

MAYVILLE ZONING ORDINANCE

VILLAGE OF MAYVILLE ZONING ORDINANCE

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ARTICLE 1: INTRODUCTION

DIVISION 1: TITLE, PURPOSE AND AUTHORITY

VILLAGE OF MAYVILLE ZONING ORDINANCE

ARTICLE 1

Division 1: Title, Purpose, and Authority

Sec. 1.01. Title

This Ordinance shall be known and may be cited as the “Village of Mayville Zoning Ordinance.”

Sec. 1.02. Purpose

1. The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community as a wholesome, serviceable, and attractive municipality, by having regulations and restrictions that:
 - a. Promote compatibility of existing and future land uses.
 - b. the safety and security of home life.
 - c. Preserve and create a favorable quality of life for residents.
 - d. Develop good citizenship.
 - e. Protect and enhance property and civic values.
 - f. Facilitate efficient traffic operations, minimize congestion, and accident potential.
 - g. Enhance the environment for pedestrians and other non-motorized types of transportation.
 - h. Restrict building in floodplain areas as a means of protecting property owners.
 - i. Protect wetlands in recognition of their irreplaceable environmental value.
 - j. Promote aesthetics and minimize blight.
 - k. Provide for convenient vehicular parking.
 - l. Provide parks, recreation, schools, religious institutions, and community facilities.
 - m. Encourage a variety of quality housing.
 - n. Encourage preservation of environmental features through flexible design standards.
 - o. Promote clean air and water, access to sunlight, sufficient infrastructure, and public services.
 - p. Assist in implementing and accomplishing the objectives of the Village’s adopted Master Plan.
 - q. Provide reasonable means of protecting and safeguarding the Village’s economic structure.
 - r. Provide each property owner with a reasonable and economic use of their land.
 - s. Lessen congestion, disorder and infringement on property values, safety, and quality of life which are often aggravated due to unregulated development.
 - t. Prevent overcrowding of land and undue concentration of population.

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2. In order to effectively meet this purpose, the Village is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability, or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, and the Village as a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish these purposes by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy, and uses of buildings, and other structures; defining maximum residential density, specifying the percentage of a site available for a building; and requiring building and parking setbacks from property lines and public street rights-of-way.

Sec. 1.03. Conflicting Regulations

1. Where any condition imposed by any provision of this Ordinance, upon the use of any lot, building, or structure, is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
3. Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building, or structure; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building, or structure shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure is located.
4. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
5. The regulations herein established shall be considered the minimum regulations for promoting and protecting the public health, safety, and welfare.

Sec. 1.04. Vested Rights

1. Site Plans Submitted Prior to Effective Date
 - a. Construction Begun. Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided construction has lawfully begun, is being diligently carried on, and shall be completed within one (1) year of the effective date of this Ordinance. The Planning Commission (PC) may permit an extension of up to one (1) year for completion.

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2. Application Submitted. An application shall meet the requirements of the Ordinance effective on the date of submission. An application submitted before the effective date of this Ordinance must be approved by the Planning Commission by the date that the Ordinance takes effect, or the requirements of this Ordinance shall be followed.
3. Application Approved. If an application has been approved within twelve (12) months of the effective date of this Ordinance, it shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Ordinance.
4. For projects not subject to site plan approval, a building permit must be issued prior to the effective date of this Ordinance; otherwise the requirements of this Ordinance take effect.
5. If the conditions of this Section are not met, the standards and provisions of this Zoning Ordinance shall govern.
6. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 1.05. Authority

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

Sec. 1.06. Validity and Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling. Further if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of such provision to any other parcel, lot, use, building, or structure not specifically included in such ruling.

Sec. 1.07. Effective Date

This Ordinance shall become effective seven (7) days from the date of publication of notice of adoption.

Sec. 1.08. Repeal of Prior Ordinance

The zoning ordinance previously adopted by the Village of Mayville prior to the adoption of the ordinance from which this chapter is derived and all amendments thereto are hereby repealed. The repeal of such Ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such Ordinance, or any part thereof, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability.

Adopted: Planning October 7th, 2020

Council October 27th, 2020

Published: November 4th, 2020

Effective: November 11th, 2020

ARTICLE 1,
DIVISION 2:
DEFINITIONS

VILLAGE OF MAYVILLE ZONING ORDINANCE

ARTICLE 1

DIVISION 2: DEFINITIONS

Sec. 2.01. Construction of Language

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Planning Commission, Village Council, or Zoning Board of Appeals, as indicated.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "building" includes the word "structure" and any part thereof; the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel."
6. The word "person" includes an individual, a corporation, a partnership, an incorporated or unincorporated association, or any other entity recognizable as a "person" under the laws of Michigan.
7. Unless the context clearly indicates the contrary, where 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:
8. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
9. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or").
10. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
11. The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public street right-of-way.
12. The term "this Zoning Ordinance" or "this Ordinance" includes the Village of Mayville Zoning Ordinance and any amendments thereto.
13. Terms not herein defined shall have the meaning customarily assigned to them.

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Sec. 2.02. Definitions A-B

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

Accessory Building, Structure, or Use: A building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related.

Accessory Dwelling Unit (ADU): A smaller secondary home on the same lot as a primary dwelling, having total square footage between 200 and 600. ADUs are independent, habitable, and provide basic requirements of shelter, heating, cooking, water, and sanitary services. There are (2) types of ADUs: Garden or Granny Cottage and Accessory Suite or Mother-in-law apartment.

Accessory Suite/Mother-in-law Apartment: a type of Accessory Dwelling Unit (ADU). A smaller secondary home on the same lot as a primary dwelling, having total square footage between 200 and 600. ADUs are independent, habitable, and provide basic requirements of shelter, heating, cooking, water, and sanitary services. Accessory Suites are attached or are part of the primary dwelling (converted living space, apartment over a garage, basement apartment, etc.).

Adequate Lateral Support: The control of soil movement on a site as determined by accepted engineering standards.

Adult Day-Care Facility: A facility other than a private residence, which provides care for more than six (6) adults for less than twenty-four (24) hours a day.

Adult Care Facility, State-Licensed: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979. These acts provide for the following types of residential structures:

Adult Foster Care Small Group Home: A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

Adult Foster Care Large Group Home: A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation

Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Congregate Facility: Residence for more than twenty (20) adults.

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Adult Entertainment Regulated Uses: See Article 5, Division 3: Special Land Use Specific Requirements.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alteration: Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Animal, Domesticated: An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, turtle, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), dog, and chicken. Wild, vicious, or exotic animals shall not be considered domesticated

Animal, Exotic: Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal.

Animal, Non-Domesticated (Wild): Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Animal, Vicious: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

Antennae, Reception: See “Reception Antennae.”

Aquifer: A geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.

Arcade, Game or Video: The use of a building or a portion of a building for the location, operation, and placement of five (5) or more mechanical amusement devices. Mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Architectural Feature, Significant: Any building, structure, or portion thereof, that is sufficiently distinctive or unusual in design or construction as to warrant the preservation and minimal alteration of its original form.

Arterial Street: A street defined in the Master Plan or Village’s Act 51 Plan as “major traffic routes” and/or as an arterial or major street by the Michigan Department of Transportation where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function.

As-Built Plans: Construction plans in accordance with all approved field changes.

Auto (Automobile): Any motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans, and motorcycles.

Automobile Gasoline Station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An automobile gasoline service station may also include an area devoted to sales of automotive items and convenience goods (mini-mart) primarily sold to patrons

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purchasing gasoline. An establishment which provides vehicle maintenance or repair is not included within this definition.

Automobile or Vehicle Dealership: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, and recreational vehicles. Such a dealership may include outdoor display and accessory indoor maintenance and repair.

Automobile Repair Establishment (Major Repair): An automotive repair establishment which may conduct, in addition to activities defined below as "minor repairs", one (1) or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.

Automobile Service Establishments (Routine Maintenance and Minor Repair): A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile maintenance/service establishment may also sell gasoline but is distinct from an automobile gasoline station.

