks for Non-Residential Uses</b>							
Front Setback	50 ft	20 ft	20 ft	-	20 ft	20 ft	5.03.A.
Required Building Line	-	-	-	12 **	-	-	5.03.B.
Rear Setback	50 ft	35 ft	35 ft	20	25 ft	30 ft	
Side Setback	40 ft	20 ft	20 ft	0-5	10 ft	20 ft	
Where the rear or side yards in the CBD, GD, and I districts abut a residential use, an additional 15' setback is required to serve as a buffer between the uses.							
<b>Building Height and Massing</b>							
Maximum Height	35 ft	35 ft	40 ft	50 ft	35 ft	40 ft	5.04
Maximum Lot Coverage	25%	35%	50%	-	75%	75%	
Minimum Building Façade along RBL	-	-	-	75%	-	-	
<b>Building Design</b>							
Façade Transparency	-	-	-	60%	40%	15%	5.05
Building Entrances	-	Yes	Yes	Yes	Yes	-	5.06
Expression Line	-	Yes	Yes	Yes	Yes	-	5.07

**Section 6.02. – Lot Requirements.**

A. Measurements. Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two (2) described points.

B. Minimum Lot and Street Frontage. Every lot created shall have the minimum lot area, and lot width and lot frontage upon an approved public or private street, as required by this Ordinance. Flag lots are prohibited. >Insert Image<

C. Yards – Corner and Through Lots. Corner and Through Lots. Corner and through lots shall have two (2) front lot lines, two (2) front yards, two (2) side yards, and no rear yard. For through lots, the main building or structure shall be oriented toward the predominant frontage based on the established or planned pattern of development, as determined by the Village Manager or designee. <Add Through Lot image<



D. Reduction. No lot, yards, parking areas, or other spaces required by this Ordinance shall be reduced below required area or dimensional standards or further divided or reduced. Actions by governmental agencies, such as street widening, are not considered reductions.

E. Administrative Departure. An Administrative Departure of not more than three (3) percent of the required lot area of the Zone District may be granted where unusual lot configurations, topography or natural features exist, or where the Departure would be in keeping with the character of the neighborhood.

**Section 6.03. – Building Setbacks and Required Building Lines (RBL).**

A. Building Setbacks.

1. Except as noted in B.2, below, when this Ordinance provides for a building setback, it is considered to be permissive, in that any portion of the main building may be placed anywhere at or behind the setback line. All setbacks extend for the full width of the lot.
2. Rear Setback. Where any lot line exceeds forty-five (45) degrees from being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line shall be deemed the rear lot line for the purpose of measuring rear yard setbacks.
3. Side Setback. The side setback shall extend from the side lot line between the front setback line and the rear lot line.

B. Required Building Line (RBL). Established Areas. On blocks where the front setback or building line is established, the following shall apply:

1. The Required Building Line (RBL) shall be equal to, or the median of, the front setbacks of existing main buildings on the same block. For the purposes of this calculation, the same block is defined as both block faces, in same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street.

2. Where an established RBL is not present, the minimum setback defined in Table 5.01.A. shall apply.
3. An Administrative Departure up to ten (10) feet of the established RBL may be permitted to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition or where the setbacks of existing buildings on the subject block are inconsistent. The Required Building Line may be determined by referencing the front setbacks of the adjacent properties.

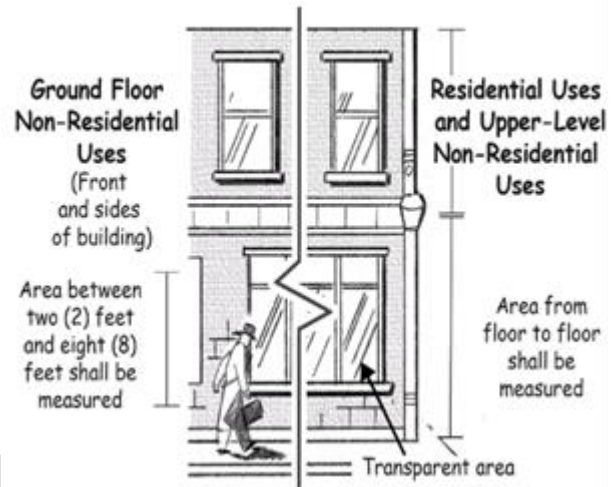
**Section 6.04. – Building Height Measurements and Exceptions.**

- A. Building height shall be measured as the vertical distance from the finished grade adjacent to the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof.
- B. Grade. When the terrain is sloping, the finished grade shall be the average of the elevation of the ground for each side of the structure, as measured six (6) feet from the exterior walls of the structure.
- C. One (1) story shall be measured as not less than nine (9) feet nor more than fifteen (15) feet. The following shall be excluded:
  1. Spaces completely below the finished grade, such as basements, cellars, crawl spaces, and sub-basements; and
  2. A story shall not be counted as a story when more than fifty (50) percent of its cubic content is below the finished grade of the adjoining ground.
- D. Exceptions. The height requirements of all Zone Districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, utility penthouses, stacks, stage towers or scenery lofts, monuments, cupolas, domes and spires and necessary mechanical appurtenances.

**Section 6.05. – Facade Transparency.**

- A. Clear Glass. Glass in windows, doors, and display windows shall be transparent to insure a safe, pedestrian-oriented environment. Glass shall be clear or lightly tinted. The use of dark glass and highly reflective surfaces, including reflective glass and mirrors, is prohibited.
- B. Requirement. For non-residential buildings in the Mixed-Use Commercial Zone Districts, the ground-floor front and sides of a building measuring between two (2) and eight (8) feet above the sidewalk (or ground level adjacent the building if a sidewalk is not present) will have sixty (60) percent clear glass.
- C. Security Shutters. Exterior steel barriers, hurricane curtains and other security devices are not permitted on the exterior of the building. If placed located inside a building, they may not be visible from the sidewalk or public right-of-way during business hours.

D. Administrative Departure. An Administrative Departure may be granted where mitigation measures such as the addition of architectural elements, display windows with a minimum 12-inch depth, a green wall or landscaping are provided and it is demonstrated by the applicant that transparency would be significantly detrimental to the operation or security of the proposed use.



**Section 6.06. – Building Entrances.**

- A. Each building shall have an entrance that is readily visible and contributes to the character of the district.
- B. *Residential.* For residential uses, a building entrance shall be in the front façade parallel to the street. The primary building entrance facing the street shall include a stoop or a front porch.
  - 1. A stoop shall be at least three (3) feet wide and three (3) feet deep.
  - 2. Porches, not including steps, shall be at least six (6) feet deep to provide for usable seating and circulation, and be at least one-third (1/3) the width of the front façade of the residential structure (not including the garage), but in no case shall be less than eight (8) feet wide.
  - 3. Building materials shall be compatible with the main building. Porch fixtures such as columns, pillars, posts and railings shall be coated with stain or paint if materials made of wood are used.
  - 4. Porch or entrance enclosures may be permitted where the enclosure and its placement is consistent with others on the same block face, for the same use and in the same Zone District. In all cases, at least eighty (80) percent transparency shall be maintained. If the enclosure would be inconsistent with others on the same block face or below the transparency requirement then it shall be considered as part of the primary structure’s living space and must be building setback requirements.
- C. *Commercial.* A clearly identifiable and usable building entrance shall be located in the front façade of a commercial building parallel to the street.
  - 1. Where the building entrance is located on or within five (5) feet of a lot line or public sidewalk easement, whichever is closest to the face of the building, the doorway shall be recessed into the face of the building. The entrance recess shall not be less than the width of the door(s) when opened outward.
  - 2. Non-recessed entrance doors may be permitted where no pedestrian safety hazard may be created.

**Section 6.07. – Expression Line.**

- A. A horizontal line on the façade known as the Expression Line (EL) shall distinguish the base of the building from the remainder to enhance the pedestrian environment. The bottom of the EL shall be no higher than sixteen (16) feet above grade.
- B. The EL shall be created by a change in material, a change in design, or by a continuous setback, recess, or projection above or below the EL. Elements such as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, and changes in material or color or other sculpturing of the base, are appropriate design elements to include with an EL.
- C. Stand-alone single-unit dwellings shall be exempt from this requirement.

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**ARTICLE 7 – PARKING**

**Section 7.01. – Vehicle Parking Requirements.**

- A. Applicability. Unless otherwise stated, parking and loading shall be provided as outlined in this Ordinance.
- B. General provisions.
  - 1. Accessible parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state and federal building or accessibility requirements, including quantity, size, location and accessibility.
  - 2. Requirements for unlisted uses. Parking spaces will be provided as detailed in Table 7.01.D. If a use is not listed, the Village Manager or designee is authorized to apply standards for a use deemed as similar. In the instance where an equivalent may not be clearly determined, the Village Manager or designee may require a parking study or other evidence that will help determine the appropriate requirements.
  - 3. Fractions. In determining the number of spaces required, a fraction equal to or greater than ½ shall be rounded up to count as one space.
- C. Exempt areas.
  - 1. Central Business District. Lots in the Central Business District CBD zone district are exempt from the requirement to provide off-street parking spaces. Spaces that are provided must adhere to all applicable requirements including design, layout, and landscaping.
- D. Required Parking Table.

<b>Table 7.01.D Required Parking</b>	
<b>Use</b>	<b>Required Spaces</b>
Single-family detached	1 driveway
Multi-family residential/senior housing	0.5 per dwelling unit
Nursing home/assisted living/rehab center/adult foster care/daycare	0.5 per employee on largest shift; 0.5 per facility vehicle; 1 per 10 beds
Hotel/motel/bed-and-breakfast	0.5 per 1 guest room, plus 0.5 per employee on a shift
Assembly uses, eating and drinking establishments	1 per 10 persons at maximum occupancy; 0.5 per employee at largest shift
Retail and services	1 per 1,000 square feet
Office	1 per 500 square feet

- E. Additional Requirements.
  - 1. Shared parking. Credit for shared parking is calculated as follows:
    - a. Off-site location. Space in off-site parking facilities within 1,000 feet can be applied to the parking requirements for a lot



- (1) A shared parking agreement shall be submitted to the Planning Commission outlining the number of shared spaces and the length of the agreement.
- b. Multiple uses credit. When multiple uses share parking facilities, the quantity of spaces provided should be calculated as follows.
  - (1) Shared peak demand times. Businesses with the same peak parking demand times that share parking facilities shall reduce the quantity provided by 5%.
  - (2) Different peak demand times. Businesses with different peak parking demand times can reduce their parking spaces by 50%.

**Section 7.02. – Driveway Design.**

- A. Driveway width. Driveway width is measured at the front property line and shall adhere to the following:
  1. Single-lane driveways. Single-lane driveways shall be between eight feet and 10 feet.
  2. Double-lane driveway. Double-lane driveways shall be between 18 feet and 20 feet, unless the driveway serves the off-street loading area where a larger driveway may be required based on site plan review.
- B. Driveway length.
  1. A driveway must extend a minimum of twenty (20) feet beyond the face of a residential structure.
  2. The distance between the face of a garage door and a sidewalk must be a minimum of twenty (20) feet regardless of building setback to prevent a vehicle from encroaching on the sidewalk.
- C. Double-track driveways. Double-track, wheel strip, or ribbon driveways are permitted as follows:
  1. The first two feet of the entire driveway width, measured from the property line, must be paved or covered with a permitted material;
  2. The wheel strip shall be at least 18 inches in width; and
  3. The area between the wheel strips must be landscaped with living ground cover.
- D. Maximum coverage of front yard. Driveways cannot account for more than 30% of the front yard of a lot.