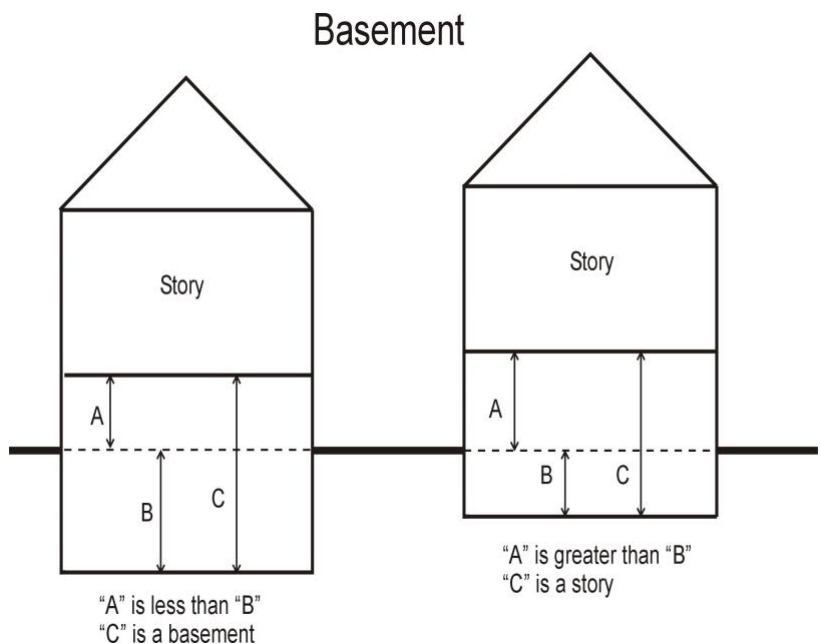
Automobile Wash: Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operation.

Base Flood: A flood event having a one percent (1%) chance of being equaled or exceeded in any one (1) given year.

Basement: The portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Inn: Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one (1) set of kitchen facilities and be architecturally consistent with surrounding homes.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.



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

Brewpub: A restaurant or drinking establishment which includes the brewing of beer as an accessory use.

Buffer Zone: A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing singularly or in combination to serve as a visual and noise barrier.

Building: Any structure, either temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include tents, mobile homes, manufactured housing, storage sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences, smokestacks, canopies, or overhangs but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

Building Coverage: The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

Building Official: An individual or company appointed by the Village Commission delegated to administer the Village Building Code and Village Zoning Ordinance.

Building Department: The Department charged with enforcing this Ordinance. The term "Building Department" shall also include "Planner", "Planning Consultant", "Engineer", "Engineering Consultant", "Building Administrator", "Building Official", "Building Inspector", "Zoning Administrator" or "Community Development Director."

Building Envelope: The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

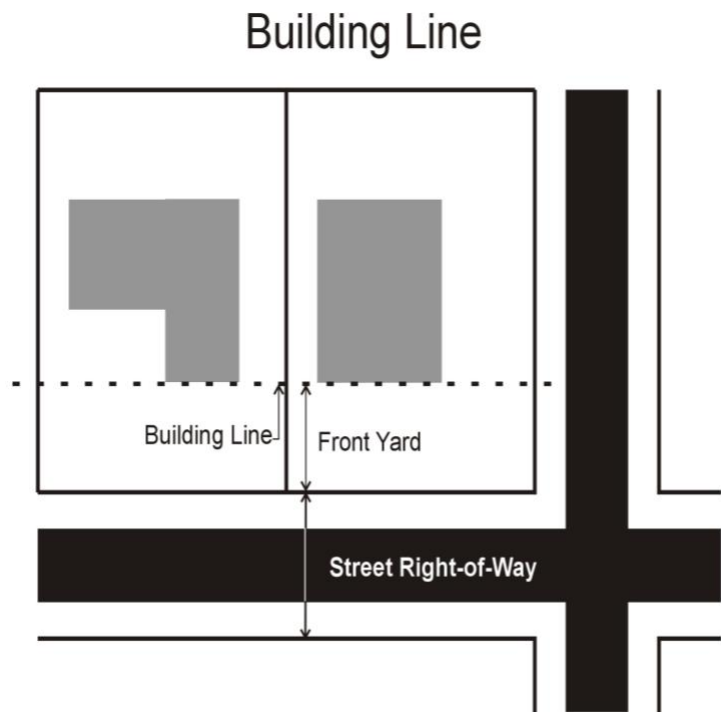
Building Height: The vertical distance measured from the finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average grade.

Building Line: A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building Permit: An authorization issued by the Building Official to move, erect or alter a structure within the Village.

Building, Principal: A building in which is conducted the principal uses of the lot on which such building is located.

Business Service Establishment: A business which provides business type services to patrons including but not



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limited to copy centers, postal centers, data centers and computer repair establishments.

Sec. 2.03. Definitions C-D

Caliper: The diameter of a trunk measured as follows: Existing trees are measured at four and one-half (4.5) feet above the average surrounding grade; and, Trees which are to be planted shall be measured twelve (12) inches above the average surrounding grade if the tree caliper is more than four (4) inches, or if the tree caliper is less than four (4) inches, it shall be measured at six (6) inches above the average surrounding grade.

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

Caretaker (Living Quarters): An independent residential dwelling unit or living area designed for and occupied by no more than two (2) persons, where at least one (1) is employed to provide services or to look after goods, buildings, or property on the parcel on which the living quarters are located.

Carport: A shelter for vehicles consisting of a roof extended from a wall of a building or a partially open structure consisting of a roof and possibly walls.

Cemetery: Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematories.

Certificate of Zoning Compliance: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance.

Child Care Organization: A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care organizations are classified below:

Child Care Center or Day-Care Center: A facility other than a private home, receiving more than six (6) preschool or school age children for group Day-Care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, Day-Care center, day nursery, preschool, nursery school, parent cooperative preschool, play group, or drop-in center. "Childcare center" or "Day-Care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Child Caring Institution: A childcare facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

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Foster Family Home: A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Foster Family Group Home: A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Family Day-Care Home: A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

Group Day-Care Home: A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Church or Temple: A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

Clerk: The Clerk of the Village of Mayville.

Clinic, Medical or Dental: 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 or Fraternal Organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

Co-Location: Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Village.

Commercial Use: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven (7) days during a calendar year.

Commercial Vehicle: Any vehicle bearing or required to bear commercial license plates, and which falls into one (1) or more of the categories listed below:

1. Truck tractor.
2. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

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3. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors.
4. Tow trucks.
5. Commercial hauling trucks.
6. Vehicle repair service trucks.
7. Snow plowing trucks.
8. Any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

Common Elements: The portions of the condominium project other than the condominium units are defined as follows:

General Common Elements means and includes:

1. The land in the condominium project.
2. The foundations, main walls, roofs, halls, lobbies, stairways entrances, exits, or communication ways.
3. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
4. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated.
5. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks, and pumps and the like.
6. The elevators, incinerators and, in general, all devices or installations existing for common use.
7. All other elements of the condominium project owned in common and intended for common use or necessary to the existence, upkeep and safety of the project.

Limited Common Elements means and includes those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.

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

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

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

Condominium Act: Michigan Act 59 of 1978, as amended.

Condominium, Consolidating Master Deed: The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed. See also "Condominium, master deed."

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Mayville Code of Ordinances and the Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Condominium, Conversion: A condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium, Convertible Area: A unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Mayville Code of Ordinances and the Condominium Act.

Condominium, Expandable: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the Mayville Code of Ordinances and the Condominium Act.

Condominium, General Common Element: The common elements other than the limited common elements. See also "Common Elements."

Condominium, Limited Common Element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners. See also "Common Elements."

Condominium, Master Deed: The condominium document recording the condominium project as approved by the Community Development Director to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project. See also "Condominium, Consolidating Master Deed."

Condominium, Project: The equivalent to "subdivision," as used in this Ordinance and the subdivision regulations.

Condominium Project, Mobile Home: A condominium project in which mobile or manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium Setbacks: Setbacks shall be measured as follows:

Front Yard Setback: The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.

Side Yard Setback: The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.

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Rear yard setback: The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development, rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.

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

Condominium Subdivision Plan: The site, survey and utility plans, and sections as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements and any other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium Unit Site: The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Contractor Yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associate with building or construction. A contractor's yard may include outdoor storage, or a combination of both.

Convalescent Home or Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity. See also "Housing for the elderly."