**Section 7.03 – Parking Design.**

- A. Vehicular parking access and location. Vehicular parking facilities shall be provided using the following standards.
  1. Access. All spaces, unless otherwise noted, shall have a drive aisle, driveway, or right-of-way providing direct access to approved parking spaces.



2. Parking in yards. Vehicles and motorcycles must be parked on driveways, permitted parking areas, or within a structure.
3. Recreational vehicles. Trailers, motor homes, recreational vehicles, boats, or other similar vehicles may be parked as follows:
  - a. Recreational vehicles can be stored in the side or rear yards.
  - b. Recreational vehicles must be kept in good repair and carry a current license and registration.
  - c. A maximum of two recreational vehicles can be stored out of doors on a lot at a time; there is no limit as it relates to vehicles within fully enclosed structures.

B. Parking Design. Parking spaces shall follow the dimensions in table 6.01.B.

Angle of Parking (degrees)	Stall Dimensions			Drive Aisle Width	
	Curb length (feet)	Stall width (feet)	Stall depth (feet)	One way (feet)	Two-way (feet)
0° (parallel)	18	8	18	12	20
45°	12	8.5	18	12	20
60°	10	8.5	18	18	20
90°	8.5	8.5	18	20	20

C. Other vehicular parking design requirements.

1. Landscape screening. Commerical, industrial, and multi-family uses shall have screened parking areas. See Article 8, Section 8.01. for requirements.
2. Wheel stops. Wheel stops or bumper guards are required for spaces adjacent to property lines, landscape buffers, and pedestrian pathways, internal to site or in public right-of-way.
3. Tandem spaces. Tandem spaces are permitted as follows:
  - a. Two spaces may be placed in tandem, provided that one space is accessible by an aisle, driveway, or alley.
  - b. Tandem spaces are permitted for use by residential units only and must be utilized by the occupants of the same dwelling unit.
4. Slope. All parking areas, driveways, and sidewalk access to parking areas shall meet the requirements of the American Disabilities Act.
5. Materials. Parking areas may be designed with impervious or semipervious materials, such as concrete, asphalt, macadam, brick, and stone.
  - a. Gravel and crushed stone are permitted for parking lots for residential parking areas up to 10 spaces and for all parks and open space uses. Additional application of these types of material may be permitted with approval of the Village Manager or designee.

- b. Loose aggregate or other materials within a parking area may not affect the sidewalk or drive approach, create a hazard for pedestrians, or impair municipal stormwater facilities.
- 6. Landscape areas.
  - a. Areas not used for sidewalks, parking spaces, drive aisles, loading, or refuse shall be constructed and maintained as landscaped areas.
  - b. The perimeter of a parking lot shall be treated with fencing and/or landscaping along all property lines.
- 7. Pedestrian access. Parking lots with more than two double-loaded aisles will provide internal pedestrian access both through the lot and, if directly adjacent to right-of-way, from the adjacent right-of-way to the structure(s).
  - a. Dimension. The pedestrian access pathway shall be at least six feet in width.
  - b. Location. The pathway(s) shall be centrally located.
  - c. Buffer. The pathway shall be buffered from drive aisles with landscaping or designated parking stalls and delineated with paint where it crosses drive aisles.

**Section 7.02. – Required Bicycle Parking.**

- A. Commercial and industrial businesses, multi-family developments, assembly spaces, and any space open to the public shall provide a minimum of four (4) bike parking spaces.
- B. Bike parking must be provided with a fixed-in-place stand that is anchored to the ground and/or wall with at least two points of contact to allow locking of frame and at least one wheel.
- C. Bicycle racks shall be visible from the street or public entrance.

## ARTICLE 8 – LANDSCAPING AND SCREENING

### Section 8.01. – Landscaping.

- A. Applicability for new development or redevelopment. The landscaping standards shall apply to all new development and redevelopment, unless otherwise exempted in this Ordinance.
- B. Expansions or enlargements. The landscaping standards shall apply to the following:
  - 1. The gross floor area of an existing structure is expanded by 25 percent or more; or
  - 2. There is a change of use of the existing building that requires an increase of off-street parking by 25 percent or more; or
  - 3. Any expansion or enlargement of a structure or land use that requires a Special Use Permit, as determined by the Village Manager or designee.
- C. Site improvements. These landscaping standards shall apply when major parking area improvements are made including reconfiguring, reconstructing, or other similar projects. Resurfacing and re-striping projects are not considered major improvements.
- D. Exemptions. Individual single-family or two-family residential uses that are not part of a new subdivision are exempt from these requirements.
- E. Minimum percentage of site area to be landscaped.
  - 1. Residential Zone Districts: 25 percent
  - 2. Commercial Zone Districts: 15 percent
  - 3. Industrial Zone District: 15 percent
- F. Parking lot screening.
- G. Parking lot landscaping islands. Landscaped islands and/or rain gardens shall be provided in parking areas along the ends of parking rows, adjacent to lot lines, and used to define the location and pattern of primary internal access drives.
  - 1. Residential Zone Districts. In Residential Zone Districts, landscaped islands and/or rain gardens shall be used to separate rows of more than six (6) parking spaces.
  - 2. Commercial and Industrial Zone Districts. In all Commercial and Industrial Zone Districts, landscaped islands and/or rain gardens shall be used to separate rows of more than twelve (12) parking spaces.
  - 3. Curb design. Internal landscape areas shall be curbed for protection of the landscape materials, but planted areas shall be installed at a lower grade than the parking lot pavement, and curbing shall allow drainage from the pavement to enter and percolate through the landscaped areas.

- H. Recommended plantings. Trees, plants, shrubs, flowers and other landscaping features should be identified as native by a local or state institution, such as the Michigan State University Extension. It is recommended that turfgrass be a low-maintenance cultivar, such as tall fescue.
- I. Minimum installation standards. Selected plants shall meet the following minimum standards:
  - 1. A minimum of 75 percent of plant species on a development site shall be native species;
  - 2. All required trees shall be a minimum of 8 feet high at planting; and
  - 3. All required shrubs shall be a minimum of 2 feet high at planting.
- J. Grades, elevation differentials and retaining walls. The grading of all building lots shall be such so as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property. However, water should not be diverted to adjacent properties.

**Section 8.02. Parking and Loading Area Landscape Requirements.**

- A. Purpose. This Section sets minimum design standards and requirements for parking lots and loading areas, including the visual and physical separation of parking lots and structures from sidewalks, streets and other land uses.
- B. Minimum Screening. Any side of a parking lot or loading area which abuts a public right-of-way, public walkway, or park shall be screened by one (1) of the architectural and/or landscape elements described in this Section. The following screening methods may be used singly or in combination, provided clear vision areas described in Section 2.06. are maintained:
  - 1. Type I - Architectural Screen.
    - a. Walls used as a screening device shall be constructed of permanent, low-maintenance materials such as concrete, brick, or architectural block and shall have a minimum eighty (80) percent opacity. The material used shall be compatible with materials used in construction of the main building, but in no case shall include wire or chain link fencing, slatted fencing, painted or stained wood screens or unpatterned or unpainted concrete or concrete block.
    - b. Architectural screens should avoid a blank and monotonous appearance by using decorative patterns or architectural elements such as piers, pilasters or breaks in the wall.
    - c. Architectural screens shall not be less than thirty-six (36) inches nor greater than forty-eight (48) inches high.
    - d. An architectural screen may be placed at the lot line. A two-foot minimum buffer shall be provided between the architectural screen and the parking or loading area to accommodate the overhang of cars and protect the wall wherever cars are likely to park adjacent to the wall.

2. Type II - Architectural Screen with Landscape Buffer.
  - a. A minimum three-foot wide landscape buffer shall be provided in addition to the requirements of a Type I Architectural Screen, as described in C.1. above.
  - b. The landscape buffer shall be placed between the wall and the lot line. Groundcover, ornamental grasses, annual or perennial flowers, shrubs, trees or a combination thereof may be used to soften the appearance of the wall.
3. Type III - Fence with Landscape Buffer.
  - a. A decorative fence shall be installed at the lot line if used in combination with a Type IV or Type V landscape buffer described in C.4. and C.5. below.
  - b. The fence shall be constructed of painted decorative elements between thirty-six (36) and forty-eight (48) inches high. Wire or chain link fencing shall not be permitted adjacent to public rights-of-way.
4. Type IV - Landscape Hedge Buffer.
  - a. A minimum five-foot wide landscape buffer, consisting of ornamental grasses, hedges, shrubbery, or other planted materials shall be provided.
  - b. The buffer shall be at least three (3) feet high when planted, and shall be maintained to form a minimum visual screen of a maximum of four (4) feet high with eighty (80) percent summer opacity within two (2) years after planting.
  - c. Planting boxes or raised planters, constructed of materials acceptable under Type I Architectural Screens in C.1. above may be used, provided the height and opacity of such elements meet the criteria established within this Subsection.
5. Type V - Intermittent Landscape Buffer.
  - a. A minimum five (5) foot wide landscape buffer between the right-of-way and the parking area shall be provided.
  - b. The buffer shall be planted with a minimum of one (1) canopy tree and ten (10) shrubs per thirty-five (35) linear feet of lot frontage, or fraction thereof.
  - c. The landscape buffer shall cover a minimum of sixty-five (65) percent of the total distance of any one (1) lot line.

C. Changes in Grade.

1. In situations where the parking area is more than three (3) feet below or above grade at the lot line, a landscape buffer having a minimum width of three (3) feet shall be provided at the grade of the sidewalk.

2. A landscape buffer or architectural screen shall be provided between the right-of-way and the parking area, as described in this Section.
  3. Banks, berms and terraces shall be covered with landscape elements subject to the approval of the Director. If a retaining wall is used and exposed to view, it shall comply with the Type II Architectural Screen with Landscape Buffer described in C.2. above.
- D. Interior Landscape Standards. Canopy trees shall be located throughout parking lots to reduce the urban heat island effect by providing shade, grant visual relief to expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic.
1. Any parking lot designed for a capacity of fifteen (15) vehicles or more shall provide one (1) canopy tree for every fifteen (15) parking spaces or fraction thereof at regular intervals within the interior of a parking lot.
  2. Any of the following tree planting methods may be used singly or in combination:
    - a. Open soil landscape islands with a minimum area of two hundred fifty (250) square feet, and at least seven (7) feet wide.
    - b. Covered soil landscape areas specially designed to accommodate tree root growth are permitted with engineered design methods including structural soil, sidewalk support, and soil cells. A minimum tree opening of three (3) feet by three (3) feet is required. Minimum soil volume shall be seven hundred fifty (750) cubic feet per tree.
    - c. Open soil and covered soil planting hybrids connected to green space with root paths. Minimum soil volume shall be seven hundred fifty (750) cubic feet per tree. Green space area shall be included in soil volume calculations. Root paths may be used to connect to other covered soil landscape areas.
  3. Tree planting areas may be aggregated. Site corners may count as approved planting areas.
  4. If a pedestrian pathway is included as a component of a landscape island, the island shall be at least eleven (11) feet wide. The pathway shall be five (5) feet wide, with three (3) feet wide landscape areas.
- E. Administrative Departure. An Administrative Departure may be granted for the following requirements.
1. Parking screening requirements of this Section where alternative screening methods continue to substantially satisfy the standards of this Article. The Administrative Departure may also eliminate or modify the screening requirement in whole or in part for any side of a parking lot adjacent to an alley when that screening would serve no beneficial purpose or alternate screening methods are needed for the purposes of security.
  2. Soil volumes for interior landscape areas may be reduced to five hundred (500) cubic feet per tree where a unique site condition physically prohibits full compliance, it can be

demonstrated that the estimated crown spread of parking lot trees will be a minimum diameter of twenty-five (25) feet at full maturity, and/or root paths are connected between tree plantings to equal a larger soil volume.

**Section 8.02. – Fences, Walls, and Screening.**

A. Design. Fences, walls and screening are subject to the following:

1. The erection, construction or alteration of any fence, wall or privacy screen as defined herein, shall be constructed to meet all relevant codes.
2. Fences with barbed wire or concertina wire are only permitted in the Industrial District.
3. Fences with electrical current are permitted in the AG Agricultural and Industrial District.
4. Fences shall be made of high-quality, durable materials. The finished side of a fence or wall shall face outward toward abutting lots and rights-of-way.
5. Fences in residential zone districts shall consist of materials that are customarily found in residential settings such as a wooden privacy fence, ornamental metal or wooden picket fence, or coated chain link.
6. Walls shall be made of masonry, decorative block, poured concrete, brick, stone or other high-quality, appropriate material. The material used shall be compatible with material used in construction of the main building.
7. Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered a fence when they have the effect or accomplish the purposes normally associated with fences, such as creating privacy or separation.

B. Placement.

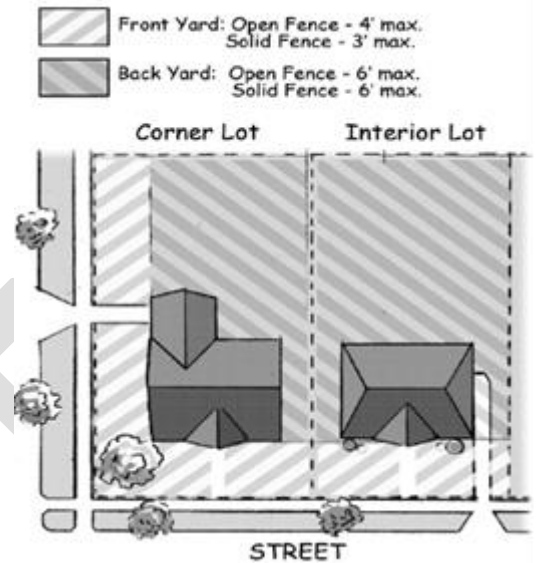
1. Fences, walls, and screens shall be outside of the public right-of-way and set back at least one (1) foot from the right-of-way line. Fences may otherwise be on the property line.
2. The footings of a wall cannot encroach on other properties or within the right-of-way.
3. Where underground utilities interfere with the placement of the wall or fence at the property line, in which case the fence or wall shall be placed on the utility easement line nearest the property line.

C. Height.

1. Measurement. The height of the fence or the wall shall be measured from the lowest ground level elevation at a distance from three (3) feet from each side of the wall or fence.
2. Front Yard. Open fences (decorative metal, chain link) shall not be taller than four (4) feet in a required front yard. Solid fences and walls shall not be higher than three (3) feet in a required front yard.

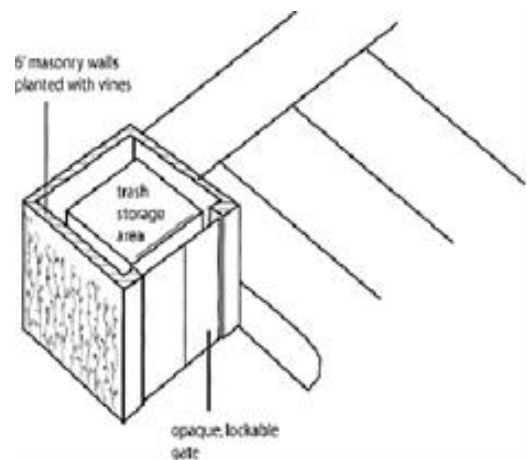


3. Side and Rear Yards. Fences and walls cannot be higher than six (6) feet in a required side or rear yards except as allowed below.
  4. Fences which enclose school grounds, playgrounds, tennis courts or other public areas may be erected to a height in excess of six (6) feet.
  5. Parcels located in the AG Agricultural and Industrial Districts may be up to ten (10) feet in height.
  6. Administrative Departure. A departure may be granted for up to six (6) inches to take into account post tops, site grade, or other considerations.
- D. Maintenance. Walls and fences shall be maintained in good repair and in safe and attractive condition, including but not limited to replacement of missing, decayed or broken structural and decorative elements with the same materials and removal of graffiti.



**Section 8.03. – Commercial Waste Enclosures.**

- A. Applicability. The requirements of this Section shall apply to all properties using a receptacle, other than a residential waste container, that is used for the purpose of waste removal, recycling, or reuse of household waste, household goods, clothing, or similar materials.
- B. Enclosure. All outdoor waste, recycling and compost receptacles, including grease barrels, shall be enclosed on three (3) sides and screened. The fourth side of the enclosure shall consist of a gate, made of wood, vinyl, or other high-quality material, as determined by the Village Manager or designee. If the waste receptacle is a dumpster, it shall have an enclosing lid or cover which shall remain closed when not in use.
- C. Materials. The enclosure shall be constructed of brick or decorative textured block wall and be consistent with the building materials of the main building. Steel or concrete bollards shall be installed to assist in the positioning of dumpsters and to protect the enclosure. Size. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed on six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater.





D. Placement.

1. Waste receptacles and enclosures shall be placed a minimum of twenty (20) feet from an adjacent residential use.
2. Waste receptacles and enclosures cannot be placed in the front yard.
3. Receptacles can be placed in the rear or side yard, not closer than three (3) feet to the lot line, unless otherwise approved by the Village Manager or designee where no other practical location is present.

E. Administrative Departure. An Administrative Departure for enclosure materials and the placement of an enclosure may be granted. In granting a waiver from the placement requirements, the Village Manager or designee shall take into consideration the proximity of adjacent residential structures, topography, natural features, existing screening or other barriers, and operational requirements for trash removal that would mitigate potentially adverse effects.

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## ARTICLE 9 – STREETS AND CONNECTIVITY

### Section 9.01. – Purpose and Intent.

The arrangement of streets shall be interconnected with each other and with streets on abutting properties in a systematic grid pattern. Street connectivity and continuity is necessary to circulate traffic, provide emergency service access, ensure network reliability and redundancy, develop a logical system to facilitate the movement of all transportation system modes and users, and sustainably and efficiently manage uses of land and the provision of utilities and public services. Connectivity, for the purposes of this Ordinance, refers to the structure of the transportation network of Lawton Village consisting of blocks, intersections, and connecting points.

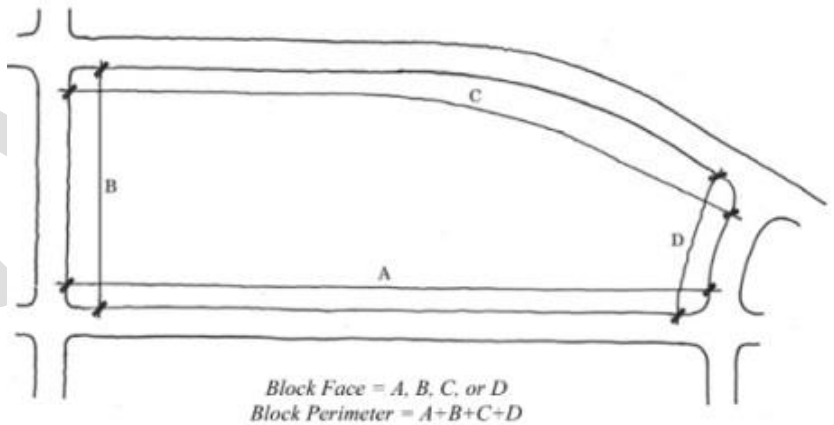
### Section 9.02. – Applicability.

Development shall occur using a combination of both the existing street network and new streets added to establish an improved circulation system. Streets may be public or private. Where existing streets are being improved, these standards along with the other standards overseeing such road development shall guide the design of the improvements.

### Section 9.03. – Blocks.

*Requirements.* The following requirements shall apply to ensure that Lawton’s street network develops as an interconnected network of streets.

- A. The street network shall be laid out in defined blocks to connect with one another.
- B. Where adjoining areas are not subdivided, the arrangement of streets shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
- C. A minimum of one stub street shall be provided for each 660 feet or fraction thereof along such property lines.
- D. No block perimeter, measured along the block face at the public right-of-way or private road easement, shall exceed 2,400 feet.
- E. Blocks should be designed so that at the terminus of street intersections, street alignment, or the curvature of a street produces "terminal vistas" of civic buildings, public art, play fields, meadows, wetlands, or other notable structures or natural features.
- F. Privately-held reserve strips controlling access to streets shall be prohibited.



### Section 9.04. – Street Intersections.

- A. Streets shall intersect as nearly as possible to 90 degrees and in no case less than 80 degrees. Curved streets, intersecting with primary roads, will have a tangent section of centerline 50 feet in length, measured from the right-of-way line of the primary road.
- B. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 200 feet from such opposite existing street, as measured from the centerline of said streets.

**Section 9.05. – Connections.**

- A. Streets shall connect to existing outlots in adjacent developments and shall provide outlots or other provisions for future connections to adjacent land that is presently undeveloped.
- B. Where adjoining areas are undeveloped and the street must temporarily dead-end, the right-of-way shall be extended to the property line to make provision for the future projection of street.
- C. Failure for a development to properly connect to logical street connections (public and/or private) may be detrimental to the mobility network and/or emergency response needs and can be the basis for project denial.

**Section 9.06. – Dead-End Streets.**

- A. A permanent dead-end street shall only be permitted where the topography of the area, lakes, streams, other natural features or existing adjacent development of the area causes practical difficulties or extreme hardship in connection and can be granted without creating any safety concerns. The applicant shall clearly provide evidence of hardship to be considered.
- B. A dead-end public right-of-way or private street easement (whether temporary or permanent) in excess of 660 feet in length, as measured from the nearest public right-of-way or private street easement to the dead-end street, shall be prohibited except as approved by the Planning Commission and an extension can be granted without creating a safety hazard.
- C. A cul-de-sac turnaround will be provided at the end of a permanent dead-end street or a temporary dead-end street (and associated temporary right-of-way). The Village may require an easement or a reservation of easement to accommodate drainage facilities, pedestrian access, or utilities. The Planning Commission may find a hammerhead “T” or a continuous loop layout acceptable to terminate a private dead-end street where public or private utilities are unaffected and sufficient space is provided for vehicle maneuvering.