Convenience Store: A one-story, retail store that is designed and primarily stocked to sell food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract greater volumes of stop-and-go traffic.

Convenience Store with Gasoline Sales: An establishment meeting the above definition of Convenience Store that also includes the sale of gasoline.

County Drain Commission: The Tuscola County Drain Commission.

County Health Department: The Tuscola County Health Department.

County Road Commission: Tuscola County Road Commission.

Court: An open space bounded on two (2) or more sides by a building or buildings.

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Cul-de-sac: A dead-end public or private street, generally short in distance, which terminates in a circular or semicircular section of street which allows for vehicle turnaround.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Dangerous or Hazardous Materials: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental or deleterious to the environment or the health of any person handling or otherwise coming into contact with such material or substance.

Day-Care Center: See "Childcare organization."

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

Deck: A platform, commonly constructed of wood, which is typically attached to a house and which used for outdoor leisure activities.

Dedication: The intentional appropriation of land by the owner to public use.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land. For purposes of calculating maximum density, only twenty-five percent (25%) of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage. All open bodies of water, land within the 100-year floodplain elevation, public rights-of-way and areas within overhead utility line easements are excluded from this calculation. Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements.

Detention Basin or Facility: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. A development may include a site plan, a plot (building) plan, a condominium plan, a plat or a manufactured housing community.

Diameter at Breast Height (dbh): The diameter measured at a height of four and one-half (4.5) feet above the natural grade.

District, Zoning: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

Drainageways and Streams: Existing permanent or intermittent watercourses.

Drive-in: A business establishment so developed that its 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 vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-through Window Facilities: A business establishment in which all or at least ten (10) percent of the business consists of providing goods and services from a drive-through window to patrons in motor vehicles.

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Dumpster or Waste Receptacle: Any accessory exterior container used for the temporary storage of rubbish, pending collection, having the cap Village of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be dumpsters or waste receptacles.

Dwelling Unit: A building, or enclosed portion thereof, designed for occupancy by one (1) family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

Dwelling Unit, Attached: A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

Dwelling Unit, Detached: A dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling Unit, Efficiency Apartment: A dwelling unit of not more than one (1) room in addition to a kitchen and a bathroom.

Dwelling Unit, Manufactured: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

Dwelling Unit, Multiple-Family: A building designed exclusively for, and containing three (3) or more dwelling units.

Dwelling Unit, Single-Family: A detached building designed exclusively for, and containing one (1) dwelling unit only.

Dwelling Unit, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Dwelling Unit, Two-family or Duplex: A detached building designed exclusively for, and containing two (2) dwelling units only.

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Easement: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which no permanent structures may be erected.

Endangered Species Habitat: An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives or identified habitat sites designated on the Michigan Natural Features Inventory.

Entertainment Facilities: An establishment which provides for activities such as but not limited to bowling alleys, billiard and pool halls, game and video arcades, and tag games. This definition does not include those uses defined in Section 86 -177, Special Land Use Specific Requirements.

Environmental Contamination: The presence or release of a hazardous substance or other substance in a quantity that is or may become injurious to the environment or to the public health, safety, or welfare.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

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Essential Public Services: The erection, construction, alteration or maintenance by the public utilities or municipal department of underground, surface or overhead gas, electrical, cable television, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings or storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health safety or welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities. Radio and television towers and cellular phone antennas are defined under "Wireless Communication Facilities."

Essential Public Service Building: A building or structure principal to an essential public service, such as a drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations.

Essential Public Service Building Storage Yard: An outdoor storage area used as a principal or accessory use for an essential public service.

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

Existing Use: The use of a lot, parcel, or structure at the time of the enactment of the ordinance.

Facade: The exterior wall of a building exposed to public view.

Family: Family means either of the following:

A domestic family which is one (1) or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or

The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit.

This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

There shall be a rebuttable presumption enforceable by the Building Official/Community Development Director in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

Family Day-Care Home: See "Childcare organization" or "Adult foster care facility."

Family Foster Care Home: See "Adult foster care facility or "Childcare organization."

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming with acceptable farming practices is carried on directly by the owner-operator, President or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments

VILLAGE OF MAYVILLE ZONING ORDINANCE

operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, public or private stables, commercial kennels, stone quarries or gravel or sand pits, shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres. No farms shall be operated as piggeries, or for the disposal of garbage, public sewage, or rubbish, or as rendering plants, or for the slaughtering of animals except animals raised on the premises or maintained on the premises for at least one (1) year for the consumption by persons residing on the premises. Under no circumstances shall wild, vicious or exotic animals be considered farm animals or products.

Farm Building: Any structure or building other than a dwelling used or built on a farm.

Fence: An accessory structure constructed of wood, masonry, stone, wire, metal or any other material or combination of materials approved by the Building Department, intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use.

Filling: The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Filling Station: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail use, wholesale, or wholesale distribution.

Financial Services: Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

Fitness Center or Health Club: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Area: Land which on the basis of available floodplain information is subject to a one (1) percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a flood hazard boundary-floodway map.

Floodplain: Land at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100-year flood boundary) in the flood insurance study for the Village of Mayville.

Floodway: The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

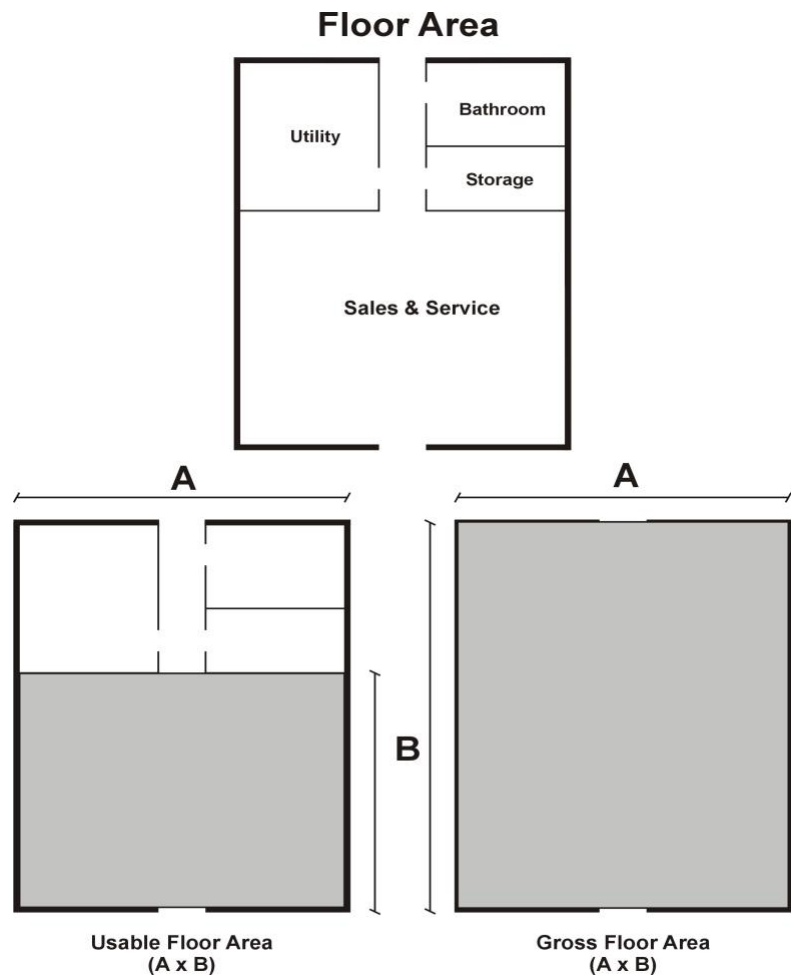
Floor Area, Gross or Total: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches,

VILLAGE OF MAYVILLE ZONING ORDINANCE

courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement excludes areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Useable: For the purposes of computing parking requirements, the useable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the useable floor area for all floors.



Foot candle: A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

Foster Family Home and Foster Family Group Home: See "Child Care Organization" or "Adult Foster Care Facility".

Frontage: The linear dimension measured along the public street right-of-way line or along the private road access easement.

Frontage Road: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bidirectional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Funeral Home or Mortuary Establishment: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

Sec. 2.05. Definitions G-H

Garage, Private or Public: An accessory building or portion of a principal building designed or use solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

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 and equipment.

Glare: The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

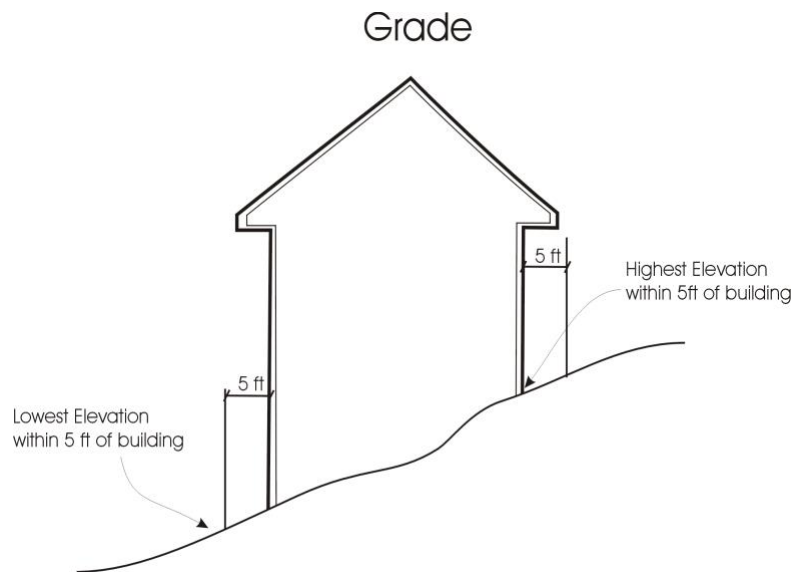
Golf Course: A public or private open area of fairways, greens and rough and may include a clubhouse and related accessory uses provided that all structures and activities shall be an integral part of the intended main recreational land use. Further, all clubhouses, restaurants, pro-shop facilities, etc., shall be secondary in nature to the golf course and may not be continued if the principal golf course activity shall cease or become the minor activity of the facility.

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.

Grade, Natural: The elevation of the ground surface in its natural state, before construction begins.

Granny Cottage or Garden Cottage: A type of Accessory Dwelling Unit (ADU). A smaller secondary home on the same lot as a primary dwelling, having total square footage between 200 and 600. ADUs are independent, habitable, and provide basic requirements of shelter, heating, cooking, water, and sanitary services. Granny Cottages/Garden Cottages are detached structures.



Greenbelt: A landscaped area between the property line and the front yard building or parking setback line, this area also includes a front yard parking lot setback area.

Ground Cover: The herbaceous plants that grows over an area of ground.

Group Day-Care Home: See “Child Care Organization” or “Adult Foster Care Facility.”

Group Foster Care Home: See “Child Care Organizations” or “Adult Foster Care Facility.”

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Hard Surface: For a single-family home, hard surface consists of MDOT 22A or 23A gravel, brick, asphalt or concrete meeting the construction specifications of the Village of Mayville.

Harmful Increase: An unnaturally high stage on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

Hazardous Substance: A chemical or other material that is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, any of the following:

Hazardous Substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96.510, 94 State. 2767.

Hazardous Waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

Regulated Substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

Used oil.

Animal waste or byproducts, or carcasses.

Hazardous Uses and Materials: Any uses which involve the storage, sale, manufacture, or processing of materials which are dangerous, combustible and/or produce either poisonous fumes or explosions in the event of fire. These uses include all high hazard uses listed in Section 306 of the Basic Building Code/1990 edition, as amended or updated, prepared by the Building Officials & Code Administrators International, Inc.

Hazardous or Toxic Waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, 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: an increase in mortality, or an increase in serious irreversible illness, or serious incapacitating but reversible illness, or substantial present or potential hazard to human health or the environment.

Health Care Facility: A facility or institution, public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity, or physical condition including, but not limited to, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, out-patient clinic, dispensary, home health care agency, and bioanalytical laboratory or central services facility serving one (1) or more such institutions, but excluding religious or other institutions that do not provide medical services.

Historical Feature, Significant: Any site or structure which is located in a designated local historic district or listed in the state or national register of historic places.

Home Occupation: An occupation for gain or support conducted within a residence solely by members of a family residing on the premises and conducted entirely within the dwelling; provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

Hotel: A series of attached, semidetached, or detached rental units which provide lodging on a temporary basis and are offered to the public for compensation. The term "hotel" shall include tourists'

VILLAGE OF MAYVILLE ZONING ORDINANCE

cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

Sec. 2.06. Definitions I-J

Incinerator Facilities: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil or municipal solid waste, not including animal or human remains.

Impact Assessment: An assessment of the ecological, social, economic, and physical impacts of a project on and surrounding the development site.

Impervious Surface: A man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surface shall include, but not limited to pavement, buildings, structures, decks, patios, gazebos, and pools.

Industrial, Heavy: The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light: The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial Park: A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

In-Home Office: Meeting the same conditions as a home occupation, an office utilized by members of a family residing on the premises, and conducted entirely within the dwelling, for an occupation where no customers or clients are seen at the office.

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

Junkyard: See "Salvage yard."

Sec. 2.07. Definitions K-L

Kennel, Commercial: Any lot or premises on which more than three (3) pets (but not including wild, vicious or exotic animals), four (4) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, protection, hobby, pets or transfer.

Laboratory: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Landfill: A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Livestock: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Chicken not wild, vicious, or exotic animals shall not be considered livestock.

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

Lodging House: See "Boarding house."

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. For purposes of meeting the dimensional standards of this Ordinance, a lot does not include public rights-of-way or private road easements but does include access easements for a service drive. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot. Note: A separate definition is provided for site condominiums.

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way if so included.

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street rights-of-way or private road easements, or the area of any lake. The lot area shall be used in determining compliance with minimum lot area standards. See definition for "Density."

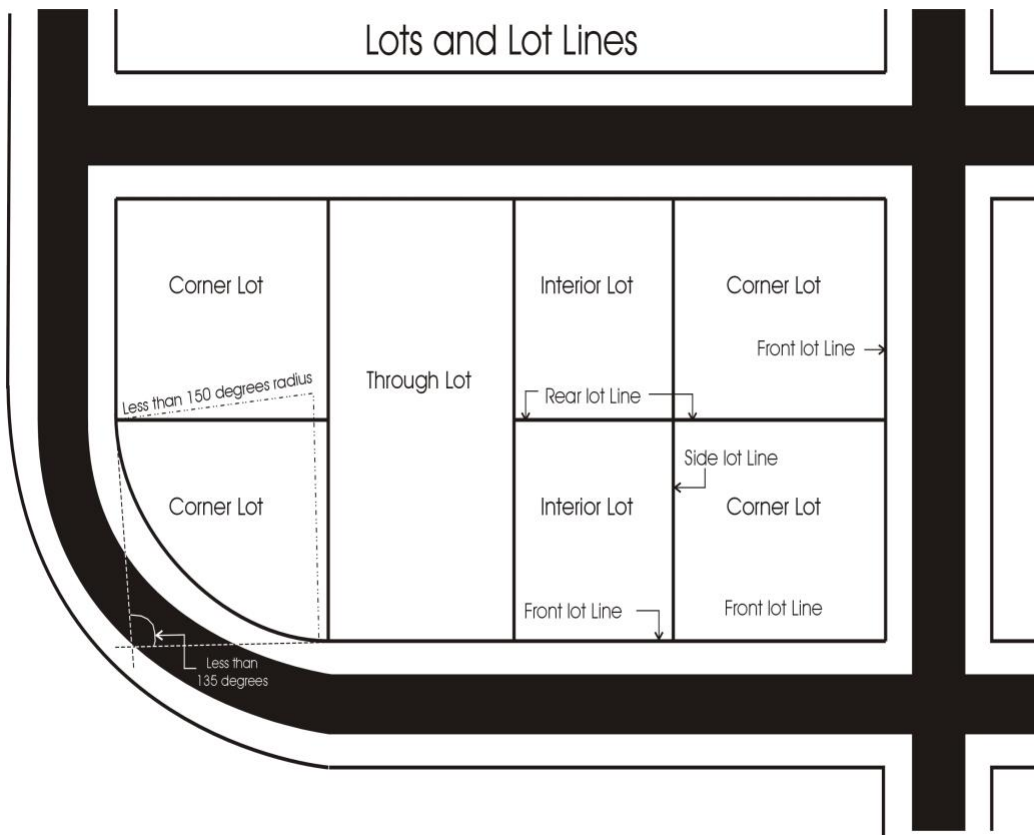
Lot Area, Net Buildable: The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one (1) or more streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred fifty (150) feet.