**Section 9.07. – Private Streets.**

- A. *Purpose and Intent.* The purpose of this section is to provide access to residential, nonresidential, and site condominium developments, and as tracts of land are divided, sold, and transferred. The Village has determined it is in the best interest of the public health, safety, and welfare to regulate the design, construction, improvement, extension, relocation, maintenance, and use of private streets to ensure they provide for the safe passage and maneuverability of emergency vehicles and multiple public and private users; and that such streets are constructed of suitable materials to maximize their durability. Private streets may also help preserve safe and efficient traffic movement by providing reasonable access to public roadways.

- B. *Authorization.* Private streets shall be permitted where there is limited or no opportunity or potential to establish a public street or plat the land. Private streets shall not be constructed, extended or relocated without express written approval by the Village Manager or designee. If approved as a private street, the Village shall have no obligation or liability for the private street or maintenance thereof.
- C. *Agreement.* All improvements installed or constructed as required under the terms of this Ordinance shall be made and maintained at the expense of the property owner(s) or developer. The Village may enter into an agreement with the owner/developer of the private street that would also benefit the public and the Village for reasons of additional access, connectivity, and mobility.
- D. *Street Frontage.* All lots and parcels of land with access to a private street shall have frontage on the approved private street right-of-way equal to the minimum lot width requirement of the Zone District in which the lot is located.
- E. *Design.* Streets within the Village shall be designed as follows:
  - 1. The right-of-way shall be 66 feet.
  - 2. Each travel lane must be a minimum of 9 feet wide on residential streets and no more than 11 feet wide. On high-traffic streets lane widths may be 11 feet wide.
  - 3. Street trees shall be required to be planted every 35 feet within a 6-foot parkway/lawn and planted in accordance with Section 7.04 Landscaping.
  - 4. Sidewalks shall be provided on both sides of the street measuring 5 feet wide.
  - 5. On-street parking will be permitted.

**Section 9.08. – Non-Motorized Facilities.**

- A. Sidewalks shall not be less than five (5) feet in width and included within the dedicated non-pavement portion of the right-of-way on both sides of all roads within a plat, subdivision, site condominium, or multi-family development.
- B. *Slopes.* Non-motorized facilities shall be aligned horizontally and vertically with existing facilities on adjacent properties, and designed to maintain the existing direction and flow of storm water and to avoid damming or flooding
- C. *Sidewalks at Driveway Crossings.* Sidewalks shall be maintained across driveways and the driveway shall retain the elevation of the sidewalk.

**ARTICLE 10 - REVIEW, ADMINISTRATION, AND ENFORCEMENT**

**Section 10.01. – Site Plan Review and Approval.**

The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Village of Lawton in order to accomplish the developer’s objectives in harmony with the existing and prospective use and development of existing properties. It shall further be the purpose of this section to insure that each proposed development and its components, appearance, and function is in compliance with this Ordinance, other Village ordinances, along with state and federal laws. The site plan review procedures and standards of this section are intended to provide a consistent and uniform method of review for proposed development plans. Through the application of the following provisions the attainment of the development goals contained in the Village of Lawton Planning Commission will be assured.

**Section 10.02. – Site Plan Submission.**

- A. Submission of a site plan is not required in the following circumstances:
  - 1. Single family and two-family dwellings in residentially zoned areas.
  - 2. Accessory building or accessory dwelling unit in residentially zoned areas.
  - 3. Agricultural accessory buildings when located in agriculturally zoned areas.
- B. When a site plan is required: submission of a site plan is required for any of the following:
  - 1. Any development or use for which the submission of a site plan is required by the provisions of this Ordinance.
  - 2. Any proposal to change, replace with a different use, add a use on an existing site
  - 3. All condominium developments
  - 4. Wireless communication facilities
- C. Application process: An application for site plan review shall be made to the Village by filing not less than seven (7) copies of an application form and a detailed site plan with the Village Clerk at least thirty (30) days in advance of a regularly scheduled Planning Commission meeting. Fees are required to be paid in accordance with the fee schedule as established by the Village Council.
  - 1. The application shall contain:
    - a. The applicant’s name, address, and phone number
    - b. The address and parcel number of the property
    - c. A signed statement that the applicant is the owner of the property or has legal financial interest in the property
    - d. The name and address of owner(s) of record if the applicant is not the owner of record
    - e. Project description

- f. The gross and net acreage of all lots or parcels in the project
  - g. Existing zoning classification, land uses, and structures on the subject lots or parcel(s)
  - h. The name and address of the developer, site engineer, architect, and/or land surveyor
  - i. Project completion schedule/development phases
  - j. If in the opinion of the Village such information is necessary, written statements relative to project impacts on existing infrastructure and on the natural environment of the site and of adjoining lands
2. Site Plan Information: Each submittal for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing showing the entire site and all land within three hundred (300) feet of the site. The scale of the site plan shall not be less than 1 inch = 50 feet if site is less than three (3) acres, and 1 inch = 100 feet if the site is three (3) acres or more. If multiple sheets are used, each shall be labeled and the preparer shall be identified.
- a. The following information shall be included on the site plan:
  - b. Name of the development and general location sketch
  - c. Name, address, and phone number of owner(s), developer, site engineer, architect, and/or designer
  - d. North arrow, scale, and date of original drawings and revisions
  - e. A legal description and address of the site
  - f. The area of the site in square feet and acres excluding all existing and proposed rights-of-way
  - g. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is part of a larger parcel, boundaries of total land holdings shall be indicated
  - h. Existing topographic elevations at two (2) foot intervals, including ground elevations of all existing buildings and structures and any unusual surface conditions
  - i. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains and wetlands.
  - j. Any site amenities and unique features
  - k. Existing land uses and zoning classifications of the site and adjacent parcels
  - l. All required minimum setbacks from existing or proposed rights-of-way and from adjacent parcels

- m. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and any existing structures within three hundred (300) feet of the subject property
  - n. The location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, and driveway locations to abutting streets
  - o. Proposed finish grade of buildings, driveways, and parking lots
  - p. Proposed utility service
  - q. Proposed storm water management plan
  - r. Soil erosion and sedimentation control measures
  - s. Buffering or landscaping plan, if required
  - t. Notation of any variances which may have been or need to be secured
  - u. The phasing of all development
  - v. Approval of the local fire authority saying that the site plan provides sufficient access to buildings and structures by emergency vehicles
- D. Criteria for Granting Site Plan Approval: Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Village Planning Commission when reviewing site plan for a recommendation or an approval:
- 1. All elements of the site plan shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use.
  - 2. The site plan shall comply with the zoning district requirements for lot size, setbacks, and all other requirements set forth in this Ordinance.
  - 3. The existing natural landscape shall be preserved in its natural state as much as possible by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
  - 4. The site plan shall demonstrate how reasonable visual and sound privacy will be preserved.
  - 5. There shall be special attention given to proper site drainage. Appropriate measure shall be taken to insure that the site is properly drained and that the removal of all surface water will not adversely affect adjacent properties.
  - 6. All proposed streets and roads shall conform to Village of Lawton design standards.
  - 7. The site plan shall demonstrate how the site is served by water and sewage facilities.
  - 8. Any use permitted in any zoning district must comply with all applicable county, state and federal regulations relating to health, pollution, noise, smoke, fugitive dust, vibration, noxious and odorous matter, glare, head, erosion control, floodplains, wetlands, electromagnetic radiation, fire and explosive hazards, and toxic and hazardous materials.



Site plan approval may be conditioned on the applicant receiving the necessary county, state, and federal permits before final site plan approval or a building permit granted.

**Section 10.03. – Issuance of a Building Permit After Site Plan Approval.**

Complete construction plans including component phases, shall be submitted for review by the Village Building Inspector. Upon review and finding that the construction plans meet the requirements of site plan review and related construction code, the Building Inspector shall issue a building permit for the construction of the project.

Site plan approval shall be valid for one (1) year after the date of the approval by the Planning Commission. If the applicant does not obtain a building permit within one (1) year after the date of the approval, the site plan shall expire unless extended by a vote of the Planning Commission. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner and/or the applicant.

**Section 10.04. – Modification of an Approved Site Plan.**

Once a site plan has been approved, changes to an approved site plan shall require the resubmission and payment of the required application fee, unless it is determined that the changes involve ten percent (10%) or less change in the proposed building floor area or off-street parking. Each approved modification shall have the signatures of the applicant and the Building Inspector as well as the date of the modification.

**Section 10.05. – Special Use Review and Approval.**

- A. Application. The application for special use review shall be made on the forms and according to the guidelines provided the Village Clerk. Each application shall be accompanied by the following:
1. A site plan which shall include all the information required by Sec 8.02.
  2. A letter describing the proposed use of the property.
  3. Other information which the Planning Commission and the Village Council may reasonably deem necessary for adequate review.
  4. The application shall be submitted by the owner having an interest in land for which the special use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.



- B. Notice. Upon receipt of a complete application, site plan, and attachments, the Planning Commission shall send a notice of the public hearing at which the special use application will be considered. The notice shall be given not less than fifteen (15) days prior to the date of the meeting. The notice shall be published in a newspaper that circulates in the Village; and such notice shall be sent by mail to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to occupants of all structures within three hundred (300) feet of the property boundary regardless if the property is located in the Village of Lawton. The notice shall contain:
1. A description of the nature of the special use request.
  2. A legal description or address and/or an approximate sketch of the property which is the subject of the request.
  3. A statement of when and where the public hearing will be held to consider the request.
  4. A statement as to when and where comments will be received concerning the request.
- C. Planning Commission Recommendation. The Planning Commission shall review the application for the special use permit, together with any findings and reports and recommendations of Village consultants and other reviewing agencies. The Planning Commission shall make a recommendation to the Village Council for approval, approval with conditions, or denial of the special use request.
- D. Standards for Granting Special Use Approval. Upon receipt of the Planning Commission's recommendation the Village Council shall base its action on the following standards:
1. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
  2. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Village as a whole.
  3. The proposed special use shall be compatible with and in accordance with the general principles and future land use configuration of the Village Land Use Plan and shall promote the intent and purpose of this Ordinance. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
  4. The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
  5. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

6. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
  7. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  8. The hours of operation of the proposed use. Approval of a special use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses
- E. The location of the proposed special exception use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
1. Proximity and access to major thoroughfares.
  2. Estimated traffic generated by the proposed use.
  3. Proximity and relation to intersections.
  4. Location of and access to off-street parking.
  5. Required vehicular turning movements.
  6. Provision for pedestrian traffic.
  7. The proposed special use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
  8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
  9. The proposed use shall be compatible with the natural environment.
- F. Recording of Village Council Action. The Village Council shall have sixty (60) days to act on the application following the recommendation from the Planning Commission. Each action taken with reference to a special use proposal shall be duly recorded in the minutes of the Village Council. The minutes shall record the findings of fact relative to each special use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.
- G. Effective Duration of Special Use Approval. Special use approvals shall run with the land but may be issued for specified periods based upon the impacts of the proposed use to surrounding property.
- H. Amendments to Special Uses. When an application is received to expand or change the use, traffic pattern, or other elements of a special use, the application shall be subject to the same procedures followed for an original special approval of land use. The denial of an application to amend an existing special use permit shall not nullify or cause to prohibit the applicant from

continuing to operate in compliance/conformance within the specifications of the original (existing) special use permit approval.