Lot, Coverage: The part or percent of a lot occupied by buildings and accessory buildings.

Lot, Depth: The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.

VILLAGE OF MAYVILLE ZONING ORDINANCE



Lot, Flag: A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

Lot Frontage: The length of the front lot line.

Lot, Interior: A lot other than a corner lot which, with the exception of a "through lot," has only one (1) lot line fronting on a street.

Lot Line: A line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

Lot Line, Front: The lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot, Nonconforming: A lot of record which does not meet the dimensional requirements of this Ordinance.

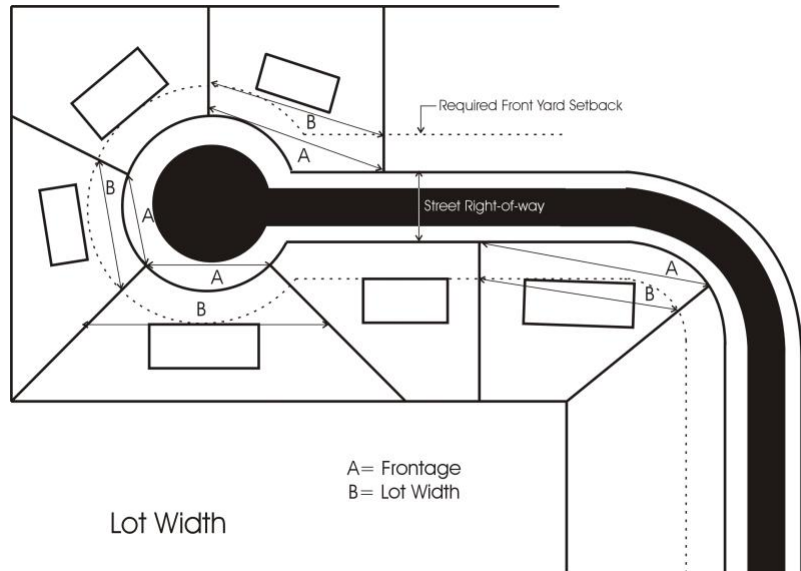
VILLAGE OF MAYVILLE ZONING ORDINANCE

Lot of Record: A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Tuscola County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds. When two (2) lots in a recorded plat have been combined into a single building site, said lots shall be deemed a single lot of record for the purposes of this Ordinance.

Lot, Through (also called a double frontage lot): An interior lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record, or portions thereof.



Sec. 2.08. Definitions M-N

Manufactured Housing: A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Manufactured Housing or Mobile Home Park: A parcel or tract of land under the control of a person, group or firm upon which three (3) or more mobile homes are located on a continual nonrecreational 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 incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Master Deed, and Consolidating Master Deed: See "Condominium, master deed."

Master Plan: The Village of Mayville Master Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, as adopted by the Village of Mayville Planning Commission and Council.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Microbrewery or Microbrewer: A brewery that produces beer and ale for on-site consumption and retail and wholesale distribution. A microbrewery may be permitted as an accessory use to a restaurant or a bar, tavern or lounge. See “Restaurant” and “Bar, tavern, lounge.”

Mini- or Self-Storage Warehouse or Facility: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

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

Modular Home: A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Natural Features: Features including soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geological formations.

Non-Conforming Building or Structure: A building or portion thereof, existing at the effective date of this Ordinance, as amended, and that does not conform to the provisions of this Ordinance in the district in which it is located.

Non-Conforming Lot: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional standards for the district in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, as amended, and that does not conform to the use regulations of the district in which it is located.

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people and traffic.

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

Sec. 2.09. Definitions O-P

Obscuring Screen: A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

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Occupancy, Change Of: A discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or the expansion of a use.

Occupied: Used in any manner at the time in question.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Offset: The distance between the centerlines of driveways or streets across the street from one another.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Open Front Store or Restaurant Window: 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 the structure, such as ice cream and yogurt restaurants serving to patrons through a walk-up window. The term "open front store" shall not include automobile repair establishments or automobile service stations. See also "Restaurant."

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel but may include a recreational clubhouse or recreation center.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

Outdoor Display, Sales, or Storage: Outdoor display, sales, or storage that is accessory to a permitted commercial use or a business operated substantially outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); sale of building and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; rental and leasing establishments; and year-round flea markets farmer's markets, roadside stands, and auctions.

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

Parcel or Tract: A continuous area of acreage of land which can be described as provided for in the Michigan Land Division Act.

Parking Lot, Off-Street: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of more than three (3) vehicles.

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and which is accessible for the parking of permitted vehicles.

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Pawnshop: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loads or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations and the approved plans and specifications of a development.

Person: Any individual, partnership, corporation, trust, firm, joint stock corporation, association or other organization; any governmental body including federal, state, county or local agencies.

Personal Services Establishment: A business providing personal services to patrons including but not limited to: small electronics and appliance repair shops; shoe repair; dressmakers and tailors; hair styling, piercing, and tanning salons; licensed massage and tattoo parlors; travel agencies; and decorating and upholstery shops.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Pet Boarding Facility: A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide ancillary services such as grooming and training, adoption and rescue, but not breeding. The facility may be operated for profit and may offer overnight stays but does not include the long-term raising of animals more commonly associated with a kennel.

Petitioner, Applicant or Developer: A person, as defined herein, who may hold any recorded or unrecorded ownership or leasehold interest in land. This definition shall be construed to include any agent of the person.

Planned Unit Development: A form of land development comprehensively planned as a single development which permits flexibility in building, siting, useable open spaces, and the preservation of significant natural features. A PUD may contain a mix of housing types and non-residential uses.

Planning Commission: The Village of Mayville Planning Commission, as duly created under the Michigan Planning Enabling Act, Act 33 of 2008.

Plat: A map or chart of a subdivision of land which has been approved with the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended.

Playscape: A set of playground equipment that is designed in an integrated pattern.

Pool or Billiard Hall: An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables. See "Recreation Facility (Indoor)".

Ponds and Lakes: Natural or artificial impoundments that retain water year-round.

Primary Containment Facility: A tank, pit, container, pipe, or vessel for first containment of a hazardous substance.

Principal Building or Structure: A building or structure in which is conducted the primary use of the lot upon which it is situated.

Principal Use: The primary use to which the premises are devoted and the purpose for which the premises exist.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Public and Quasi-Public Institutional Buildings, Structures, and Uses: Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, police stations, fire stations, municipal parking lots, post offices, libraries, museums, and community centers.

Public Park: Any developed land intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Open Space: Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, public water, telephone lines, cable television services, communication, telegraph, and construction and maintenance of streets.

Sec. 2.10. Definitions Q-R

Reception Antenna: An exterior apparatus capable of receiving communications for radio or television purposes including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from Village regulation by applicable state, Federal Communication Commission (FCC), or Federal laws or regulations.

Recognizable and Substantial Benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses(s). Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; and elimination of or reduction in the degree of nonconformity of a non-conforming use or structure.

Recreational Equipment and Vehicles: Portable structures, machines or devices, self-propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such structures, machines, or devices. Motorcycles, bicycles, minibikes and such vehicles as jeeps, four-wheel drives and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from the provisions of this Ordinance. This does not include a temporary building, structure or use, permitted to exist during periods of construction of the principal building, structure or use. Recreational equipment and vehicles include but are not limited to:

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" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

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. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to

VILLAGE OF MAYVILLE ZONING ORDINANCE

place under its own power. Motor homes generally contain sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarter. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

Van/Camper: A is a recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.

Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.

Boats and Boat Trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recreation Facility (Indoor): An establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities and bowling alleys. Auditoriums and stadiums are not included.

Recreation Facility (Outdoor): A publicly or privately owned facility designed and equipped for the conduct of sports activities and other customary recreational activities outside of an enclosed building such as, but not limited to tennis courts, swimming pools, archery ranges, golf courses, miniature golf courses, golf driving ranges, skating rinks, baseball fields, batting cages, soccer fields, and campgrounds.

Recreational Vehicle Park: A campground designed to accommodate those recreational vehicles which are used as a temporary dwelling and are not parked more than six (6) consecutive months in anyone (1) recreational vehicle park.

Recycling Center: A building in which used material is separated and processed prior to shipment to for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard.

Refuse Collection Station: Any exterior space which is not a principal use for containers, structures, or other receptacle intended for temporary storage of solid waste materials.

Restaurant: 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:

Restaurant, Carry-Out: A business establishment 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.

Delicatessen: A restaurant typically offering both carry-out and seating of sandwiches and other foods and beverages. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Restaurant, Drive-In: A business establishment 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. A drive-in restaurant may also have interior seating.

Restaurant, Drive-Through: A business establishment 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.

Restaurant, Fast-Food: A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

Restaurant, Open Front Window: See "Open front store or restaurant."

Restaurant, Standard: A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or 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.

Bar/Lounge/Tavern: A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may extend beyond 11:00 p.m.; thereby differentiating it from a standard restaurant. A brewpub or microbrewery that operates beyond 11:00 p.m. is considered a bar, tavern or lounge.

Retail Businesses with Adult Novelty Items: An establishment having less than ten percent of all usable interior, retail, wholesale, or warehouse space dedicated to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items, including adult novelty items as defined in Section 86 -177(dd)(2), which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined and regulated under Section 86 - 177(a). Adult entertainment regulated uses. If an establishment has ten percent or more of all usable interior, retail, wholesale, or warehouse space dedicated as provided above, such use is subject to the regulations in Section 86 -177(a).

Retail Store: Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Retention Basin: A pond, pool, or basin used for the permanent storage of storm water runoff.

Right-of-Way: A street, alley or other thoroughfare or easement intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other facility or use, permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Riparian: Relating to or living or located on the bank of a natural watercourse, such as a river or lake.

Sec. 2.11. Definitions S-T

Salvage: Material to be used for further use, recycling, or sale.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Salvage Yard or Junk Yard: Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A “salvage yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term “salvage yard” does not include drop-off stations for residential recyclables.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite antennas), and satellite microwave antennas.

Screening: The method by which a view of one (1) site from an adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Secondary Containment Facility: A second tank, catch basin, pit, or vessel that limits and contains a liquid or hazardous substance leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

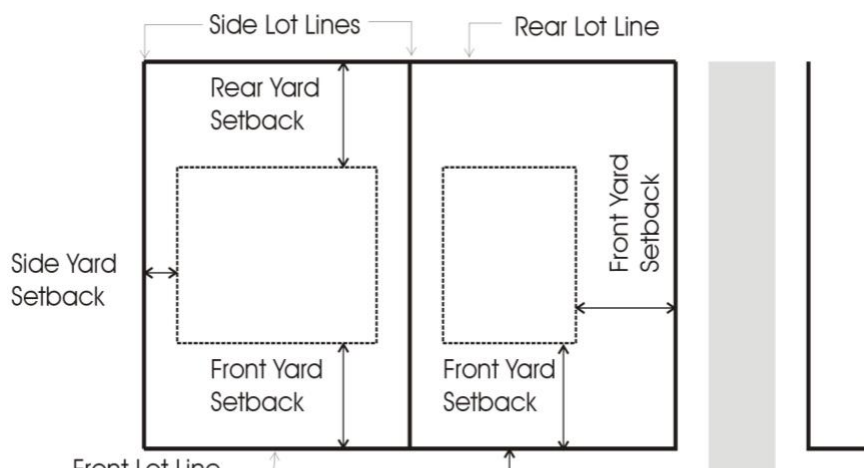
Senior Housing: Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55). Housing for the elderly may include the types of facilities listed below.

Senior Apartments (independent care): Multiple-family dwelling units where occupancy is restricted to persons fifty-five (55) years of age or older.

Congregate Care Facilities or Assisted Living Housing: A semi-independent, assisted living, 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.

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.

Service Drive: A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides and vary in width and design.



VILLAGE OF MAYVILLE ZONING ORDINANCE

Setback, Required: The required minimum horizontal distance between a front, rear, or side lot line and a building line, for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained. Separate definitions for condominium projects are listed under “condominium, setbacks.” **Setback, Parking Lot:** The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas. This setback shall remain as open space as defined herein, unless otherwise provided for in this Ordinance.

Sewer: A public sanitary sewage disposal system approved by the Michigan Department of Public Health.

Shopping Center: A grouping of two (2) or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided. See also “Supercenter” and “Supermarket”.

Shoreline: The edge of a body of water measured at the ordinary high-water mark.

Significant Natural, Historical, and Architectural Features: Significant architectural features, drainageways and streams, endangered species habitat, floodplains, hedgerows, significant historical features, landmark trees, ponds and lakes, steep slopes, wetlands, and woodlots.

Sight Distance: The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway. Required sight distance shall be based on the standards of the Tuscola County Road Commission.

Sign: See Definitions in Article x, Division x, Signs.

Site Condominium: See “Condominium, site condominium project.”

Site Plan: A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

Small Scale Production Establishment: An establishment where shared or individual tools, equipment, machinery are used to make or grow products on a small scale, including design, production, processing, printing, assembly, treatment, testing, repair, packaging as well as incidental storage, retail or wholesale sales and distribution of products. Included, but not limited to: vegetable farming, making of electronics, food products, prints, leather products, jewelry, clothing/apparel, metal work, furniture, glass, ceramic, and craft beverages. Small scale establishments must have an accessory use, such as retail sales, wholesale trade, and training or education.

Solar Panels: An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a structures energy requirements.

Special Land Use: A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district. A special land use requires that a special land use approval be obtained.

Stable, Private: A stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for

VILLAGE OF MAYVILLE ZONING ORDINANCE

not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one (1) acre of land for each additional horse stabled thereon.

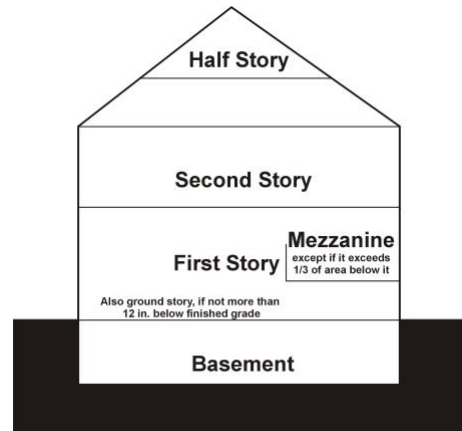
Stable, Public or Commercial: A stable other than a private stable, with a capacity for more than two (2) animals, and carried on within an unplatted tract of land of not less than forty (40) acres for the purposes of rearing and housing horses, mules, ponies or for riding and training academies.

State-Licensed Adult and Child Residential Care Facility: See “Adult Care Facility” or “Child Care Organization.”

Steep Slopes: Slopes with a grade of twelve percent (12%) or more.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground. A basement shall not be counted as a story.

Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of streets are defined below. **Arterial Street or Roadway:** A street or roadway which carries high volumes of traffic at relatively high speeds and serves as an avenue for circulation of traffic onto, out of, or around the Mayville area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the Village Master Plan.



Collector Street: A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. Collector streets are classified in the Village Master Plan

Cul-de-Sac: A street or road that terminates in a vehicular turnaround.

Expressways: Limited access interregional arterial routes, including US- 23, designed exclusively for unrestricted movement, have not private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.

Highways: Streets and roadways which are under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as expressways or arterial roadways.

Local or Minor Street: A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of twenty-five (25) mph or less, with numerous curb cuts and on-street parking permitted.

Private Road: Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the Village, Tuscola County, the

VILLAGE OF MAYVILLE ZONING ORDINANCE

State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the Village under any prior ordinance.

Public Street: Any road or portion of a road which has been dedicated to and accepted for maintenance by the Village, Tuscola County, State of Michigan, or the Federal government.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural Addition: Any alteration that changes the location of the exterior walls or area of a building.