- I. Revocation of Special Use Approval. Approval of a special use permit and site plan may be revoked by the Village Council if construction is not in conformance with the approved plans.

**Section 10.06. – Site Condominium Development Standards.**

- A. Purpose and Scope. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for the purpose of this Ordinance and other applicable laws, ordinances, and regulations.
  1. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.
  2. Subject to the district zoning provisions applicable to the project’s location, any land use permitted by the Village of Lawton Zoning Ordinance may be permitted in a site condominium project.
  3. The purpose of this Section is to ensure that the plans for developments within the Village of Lawton proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, as amended shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It is further the intent of this Section to ensure that such development is in conformance with the requirements of this Ordinance, other applicable Village ordinances and state and federal regulations.

**Section 10.07. – Site Condominium Review and Approval Procedures (Step I Review).**

- B. Application for review and approval of a site condominium subdivision shall be in accordance with the following procedures:
  1. Prior to the formal application for a site condominium development, the developer shall meet with the Public Works Village Manager or designee and the Planning Commission. The purpose of these meetings is to inform the Planning Commission of the applicant’s intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the Village for distribution to all Planning Commission members.
  2. A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.

3. A statement regarding the provision of sewer service and water supply.
- C. During the preliminary discussion meeting, the Planning Commission based on the information available to it, shall inform the applicant of the following:
1. General requirements of this Section and other applicable provisions of this Ordinance.
  2. Planned or anticipated sites of parks and recreation areas and other public uses.
  3. Utility system capabilities.
  4. Planned or anticipated public improvements, including streets, utility extensions, and the like.
  5. Street plans and potential problems relative to the natural features of the area, including, but not limited to floodplains, soil conditions, topography, and groundwater tables.
  6. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward the final approval of the site condominium project.
- D. This review is intended for information purposes only and does not constitute binding commitments on the part of the Village. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.
- E. Following preliminary review, the applicant shall submit the site condominium subdivision plans to the following agencies for their approval:
1. Michigan Department of Natural Resources and Environment
  2. Van Buren County Drain Commissioner
- F. Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.

**Section 10.08. – Site Condominium Review and Approval Procedures (Step II Review).**

- A. An application for preliminary review of a site condominium subdivision project shall be made to the Village along with the appropriate fees as required by the Village. The application shall, at a minimum, contain the following information:
1. Application for certificate of zoning compliance, which upon issuance, shall ensure that the project, as proposed, is capable of being developed in conformity with the standards and regulations applicable to the zoning district in which the project is located, subject to the customary procedures applicable to Village approvals of individual uses on individual building sites.
  2. The applicant's name, address, and phone number.
  3. Proof that the applicant is the owner of the property or has the legal or financial interest in the property such as a purchase agreement.

4. The name, address, and phone number of the owner(s) of record, if different from that of the applicant.
  5. The legal description, address and tax parcel number of the property.
  6. Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing, etc.
  7. Gross and net size of the parcel in acres.
  8. Written comments and/or approvals from the above list of agencies resulting from their review of the site condominium subdivision plans, as applicable.
  9. A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
  10. A copy of any preliminary agreements which may be required before final plan approval is granted.
  11. A copy of the proposed master deed of the project and the supportive information which is intended to be recorded with the County Register of Deeds as required by state law.
- B. The applicant shall provide at least ten (10) copies of the preliminary site condominium project plan and additional copies if deemed necessary by the Village. The plans at the time of their submittal shall contain the information required for preliminary site condominium plan as required by this Ordinance.
- C. The application and plans shall be submitted at least thirty (30) days before the next regularly scheduled meeting of the Planning Commission.
- D. Upon receipt of the preliminary site condominium project plans, the Village shall forward one copy to each member of the Planning Commission, for consideration at the next regularly scheduled meeting of the Planning Commission.
- E. The Village shall notify by mail, all the members of the Planning Commission, that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of said hearing shall be given at least fifteen (15) days prior to the hearing by one (1) publication in a newspaper of general circulation in the Village and by notice by mail to each public utility company within the geographical sections or divisions of the Village affected by the proposed development. Notices of said hearing shall also be sent, not less than fifteen (15) days prior to the date fixed therefore, by mail to the applicant and to all owners within three hundred (300) feet of the subject property. The Village shall also give such notice of the meeting as required by the Open Meetings Act. In reviewing the preliminary plan, the Planning Commission shall give particular attention to all information required to accompany the submission, in particular the deed restrictions and covenants, in order to determine that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the preliminary plan meets the requirements of this Ordinance and all other applicable local, state, county, and federal regulations, the Planning Commission shall grant it preliminary approval.

- F. If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:
  - 1. Recommend denial of the preliminary plan, setting forth the reasons in writing, or
  - 2. Recommend granting of preliminary plan approval contingent upon completion of the revisions as noted.
- G. Setbacks and Boundaries. The set back requirements for condominium buildings shall follow the Zone District requirements.
- H. Common Elements. After construction of a condominium unit, the undeveloped area of a unit shall become a common element.
- I. Encroachment. A condominium project shall not be constructed in a manner that intentionally creates an encroachment.
- J. Subdivision of Unit Sites. Subdivision of condominium unit sites is permitted following Planning Commission review and approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on the conditions of zoning or development plan approval, and shall be made as part of the by-laws and recorded as part of the master deed.
- K. Conformance with Subdivision Regulations. All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established within this Ordinance.
- L. Water and Waste Water. The condominium project, larger than eight (8) units, shall comply with and meet all federal, state, county, and village standards for a fresh water system and waste water disposal.
- M. Expansion and Conversion. Prior to expansion or conversion of a condominium project to additional land and new phases, it must be reviewed and approved by the Planning Commission.
- N. Master Deed. The project developer shall furnish the Village with one (1) copy of the proposed consolidated master deed, one (1) copy of the by-laws, and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this Ordinance to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements.
- O. As-Built Plans and Occupancy. Submission of an as-built plan of a condominium unit is required prior to occupancy. The Building Inspector may allow occupancy of the project before all improvements required are installed provided that an escrow is submitted to the Village, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Village. The amount and form of the escrow shall be determined by the Village Council.
- P. Final By-Laws, Consolidated Master Deed, and Site Plan. Upon approval of the development, the applicant shall furnish the Village a copy of the by-laws and consolidated master deed. The

development plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

- Q. Compliance with other Statutes and Ordinances. All condominium projects shall comply with pertinent federal, state, and local laws, statutes, and ordinances.

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## ARTICLE 11 – ZONING BOARD OF APPEALS

### Section 11.01. – Authority.

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

### Section 11.02. – Membership.

The Village Council shall serve as the Zoning Board of Appeals. In the event a member of the Village Council is replaced through election or other means, their replacement shall automatically fill the vacancy on the ZBA.

### Section 11.03. – Organization.

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

- A. The Village President shall preside as Chair of the ZBA. The ZBA shall elect a Vice-Chair and Secretary annually from its membership.
- B. All meetings of the ZBA shall be held at the call of the Chair at such times as the ZBA may determine.
- C. The ZBA shall render decisions upon all matters within a reasonable time.
- D. The ZBA may distribute the application materials to the Village Manager or designee or other designated Village consultants to review the application and provide a report to the ZBA 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 ZBA may request that any or all of the following information be provided to the ZBA by the Village Clerk or County Building Official, 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 issues to be addressed by the ZBA.
- F. A concurring vote of a majority of the total ZBA membership shall be necessary to render a decision. The ZBA 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 ZBA 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 11.04. – Applications.**

Applications to the ZBA 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 number, and email address.
- 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 ZBA to make a determination on the issue in question.

**Section 11.05. – Appeals of Administrative Decisions.**

The ZBA 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 ZBA 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 twenty-one (21) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the County Building Official certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the County Building Official would cause imminent peril to life or property.

The ZBA 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 11.06. – Interpretations and Variances.**

- A. The ZBA 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. This shall not include use determinations as provided for in this Ordinance, except upon appeal of a determination that has been made.

- B. In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority, upon referral by the Village Manager or designee or appeal of the Village Manager or designee's determination, 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 ZBA 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 ZBA may make a determination that the use is or is not similar to a use listed in this Ordinance.
  3. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited.
  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.
- C. Variances. The ZBA shall have authority in specific cases to authorize one or more dimensional or "nonuse" variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance.
1. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:
    - a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
    - b. The variance will do substantial justice to the applicant, as well as to other property owners.
    - c. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

- d. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, and cannot be solely economic in nature.
- e. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

**Section 11.07. – Exceptions.**

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

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## ARTICLE 12 – AMENDMENTS AND REPEALS

### Section 12.01. – Purpose.

This Article is intended to provide the process for amending this Ordinance as new circumstances or uses arise, areas change in character, or other conditions warrant a change to the text of this Ordinance or a change in the official Zoning Map.

### Section 12.02. – Applicability.

An amendment to the text of this Ordinance or Zone District boundaries may be initiated by the Village Council, the Planning Commission, or an owner or person having a legal interest in property in the Village.

### Section 12.03. – Application Procedures.

- A. An application shall be filed with the Village for any proposed amendment to this Ordinance. At a minimum, the following materials shall be provided.
- B. Applications shall be submitted on a form provided by the Village, completed in full and signed by the applicant, and shall include a detailed description of the proposed amendment and certify the accuracy of the information.
- C. For Zoning Ordinance text amendments, a copy of the existing language, the language of the proposed change(s), and the reason(s) for the requested change.
- D. For Zoning Map amendments:
  1. The current and requested Zone District.
  2. The following site and related information.
    - a. Locations of vehicular access, including public and private roads, and private access easements;
    - b. Distance to road centerlines and right-of-way widths of all abutting streets and alleys;
    - c. Location of natural features such as existing drainage courses, wetlands, flood plains, streams, wood lot, and steep slopes;
    - d. All existing easements or rights-of-way;
    - e. Location, size, and/or capacity of all existing utility lines abutting or entering to service the site.
    - f. A detailed statement of how the proposed amendment complies with the applicable review standards in
    - g. Any additional information required by the Village Manager or designee, Planning Commission or Village Council to assist in its review.

### Section 12.04. – Review Procedures.

- A. Application Completeness. Upon acceptance of a complete application, the Village Manager or designee shall assign the application a public hearing date and time.
- B. Planning Commission Public Hearing. The Planning Commission shall hold a public hearing.
- C. Recommendation to Village Council. Following the public hearing, the Planning Commission shall make its recommendation to the Village Council, including a summary of the comments from the public and findings on the review standards used in making its recommendation.

**Section 12.05. – Review Standards.**

- A. Text Amendment. For a change to the text of the Zoning Ordinance, the Planning Commission shall consider, and the Village Council may consider, whether the proposed amendment meets the following standards.
- B. Master Plan/Zoning Ordinance. The proposed amendment:
  - 1. Is consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including those of the proposed Zone District.
  - 2. Will enhance the functionality or character of the future development in the Village.
  - 3. Environment. The proposed amendment will enhance the natural features and environmental integrity of the Village.
  - 4. Public Facilities. The proposed amendment will protect the health, safety, and general welfare of the public.
- C. Other. Whether the proposed amendment:
  - 1. Is needed to correct an error or omission in the original text; or
  - 2. Will address a community need in physical or economic conditions or development practices; or
  - 3. Would not result in the creation of significant nonconformities in the Village.
- D. Zone District (Zoning Map) Amendment. For a change to a new Zone District, the Planning Commission shall consider, and the Village Council may consider, the following standards.
  - 1. Master Plan/Zoning Ordinance. The proposed Zone District designation is consistent with purpose and intent of the Master Plan, including the Future Land Use Map.
  - 2. The proposed Zone District designation will further the themes and objectives of the Master Plan, as well as any relevant adopted plans of the Village.
  - 3. Any property to be rezoned can reasonably accommodate the requirements of the proposed Zone District.
  - 4. Neighborhood. The proposed new Zone District is compatible with the Zone District(s) in the neighborhood.