Subdivision: A subdivision as defined in the Village of Mayville Subdivision Control Ordinance.

Subdivision Plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the national register of historic places or the state inventory of historic places.

Supercenter: A retail establishment selling supermarket items as well as those items typically found in a department or discount store.

Supermarket: A retail establishment selling groceries, dry goods, frozen foods and similar items typically within a building of over five thousand (5,000) square feet.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than twenty-four (24) inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Temporary Building, Structure, or Use for Construction: A building, structure or use permitted to exist for a specified period during periods of construction or renovations on the principal building, structure or use.

Temporary Uses and Seasonal Events: Seasonal outdoor events intended for a limited duration within any zoning district. Such a temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events, and may also include temporary residential uses.

Theater: An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building. ("Theater" is distinct from adult theater defined separately under adult regulated uses).

VILLAGE OF MAYVILLE ZONING ORDINANCE

Therapeutic Massage: The application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner. A massage practitioner must satisfy two (2) or more of the following requirements:

The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least five-hundred (500) hours of training including: theory, practice and techniques of massage (minimum three-hundred (300) hours); human anatomy and physiology (minimum one-hundred (100) hours); and professionalism (minimum one-hundred (100) hours). Instruction in this area shall include training in contraindications, benefits, ethics and legalities of massage, building and marketing a practice and other electives as appropriate.

The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in paragraph a. above.

The person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires at a minimum, the training set forth in a. above.

The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

Tiny House: A single family dwelling of conventional or modern construction, built on a foundation, which is between 200 and 600 square feet total. A tiny house is independent, habitable, and provides the basic requirements of shelter, heating, cooking, water, and sanitary service and must be connected water, well, sewer, or septic. A tiny house must be on legally created parcel and is subject to setbacks of the underlying zoning requirements.

Topographical Map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Townhouse: A residential structure or group of structures, each of which contains four (4) or more attached single-family dwelling units with individual rear yards and or front yards designed as an integral part of each single-family dwelling unit.

Traffic Impact Study: The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project.

Rezoning Traffic Impact Study: A traffic impact study which contrasts typical uses permitted under the current and requested zoning or land use classification. This study usually includes a trip generation analysis and a summary of potential impacts on the street system.

Traffic Impact Assessment: A traffic impact study for land uses which are not expected to have a significant impact on the overall transportation system but will have traffic impacts near the site. This type of study focuses on the expected impacts of a development at site access points and adjacent driveways.

Traffic Impact Statement: A traffic impact study which evaluates the expected impacts at site access points and intersections in the vicinity.

Regional Traffic Impact Study: A comprehensive traffic impact study for land uses expected to have a significant long-term impact on the street system. Such a study evaluates the impacts over a long period

VILLAGE OF MAYVILLE ZONING ORDINANCE

and may involve analyses of alternate routes. This type of study is typically prepared using a computer model which simulates traffic patterns.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other natural resources, are delivered for immediate distribution to other parts of the Village, for delivery to other intrastate or interstate destinations, or for distribution involving transfer to other modes of transportation.

Sec. 2.12. Definitions U-V

Underground Storage Tank System: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

Urgent Care Center or Emergency Medical Station: A facility offering immediate or emergency health care treatment and can be considered either a principal or accessory use.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Used Oil: Any oil that had been refined from crude oil, used, and as a result of such use contaminated by physical or chemical impurities.

Variance: A relaxation or modification of the requirements of this Ordinance as authorized by the ZBA under the provisions of this Ordinance and Act 207 of the Public Acts of 1921, as amended.

Veterinary Clinic, Office or Hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock provided that all activities are conducted within a completely enclosed building.

Village Attorney: The duly licensed person or firm employed by Village Council and representing the Village in legal matters.

Village Engineer: The duly licensed person or firm employed by the Village Commission and representing the Village in engineering matters such as drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

Village Planner: The person or firm employed by the Village Commission and representing the Village in planning, zoning and development related matters.

Sec. 2.13. Definitions W-Z

Wall: A structure constructed of masonry or brick of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Warehouse: A building used primarily for storage of goods and materials.

Well: A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and the rules promulgated pursuant thereto.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Wellhead Protection Area (WHPA): The area around and upgradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.

Wellhead Protection Overlay Zone: The area outlined on the Wellhead Protection Overlay Zone Map.

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. Locations of wetlands are generally shown on the natural features map of the Master Plan.

Wetland, Regulated: Certain wetlands regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Act 203 of the Public Acts of 1979, 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:

Contiguous to an inland lake or pond, or a river or stream.

Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size.

Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the MDEQ 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: The sale of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind Energy System, Large: A tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Wind Energy System, Medium: Is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed two hundred fifty (250) kilowatts. The total height does not exceed one hundred fifty (150) feet.

Wind Energy System, Small: Is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this Ordinance.

Woodlot: An area of one-fourth (1/4) acre or more containing eight (8) or more trees per one-fourth (1/4) acre, such trees having a four-inch (4) or greater diameter at a four-foot (4) height.

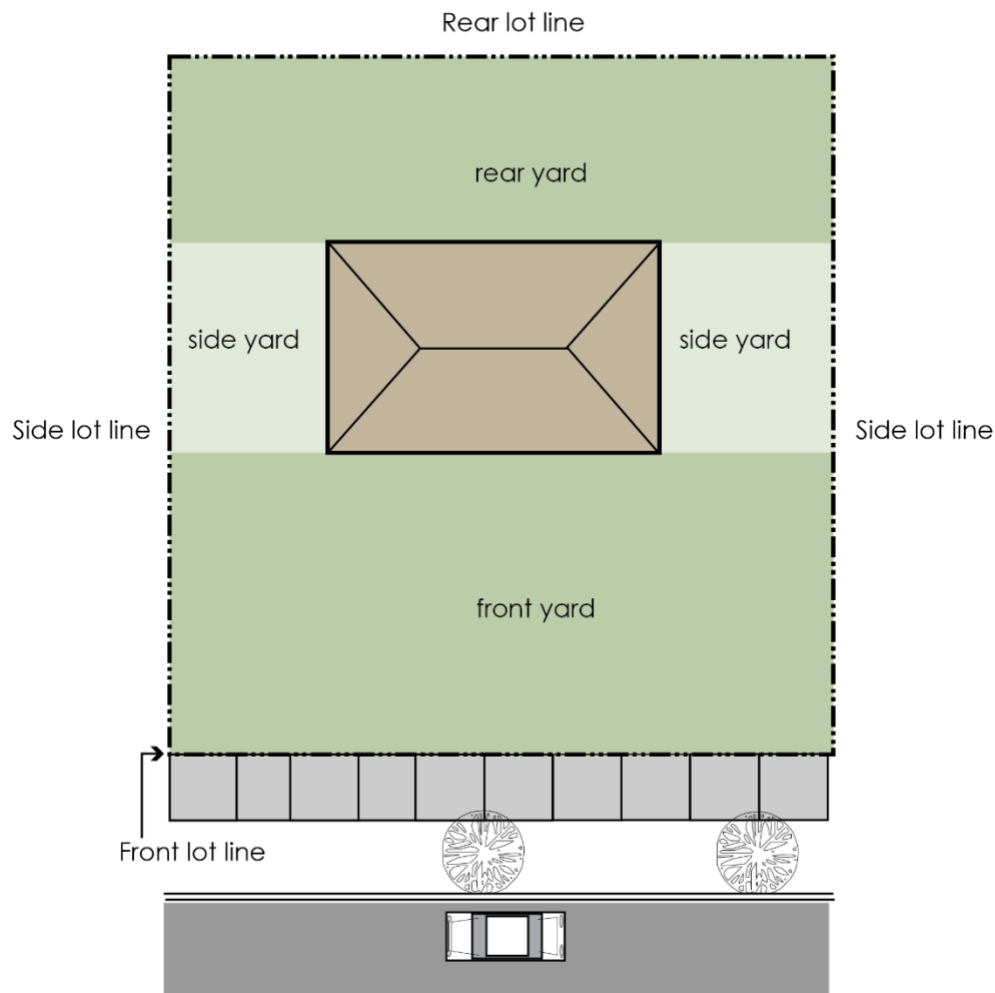
VILLAGE OF MAYVILLE ZONING ORDINANCE

Yard, Required: A required open space on the same lot with a principal building, unoccupied and unobstructed by any building or structure or portion thereof from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front: A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the principal building, excepting steps and unenclosed porches.