5. Environment. The physical, geological, hydrological and other environmental features of the property to be rezoned are compatible with the full range of uses in the proposed Zone District.
  6. Public Facilities District. Adequate public facilities already exist or will be provided at no additional public cost, and will safeguard the health, safety, and general welfare of the public. The proposed Zone District will not be detrimental to the financial stability and economic welfare of the Village.
  7. Other. The proposed Zone District is consistent with the trend of development in the neighborhood. The property to be rezoned was improperly zoned or classified when this Ordinance was adopted or amended.
  8. The effects on the condition of any nearby parcels currently zoned in a Mixed-Use Commercial Zone District, especially considering existing vacancy rates, current per-square-foot lease or sale rates, and other conditions.
- E. Village Council Decision.
1. Upon receipt of the recommendation of the Planning Commission, the Village Council may hold a public hearing in accordance with the Zoning Act prior to taking action on the proposed amendment
  2. Following a public hearing, if held, at a date determined by the Village Council, the Commission shall approve, approve with modifications, or deny the proposed Zoning Ordinance amendment by a majority vote of its members. The Village Council shall state the reason(s) for its decision for the minutes.
  3. Effective Date. Upon adoption of a Zoning Ordinance amendment, notice of adoption shall be published in accordance with the requirements of the Zoning Act. The Zoning Ordinance amendment shall take effect thirty-one (31) days after the date the Village Council adopted the amendment, unless otherwise provided by the Village Council.
- F. Duration of Approval. All amendments to the Zoning Ordinance are final.
- G. Resubmission. Following the final action of a denial by the Village Council on a Zone District amendment, no further applications shall be considered for any part or all of the same property for at least one (1) year from the date of the Village Council's action, with the following exception.
1. If a Zone District amendment was denied, the Village Council may reconsider the amendment if a Village Council member on the prevailing side makes a motion for reconsideration and it is passed at the meeting at which the denial decision was made. The vote on the reconsideration of the original action shall not be held later than the next regularly scheduled Village Council meeting.
  2. The time limit on reconsiderations may be waived by a majority vote of the Village Council when it is deemed necessary to facilitate the proper development of the Village,



and when the Village Council finds that there has been a substantial change in circumstances since the original vote on the Zone District amendment.

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## ARTICLE 13 – SIGNS

### Section 13.01. – Purpose and Intent.

- A. The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, welfare, and traffic safety. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual business, deterioration and blight of the business and residential areas of the Village, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:
1. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
  2. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
  3. To keep signs within a reasonable scale with respect to the buildings they identify;
  4. To reduce visual distractions and obstructions to motorists traveling along, entering or leaving streets;
  5. To promote a quality manner of display which enhances the character of the Village;
  6. To prevent the proliferation of temporary signs which might promote visual blight; and
  7. Promote economic development by allowing a fair opportunity for each property owner to attractively display their message in a clean and clear way.

### Section 13.02. – General Requirements.

- A. Permit Required: Prior to the erection or structural alteration of sign, a zoning permit shall be secured from the Village Manager or designee. Exceptions to the permit requirements of this subsection shall include:
1. Address signs bearing only the property numbers, post box numbers, name of occupants, or other identification of the premises, limited to one (1) per building entrance and two (2) square feet of area.
  2. Historical signs designated by the state or federal government, limited to ten (10) square feet per parcel.
  3. Government signs erected on behalf or pursuant to the authorization of a government body, including street signs, legal notices, informational signs, and regulatory signs.
- B. Design And Condition: All signs and sign structures shall be properly maintained and kept in a good state of repair.

- C. Right-Of-Way: No sign shall be placed in the right-of-way except permitted awning, canopy and marquee signs with approval by the agency managing the right-of-way. Small temporary signs in the NMU and DMU districts may be placed on the sidewalk during business hours in accordance with the provisions of this section, and provided the small temporary sign still allows four (4) feet of unobstructed sidewalk clearance.
- D. Clear Vision Area: No sign above three (3) feet shall be placed in any required clear vision area.
- E. Traffic Interference: No sign shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic
- F. The standards in this section shall not be applicable to any sign not visible from a public right-of-way.

**Section 13.03. – Signs Regulated by Zoning District.**

**A. Signs Permitted in the CBD District.**

- 1. The total wall sign area for an occupied parcel of property in the CBD District shall not exceed one (1) square foot per two (2) feet of building frontage with the total sign area not to exceed forty-five (45) square feet of wall sign advertising for each frontage.
- 2. Any building may have one (1) canopy or awning sign (not the total area of the canopy or awning) with the lettering not exceeding twelve (12) inches in height. The sign shall be printed on or within the perimeter of the face or valance of the canopy or awning. The lowest portion of the canopy or awning shall not be less than eight (8) feet above the sidewalk or grade.
- 3. One (1) projecting sign is permitted per building frontage with a maximum area of twenty-five (25) square feet. A projecting sign shall not exceed the height of the building and cannot be lower than eight (8) feet from its lowest point to the sidewalk or grade.
- 4. One (1) freestanding sign may be allowed per premises. Such signs shall not exceed twenty (20) feet in height and sixty-four (64) feet in area or one (1) square foot per two (2) lineal feet of lot frontage, whichever is less. Freestanding signs may be located in the required front yard, provided that no portion of the sign shall be closer than ten (10) feet to any existing or planned right-of-way. No portion of any sign shall be located within a required side yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road.
- 5. In addition to the signs listed in 1-4, wall signs may be erected on the rear or parking lot side of a building not exceeding one-half (1/2) square foot for each lineal foot of the rear length of the principal building(s), provided that the total sign area shall not exceed thirty-two (32) square feet.

6. Time, message, and temperature signs shall be permitted provided that the message shall be displayed not more than every five (5) seconds. The area of such signs shall not be included as part of the area of a freestanding sign.
7. Sandwich board signs may be permitted, subject to the following conditions:
  - a. A maximum of one (1) sandwich board sign per individual retail use or service business (including restaurants) is permitted.
  - b. Signs shall be permitted sign face of five (5) square feet per sign face.
  - c. Signs shall be permitted a maximum sign face width of 2.75 feet measured between the sign legs.
  - d. Signs shall be permitted a maximum sign height of 4.5 feet measured from the ground to the top of the sign.
  - e. Sign bases shall be weighted with a maximum of ten (10) pound ballast to insure stability in windy conditions.
  - f. Signs shall be placed a minimum of ten (10) feet from the base of another sandwich board sign for an adjoining business.
  - g. Signs must be portable and cannot be permanently affixed to any structure or sidewalk, and must be removed from the public right-of-way at the end of each business day.
  - h. Signs shall be placed on sidewalks with a minimum of ten (10) feet in width.
  - i. Signs shall be placed a maximum distance of two (2) feet from the front wall of the advertised business.
  - j. Signs shall be placed so as not to obstruct doorways, crosswalks, and other physical features of the location that affect accessibility and safety.
  - k. Signs shall be placed a minimum of forty-eight (48) inches from all obstructions within the sidewalk right-of-way including newspaper boxes, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.
8. Permanent banner signs may be permitted, subject to a special use permit and in accordance with the following conditions:
  - a. All proposed banner signs shall be subject to review by the Planning Commission to insure compatibility within the building(s) to which the banner(s) will be attached.
  - b. Signs shall exceed not one (1) per every twelve (12) feet of building frontage.
  - c. Banner signs shall not project more than thirty (30) inches from the face or wall of the building.
  - d. There shall be a minimum of ten (10) feet clearance between the bottom of the banner and the sidewalk.

- e. The maximum size of the banner shall not exceed seventy-two (72) inches by twenty-four (24) inches.
- f. The Planning Commission may attach any reasonable conditions to the issuance of the special use permit as it considers necessary for the general appearance of the Central Business District.
- g. Issuance of a special use permit for banner signs does not preclude the use of temporary banners for special events, such as grand openings.

**B. Signs Permitted in the General Business Zone District**

- 1. The total wall area of an occupied parcel in the GB District shall not exceed one (1) square foot per two (2) feet of building frontage with the total sign area for any parcel not to exceed forty-five (45) square feet.
- 2. One freestanding sign may allowed per premises. Such a sign shall not exceed twenty (20) feet in height and sixty-four (64) square feet in area or one (1) square foot per two (2) lineal feet of lot frontage whichever is less. Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be closer than ten (10) feet to an existing or planned right-of-way. No portion of any such sign shall be located within the required rear yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road.
- 3. In addition to the signs allowed in paragraphs 1 and 2, wall signs may be erected on the rear or parking lot side of a premises not exceeding one half square foot for each lineal foot of the rear length of the principal building(s), provided that the total sign area shall not exceed thirty-two (32) square feet.
- 4. For each premises, an additional area of interior signs shall not exceed twenty-five percent (25%) of the total area of any window shall be permitted, provided that no one sign shall exceed twenty (20) feet.
- 5. Gasoline service stations shall be permitted signs on each pump island indicating the prices, types of gasoline, and the type of service. The aggregate area of such signs shall not exceed ten (10) square feet per pump island. In no case shall the total area of all such signs exceed one hundred twenty (120) square feet.
- 6. Time, temperature, and electronic message signs shall be permitted provided that the message shall not be more than one every five (5) seconds. The area of such sign shall be included as part of the area of the freestanding sign.

**C. Signs Permitted in the Industrial Zone District.**

- 1. One (1) wall sign may be erected per building face up to sixty (60) square feet or ten percent (10%) of the façade area of the building whichever is less.

2. One (1) freestanding sign may be erected provided that said sign does not exceed sixty-four (64) square feet per side. Such sign shall have a height of no more than twenty (20) feet above the established grade and be erected no closer than ten (10) feet from any existing or proposed right-of-way and no closer than twenty (20) feet from any side lot line.
  3. In addition to signs permitted in paragraph 1, one wall sign shall be permitted for each tenant having an individual means of entranceway into the side or rear of a building. Such sign shall not exceed six (6) square feet and shall not be erected not less than four (4) feet or more than twelve (12) feet above the established grade.
  4. Interior sign which are visible from any public right-of-way, alley, or adjacent property are prohibited.
  5. Directional signs up to six (6) square feet, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than five (5) feet or any property line.
- D. Signs Permitted in the Agricultural Zone District. In the AG District, in addition to an identification sign not exceeding two (2) square feet, two (2) signs, each which shall not exceed twenty (20) square feet, may be permitted that advertise the sale of agricultural produce or products raised on the premises.
- E. Signs for Non-Residential Uses in Residential Districts. Non-residential uses (schools, churches) permitted in residential districts may be permitted one (1) ground sign or one (1) base mounted ground sign or one (1) double inside post ground sign not to exceed sixty-four (64) square feet. The sign shall be set back a minimum of ten (10) feet from any property line or proposed right-of-way. Signs may incorporate changeable messages. Temporary banners promoting special events may also be permitted.
- F. Subdivision and Development Signs. In all residential districts, one (1) subdivision or development entrance sign per vehicular entrance may be permitted on private property in compliance with the corner clearance provisions of this Ordinance and shall not exceed thirty-six (36) square feet in area, with a height of six (6) feet above grade. All subdivision and development signs shall be located no closer than ten (10) feet to any property line or proposed right-of-way. The Planning Commission shall review and approve or deny the placement and size of the sign as part of the site plan review process.

**Section 13.04. – Special Event Signs.**

- A. Civic, nonprofit, and religious organizations may erect temporary signs announcing special events after completing a sign permit application for a special event. The application shall contain the following information
1. Name of the organization sponsoring the event.
  2. Name and date of the event
  3. Duration of the event

4. The number of temporary signs that will be erected
  5. The date the signs will be erected and removed
  6. The name of the person completing the application.
- B. Signs shall not exceed twelve (12) square feet and shall not be permitted in any public right-of-way. Special event signs may be erected up to five (5) days before the event and must be removed within twenty-four (24) hours after the event. Each organization may be permitted a total of four (4) special events within a calendar year.
- C. The Village Clerk shall have the authority to approve temporary event sign permit applications.

**Section 13.05. – Sign Measurements.**

A. Surface Area.

1. Signs shall not exceed the maximum allowable area permitted in this section for sign type and district or use. When not limited to one sign of a specific type, the maximum area shall be determined by the cumulative total of all the signs of a specific type.
2. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
4. Signs that consist of, or have attached to them, one or more three dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. Only one (1) face of a double-sided sign will be used to determine the area of the sign.
6. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than 90° the sign area is the sum of both sign faces; otherwise, the area is the same as for double-sided signs.

B. Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade at the base of the sign.
2. Clearance for projecting, awning, and canopy/marquee signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and the zoning district or use in which the sign is located.



**Section 13.06. – Illumination.**

- A. Internal and external illumination of signs shall be permitted for all signs except where limited or prohibited in this section, subject to the following:
  - 1. All illumination shall be concentrated on the area of the sign or landscape feature and directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property.
  - 2. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed underground in accordance with the National Electrical Code.
  - 3. All illumination shall emit light measuring 3,000 K or warmer (between 0 K and 3,000 K) on the Kelvin scale and shall not exceed 800 lumens.
  - 4. Internally illuminated signs shall have a dark background and light lettering.
  - 5. No sign shall include reflective materials.

**Section 13.07. – Prohibited Signs.**

The following signs shall be prohibited in the Village:

- A. Signs encroaching rights-of-way without road agency approval.
- B. Signs incorporating any manner of flashing, strobe, or moving lights, with the exception of approved electronic message signs.
- C. Animated Signs: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable or electronic message signs as defined and regulated by this code, include the following types:
  - 1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, feather flags, and/or other devices or displays that respond to naturally occurring external motivation.
  - 2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
  - 3. Flashing: Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. Flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds one (1) hour.
- D. Signs on park-type benches, trees or utility poles
- E. Abandoned signs
- F. Inflatable signs
- G. Roof signs

- H. Pole- or pylon-mounted signs, except associated with the installation of an approved billboard sign.
- I. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within.
- J. Any sign unlawfully installed, erected or maintained.
- K. Signs that completely block the view of other signs.
- L. Any additional signage for a business that has an existing nonconforming sign.
- M. Signs displayed on umbrellas or table coverings used in association with outdoor dining areas.

**Section 13.08. – Nonconforming Signs.**

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- A. Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign.
- B. Re-established after its discontinuance for two hundred and ninety (90) days.
- C. Continued in use after cessation or change of the business or activity to which the sign pertains.
- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50%) percent of the appraised replacement cost, as determined by the Village Manager or designee.

**Section 13.09. – Computation of Sign Area.**

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- A. Single sign face: The total area of a single face sign shall be computed as the number of square feet within any single or combination of geometric shapes, such as square, triangle, rectangle, or circle encompassing the extreme limits of a letter(s), word(s), message(s), emblem(s), or similar figure(s), including open spaces together with any frame or other material forming an integral part of a display used to differentiate such sign from the background against which it is placed.
- B. Double face sign: For a double face sign having two (2) faces of equal size arranged and positioned back-to-back, parallel to each other with no more than a two (2) foot space between the faces, the area of the sign shall be computed as one half (1/2) the total area of the two (2) faces. When the faces are of unequal area, the area shall be computed as the total area of the largest face.
- C. Three dimensional signs: For signs that are designed as a three dimensional geometric form such as a sphere, cone, cylinder, or cube, the area shall be computed as one half (1/2) the total surface of the geometric form.

**Section 13.10. – Permits.**

- A. Sign erector permit: It is unlawful for any person to construct, erect, re- erect, move, alter, enlarge, or illuminate any sign in excess of thirty-two (32) square feet unless a permit is first obtained from the Village of Lawton. Any sign that requires the use of electricity requires a permit regardless of size.
- B. Permit application: Applications for sign permits shall be completed on a form supplied by the Village for this purpose and shall contain the following information:
1. Name, address, and phone number of the applicant.
  2. Location of the building, structure, or lot in which the sign is to be placed or attached.
  3. Position of the sign on the building, structure, or lot which the sign is to be attached.
  4. Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way, existing or proposed.
  5. Zoning district in which the sign is to be placed.
  6. Two (2) copies of sign plans and specifications for the method of construction and attachment to the building or ground. The sign plans shall include all pertinent data including the highest point, low point clearance, face outline, and total face area with the method of calculation.
  7. Name and address of sign erector.

## ARTICLE 14 – DEFINITIONS

### Section 14.01. – Interpretation.

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

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

### Section 14.02. – Definitions.

*A*

**ACCESSORY DWELLING UNIT** – An incidental and subordinate dwelling unit which provides living quarters for one (1) individual or a family that is on the same lot, but is separate from the primary dwelling unit and contains, but is not limited to, a kitchen, bathroom, and sleeping quarters.

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

**ADULT DAY CARE FACILITY:** A facility which provides daytime care for any part of a day but less than twenty-four (24) hour care for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home. Such facilities are not licensed; however those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

**ADULT USE:** Any commercial or recreational establishment which at all times excludes minors by virtue of age, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios, and eating and drinking places with sexually-oriented entertainment.

**AGRICULTURAL USE:** A use of any land, building, or structure used for a purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl or other crops and animal husbandry.

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

**ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers

**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 human (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.

**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, signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

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

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

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

**AREA, GROSS SITE:** The total area of a planned unit development site including flood plains and water bodies.

**ASSISTED LIVING:** The provision of independent residential care in either a free standing facility or part of a nursing home wherein seniors are given help with daily living and medications.

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

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

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

Minor Repair: Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

Major Repair: Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

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

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

overhauling, steam cleaning, rustproofing, high-volume of motor vehicle washing or sales of new or used cars, trucks, motorcycles or other land vehicles.

**AUTOMOBILE WASH ESTABLISHMENT:** An activity or building, or portion thereof, the primary purpose of which is that of washing motor vehicles, either with self-service mechanisms or with the use of an automated conveyor system.

***B***

**BANK:** An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange.

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

**BED-N-BREAKFAST INN:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation by the owners and residents therein, said facilities may include meal service.

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

**BERM:** A mound of earth used to shield, screen, and buffer undesirable views and separate incompatible land uses.

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

**BILLBOARD (OFF PREMISE SIGN):** Any non-accessory advertising sign, device, design, words, letters, number or trademark which makes anything known to the general public and may be the principal use of the lot or parcel on which it is located.

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

**BOAT:** Boats, floats, rafts, and the attached normal equipment to transport the same on highways.

**BUFFER ZONE:** A strip of land often required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

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



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

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

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

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

**BUILDING HEIGHT:** The vertical distance measured from the mean average ground level at the front building line to the highest point of the roof surface in the case of a flat roof; to the deck line of mansard roofs; to the mean height level between the eaves and ridge of gable, studio hip and gambrel roofs; and 75 percent of the height of an "A" frame. Chimneys, spires, antenna, and similar projections other than signs shall not be included in calculating building height.

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

**BUILDING PERMIT:** The written authority issued by the building inspector permitting the construction, removal, moving, alteration, demolition, or use of a building in conformity with the provision of this Ordinance

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

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

**BUMPER BLOCKS:** Concrete or cement cast units located at one end of each parking space, designed to protect buildings, walls, fences, sidewalks or landscaping from damage by vehicles.

## **C**

**CAMPER, PICK-UP:** A recreational unit designed to be mounted on a pick-up or truck chassis, with sufficient equipment to render it suitable for use as a temporary lodging for travel, recreational, and vacation uses.

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

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the building inspector, after final inspections, indicating his or her opinion that all the provisions of this Ordinance are being complied with and met. No building or structure or use for which a building permit has been issued shall be occupied until the building inspector has, after final inspection, issued a Certificate of Occupancy (CO). The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance

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

**CHURCH, MOSQUE, OR SYNAGOGUES:** Any structure wherein persons regularly assemble for religious activity including customary ancillary or accessory uses and activities.

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

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

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

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

**CLUSTER HOUSING:** A group of buildings and especially dwellings built close together to form relatively compact units on a sizeable tract in order to preserve open spaces and environmentally sensitive areas larger than the individual yards for common recreation.

**COMMERCIAL CENTER, PLANNED:** A business development under single ownership consisting of two (2) or more retail or service outlets characterized by common architecture, a pedestrian and vehicle circulation system, and off-street parking.

**COMMERCIAL, VEHICLE:** A truck or motor vehicle with cab and chassis and with a stake rack body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of 9 feet.

Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

**CONDOMINIUM:** A system of separate ownership of individual units and/or multiple unit projects according to Public Act 59 of 1978, as amended.

**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, time-share unit, or any other type of use.

**CONVALESCENT HOME:** See NURSING HOME.

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

**D**

**DAY CARE:**

**Day Care Center:** A facility other than a private residence receiving more than six (6) pre-school, school age children, or elderly adults for group day care for periods of less than twenty-four (24) hours a day.

**Day Care Home:** A private residence in which not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or guardian.

**DECK:** An open, horizontal platform attached to the principal residential structure and that is used for outdoor leisure or recreational activities.

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

**DETENTION FACILITY:** A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle. A Retention Facility is a facility designed to hold storm water run-off permanently

**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.

**DEVELOPMENT PLAN:** A scaled drawing which shows the existing conditions, the location and dimensions of improvements upon a parcel of land, including but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, and drainage facilities, environmental features, and other elements required herein as applicable to the proposed development to ensure compliance with this Ordinance.

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

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

**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 the motor vehicles. Examples include but are not limited to, restaurants, cleaners, banks, and theaters.

**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-premises may be facilitated.

**DRIVEWAY:** An improved area of gravel, asphalt or concrete on a lot or parcel intended for access to a rear yard, side yard or an accessory building. Driveways in single and two family residentially zoned areas may be used for off-street parking of licensed vehicles. An area consisting of grass, soil, mulch or similar material shall not be considered a driveway.

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

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

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

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

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

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

- A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often have a central heating system and other central utility connections and common yard space.
- B. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

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

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. It has a minimum width across front, side and rear elevations of 24 feet and complies in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Building Code, then and in that event, such federal or state standard or regulation shall apply; further provided that the provisions of this section shall not have the effect of making one family dwellings, which exist as of the effective date of this Ordinance, non-conforming.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required.

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

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



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

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

***E***

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

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

**ESSENTIAL SERVICES:** The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or Village certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antenna are specifically excluded from this definition.

**EXCAVATION:** The removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest, excluding common household gardening and ground care.

***F***

**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 one additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, non-transient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity,



sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

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

No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a normal cycle or one (1) year.

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

**FENCE:**

H. A structure erected for the purpose of separating properties or protecting or screening property within its perimeter. Chain link fences shall fall under this definition. Fences, including chain link, for the containment of pets shall conform to the accessory structure requirements of this Ordinance.

I. Ornamental fence shall mean a fence designed in such a manner and of such material so as to decorate or enhance the appearance of the front, side or rear setback in residential areas in addition to separating properties or protecting properties. Chain link, mesh, woven, or welded wire fences are excluded under this definition. Ornamental fences shall also include hedges.

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

**FLAG LOT:** A lot not fronting on or abutting a public road and where access to the public road is limited to a narrow private right-of-way that does not meet lot width requirements under the zoning ordinance.

**FLOOR AREA:** The area of a building defined as follows.

A. Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

B. Floor Area, Net: See FLOOR AREA, USABLE RESIDENTIAL and FLOOR AREA, USABLE NONRESIDENTIAL.

- C. Floor Area, Usable Residential: The gross floor area minus areas in unfinished basements or attics, attached garages, and enclosed or unenclosed porches.
- D. Floor Area, Usable Nonresidential: The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which issued for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area.

FOSTER CARE HOME: See STATE LICENSED RESIDENTIAL FACILITY.

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

## G

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

GARBAGE: All wastes, animal, fish, fowl, or vegetable matter incidental to the preparation, use, and storage of food for human consumption, or spoiled food.

GARDEN APARTMENT: A residential structure having a height limit of two and one half (2½) stories and containing three (3) or more rooms, each room having its own cooking facilities and being used as a dwelling for one (1) family.

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.

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

GLARE: The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

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

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

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

**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.

**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.

**GREENBELT:** A planting strip at ten (10) feet in width which shall consist of deciduous or evergreen trees, shrubs or a mixture of all three which shall be planted and maintained in a healthy growing condition by the lessee or the property owner.

***H***

**HAZARDOUS SUBSTANCES:** Any chemical or other material which, by virtue of its inherent properties, has the potential to be injurious to the public health, safety, and welfare even in small quantities with the exception of farming operations. Uses and facilities which use, store or generate hazardous substances in quantities greater than two hundred (200) pounds per month, or twenty-five (25) gallons per month, shall be subject to site plan requirements. This shall not apply to agricultural operations.

**HOME OCCUPATION:** Any occupation conducted within a dwelling unit or accessory building and carried on by the inhabitants thereof. Home occupations may provide for one (1) full-time non-resident employee. Home occupations shall be clearly incidental and secondary to the use of the dwelling for living purposes, shall not change the character thereof, and shall not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

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

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

**HOUSEHOLD LIVING:**

**HOUSING, ELDERLY:** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age and older. Housing for the elderly may include:

- A. Senior Apartments: Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

- B. **Elderly Housing Complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years or older or couples where either the husband or wife is sixty (60) years of age or older.
- C. **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.
- D. **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.

***I***

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

***J***

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

***K***

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

***L***

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

**LAND DIVISION:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, Village Manager or designees, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of section 108 and 109 of the Land Division Act, P.A. 288 of 1967 as amended.

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

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

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

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

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

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

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

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

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

**LOT, CORNER:** A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.)

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

**LOT DEPTH:** The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are

existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

**LOT, FLAG:** An interior lot whose lot line abuts the rear lot line of an adjacent lot fronting on a public or private road and which can be accessed by a driveway or private road abutting the side lot line of said adjacent lot.

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

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

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

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

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

**LOT SPLIT AND CONSOLIDATION:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Van Buren County Register of Deeds and/or the Village Clerk. The division of lots shall take place in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

## ***M***

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

**MASTER LAND USE PLAN:** The master plan is a document which is prepared under the guidance of the Village Planning Commission and consists of graphic and written materials which



indicate the general location for streets, parks, schools, public buildings and all physical development of the Village.

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

**MOBILE HOME PARK (MANUFACTURED HOUSING DEVELOPMENT):** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

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

**MOTEL:** A building providing transient lodging with parking located near each unit which may include incidental uses such as conference facilities, meeting rooms, and restaurants.

**MUNICIPALITY:** The word "municipality" shall mean the Village of Lawton, Van Buren County, Michigan.

**MUNICIPAL CIVIL INFRACTION:** An act or omission that is prohibited by this ordinance but which is not a crime under this ordinance and for which civil sanctions, including, without limitations, fines, damages and costs may be ordered.

## *N*

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

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

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

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

**NUISANCE:** Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable.



Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, endanger life and health, or the generation of an excessive or concentrated movement of people or things such as : (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, or (o) invasion of non-abutting street frontage by traffic

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

**O**

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

**OCCUPANCY LOAD:** The number of individuals normally occupying a building or part thereof or for which the exit way facilities have been designed.

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

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

**OPEN FRONT STORE:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

**OPEN SPACE:** Lands open from ground to sky and devoted to outdoor recreation space, greenery, and resource protection. Developed open spaces may include, but is not limited to, playground fixtures, shelter, and tennis courts.

**OPEN SPACE, COMMON:** 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 home owners or property owners association.

**OPEN SPACE, PUBLIC:** Any primarily undeveloped land intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

**OPEN STORAGE:** Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

**OUTLOT:** A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

***P***

**PARCEL:** See LOT.

**PARK, PRIVATE:** Land held in private ownership used for active recreation and/or open space. The land, at the discretion of the owner(s), may or may not be available for use by the general public.

**PARK, PUBLIC:** Publicly owned land used for active recreation and/or open space and available for use by the general public. Use of the land may be subject to specified conditions.

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

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

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

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

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

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

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

**PLAT:** A map of a subdivision of land.

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

**PORCH:** An exterior appendage to a building which has a separate roof or a roof integral with the building which forms a covered approach to a doorway or vestibule.

- A. Porch, Enclosed: A porch separated from the outside by an all-weather partition or a partition which renders the area inside the partition habitable.
- B. Porch, Open: A porch not separated from the outside by either an all-weather partition or a partition rendering the area inside the partition habitable.

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

**PUBLIC NOTICE:** A notice of the time, place, and purpose of a public hearing, which notice shall be posted in a manner and within a time frame as prescribed in this Ordinance or in applicable State law.

**PUBLIC UTILITY:** Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

**R**

**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, amusements, 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.

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

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

- A. Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

- B. Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. Motor Home (Trailer Coach): a self-propelled motorized recreational vehicle intended, designed, used, or constructed, and duly licensable for travel and/or recreational usage, and for temporary human habitation, sleeping, and/or cooking
- D. and eating for one (1) or more persons, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor home generally contains sanitary, water, and electrical facilities.
- E. Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.
- F. Boats and Boat Trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- G. Other Recreational Equipment: Snowmobiles, all terrain vehicles, special terrain vehicles, utility trailers, plus normal equipment to transport them on the highway.

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

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

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

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

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

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

**ROADSIDE STAND:** A temporary or permanent building or structure operated in a residential or agricultural district for the selling of products grown or produced on the premises together with incidental related products.

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

**S**

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

**SCHOOL, HOME:** A school which enables a child to be educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. The home school family may choose whether to operate as a nonpublic school. If a home school family chooses to operate as a nonpublic school, it must register with the Michigan Department of Education.

**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 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.

**SCREEN, OBSCURING:** A visual barrier between adjacent area or uses consisting of structures, such as a wall or fence, or living plant material.

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

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

**SIGN:** Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located.

**SITE PLAN:** A plan showing all salient features of a proposed development, so that it may be evaluated to determine whether it meets the provisions of this Ordinance

**SPECIAL EVENT:** An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events may or may not be open to the public.

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

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

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

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

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



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

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

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

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

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

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

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

**STRUCTURE, OUTDOOR ADVERTISING:** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

**SUBDIVISION PLAT:** The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.



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

**T**

**TELECOMMUNICATIONS TOWERS AND FACILITIES OR TOWER:** All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, satellite dishes, federally licensed amateur (HAM) radio facilities, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

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

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

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

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

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

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

**TRUCK STORAGE:** An area used for the temporary storage of private trucks or trucks for hire.

**TRUCK TERMINAL:** a structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the Village or to be amalgamated for delivery in larger units to other points in the

metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

**U**

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

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

USE, SPECIAL: A use which is subject to special approval by the Village Council. A special use may be granted only where there is a specific provision in this ordinance.

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

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

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

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

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

**V**

VARIANCE: A modification of the literal provisions of the Zoning Ordinance in accordance with the provisions herein in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district. The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case.

A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted. Hardships based solely on economic considerations are not grounds for a variance. A use variance is not a special exception use.

VEHICLE, COMMERCIAL: 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. Semi-trailer shall include trailers with flat

beds, stake beds, roll-off beds, tanker bodies, dump bodies, and full or partial box-type enclosures.

- 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 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. Commercial vehicles do not include motor homes or recreational vehicles, but do include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles

**W**

**WALL, OBSCURING:** Shall mean a masonry structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

**WALL, PARAPET:** An extension of a building wall above the roof which may serve to screen roof mounted mechanical equipment.

**WALL, RETAINING:** A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area. For the purpose of this Ordinance, all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

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

**WAREHOUSE, MINIATURE OR SELF-STORAGE:** A building or group of buildings in a controlled access and /or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled-access stalls or lockers for the storage of customers goods or wares.

**WASTE RECEPTACLE STATION:** Any exterior space which is not a principal use for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

**WETLAND:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

**WETLAND, REGULATED:** Certain wetlands regulated by the Michigan Department of Natural Resources and Environment under the provisions of Act 451, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support,

and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river, or a stream,
- B. Not contiguous to an inland lake, pond, river, or stream, and more than five (5) acres in size, or
- C. Not contiguous to an inland lake, pond, river, or stream and five (5) acres or less in size if the Michigan Department of Natural Resources and Environment determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

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

**WIRELESS COMMUNICATION FACILITIES:** All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including but not limited to radio and television towers, cellular telephone and paging towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law. Wireless communication facilities shall be specifically excluded from the definition of “public facility” or “essential service.”

**WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWERS):** Any structure used to support attached wireless communication facilities, or other antenna or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, lattice towers, light poles, wood poles, and guyed towers or other similar structures which support wireless communication facilities.

## **Y**

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

**YARD, FRONT:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.

**YARD, REAR:** A yard extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest point on the principal building. On

corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

**YARD, SIDE:** A yard between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

**Z**

**ZONING BOARD OF APPEALS:** The Village of Lawton Zoning Board of Appeals created in accordance with the provisions of the Michigan Zoning Act, Public Act 110 of 2006, as amended.

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