Yard, Rear: A required rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing an unoccupied space between the rear lot line and the nearest line of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

Yard, Side: A required side yard is an open unoccupied area between a principal building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured from the center of the nearest wall of the building or structure to the nearest point of the side lot line.



VILLAGE OF MAYVILLE ZONING ORDINANCE

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on the lot line.

Zoning Act: The Michigan Zoning Enabling Act, Public Act 110 of 2006.

Zoning Board of Appeals (ZBA): The Village of Mayville Zoning Board of Appeals created under The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

ARTICLE 2:
ZONING
DISTRICTS

DIVISION 1:
ZONING
DISTRICTS IN
GENERAL

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 2

Division 1: Zoning Districts in General

Sec. 3.01. Districts Established

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

Residential

SFR Single-Family Residential District

MFR Multiple-Family Residential District

Commercial

CBD Central Business District

HDD Historic Downtown District

LCD Local Commercial District

Industrial

ID Industrial District

Sec. 3.02. Zoning Map

A map showing the various districts into which the Village is divided shall be entitled “Village of Mayville Zoning Map” and shall bear the date adopted or amended, and it shall be the duty of the Village Council to adopt said map by reference. The map is hereby made a part of this Ordinance.

Sec. 3.03 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts established in this Ordinance as shown on the zoning map, the following rules shall be applied:

1. Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way or street lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they are approximately parallel to the center lines of street or highway rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

VILLAGE OF MAYVILLE ZONING ORDINANCE

3. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
4. Where the boundary of a district follows or terminates at a railroad line, such boundaries shall be deemed to be located or terminated at the rail right-of-way center line.
5. Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at, or terminated at, the limit of the jurisdiction of the Village unless otherwise indicated.
6. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.
7. The Zoning Board of Appeals shall make a determination, upon written application, or upon its own motion, in those situations where, due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

Sec. 3.04 Zoning of Vacated Public Rights-of-Way

Whenever any street, alley, or other public way within the Village shall be vacated, such street, alley, or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the center line.

Sec. 3.05. Zoning of Annexed Areas

Any unzoned area annexed to the Village shall, immediately upon such annexation, be automatically classified as SFR Single Family Residential District until a zoning map for the area has been adopted by the Village Council. The Planning Commission shall recommend a zoning district for such area within three (3) months after the matter is referred to it by the Village Council.

ARTICLE 2,
DIVISION 2:
RESIDENTIAL
DISTRICTS

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 2

Division 2: Residential Districts

Sec. 4.01. Permitted Uses

In the Residential Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right and uses denoted by “*” are uses which have additional specific requirements. These uses may be approved administratively, whereas uses denoted by “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 5, Division 3: Special Land Uses*. Any use requiring Planning Commission approval must be reviewed by a planning consultant and any other applicable consultants for compliance with zoning regulation and district intent.

	SFR	MFR	Additional Criteria
Residential			
Single-Family Detached Dwellings	P		
Two-Family Attached Dwellings	S	P	
Attached Dwellings		P	
Accessory Dwelling Unit (ADU)	P		
Granny Flat	P	---	
Home Occupations (<i>in accordance with Section X</i>)	P	---	
In-Home Office	P	P	
Independent Living/Senior Housing		P	
Congregate Care/Assisted Living Facility	S	S	
Skilled Nursing Residential Living	S	S	
Manufactured Housing Communities (which conform to the requirements of this Article and the Department of Housing and Urban Development (HUD) standards, or American National Standards Institute (A.N.S.I) standards)		S	

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Care Groups			
Foster family homes, foster group homes, family day care home	P	P	
Child day care group home	S	S	
Recreation			
Golf Courses	S		
Private Parks and Recreation Facilities, Owned and Operated by Homeowner or Condo Associations	P	P	
Recreation Facilities, Private		S	
Recreation Facilities Public	S	S	
Bed and Breakfast Inns	S		
Public Uses			
Cemeteries, lawfully occupied at the adoption of Ordinance	P	P	
Places of Worship	P*	P*	Sec. 16.10.14
Colleges and Universities	S	S	
Essential Public Services	P	S	
Public and Quasi-Public Institutional Buildings, Structures and Uses	S	S	
Schools, including Public, Private and Parochial Elementary, Middle and High	S	S	
Accessory Uses			
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	S	

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Sec. 4.02. Site Development Requirements

All principal uses, conditional land uses, and special land uses are subject to the following site development requirements:

1. Article 3: General Provisions
2. Article 4, Division 1: Off-Street Parking and Loading Standards
3. Article 4, Division 2: Access Management and Driveway Standards
4. Article 4, Division 3: Landscape Standards and Tree Replacement
5. Article 4, Division 4: Signs
6. Article 4, Division 5: Lighting Standards
7. Article 5, Division 1: Site Plan Review

Sec. 4.03. Single-Family Residential District (SFR)

1. Intent. The SFR Single-Family Residential District is designed to provide for an environment of predominantly low-density, one, and two-family detached dwellings along with other residentially related facilities which serve the residents in the district.
2. Area, Height, Bulk, and Placement Regulations

	SFR
Lot Size	
Minimum Area	8,000 sq. ft.
Minimum Width	80 ft.
Minimum Depth	100 ft.
Setbacks	
Front yard (min.)	25 ft.
Side yard (min)	
Least One	10 ft.
Total Two	15 ft.

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Rear yard (min.)	30 ft.
Building Height	
Stories (max.)	2
Feet (max.)	28 ft.
Building Area	
Floor area per unit (min.)	100 sq. ft.
Lot Coverage	
Area of all buildings (max.)	30%

Sec. 4.04 Multi-Family Residential MFR

1. Intent. The intent of this district is to provide suitable locations for a variety of multi-family housing types, including apartments, townhouses, garden apartments, manufactured housing, and condominiums.
2. Area, Height, Bulk, and Placement Regulations

	MFR
Lot Size	
Minimum Area	4,000 sq. ft.
Minimum Lot Width	50 ft
Minimum Lot Depth	80 ft
Setbacks	
Front yard (min.)	25 ft.
Side yard (min.)	
Least One	10 ft.

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Rear yard (min.)	10 ft.
Building Height	
Stories (max.)	2.5
Feet (max.)	28 ft.
Building Area	
Minimum area per unit	¹

¹The minimum floor area per dwelling unit shall be:

Efficiency—350 square feet

One-bedroom apartment—500 square feet

Two-bedroom apartment—700 square feet

Three-bedroom apartment—800 square feet. Plus, an additional eighty (80) square feet for each additional bedroom.

Sec. 4.05 Manufactured Home District (MH)

1. Intent. The intent of the Manufactured Housing District (MH) is to provide an affordable housing alternative where placement of such a development would be appropriate and consistent with the general character of the Village. The standards required in this district are intended to be consistent with the adopted standards for other types of housing in the Village of Mayville. In addition to the standards of this Ordinance, all manufactured housing communities shall comply with Act No. 96 of Public Acts of 1987 as amended, being R 125.2301 et seq. of the Michigan Compiled Laws Annotated (MCLA). However, some standards of this Ordinance are more stringent than the typical standards promoted by the Michigan Manufactured Housing Commission. These more stringent standards reflect the overall nature of the Village of Mayville, in contrast with some other areas of Michigan where the universal rules of the Michigan Manufactured Housing Commission may be appropriate. These adopted standards are designed to foster and encourage development which complements and protects the investment on adjacent properties and promotes preservation of important natural features. This ordinance is to make clear the requirements for bringing new or used manufactured homes into the Village of Mayville.
2. Since the characteristics, densities, and impacts of a manufactured housing community typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which intercept the local street and utility systems, manufactured housing communities are not necessarily considered to be completely compatible with other types of single-family neighborhoods. Therefore, manufactured housing communities may serve as a

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transitional use between Residential and Non-Residential Districts, similar to the manner and fashion in which multiple-family districts are to be utilized.

3. Preliminary Plan Development Standards. Manufactured housing communities shall be subject to the review and approval of a preliminary site plan by the Planning Commission. The site plan shall consist of a manufactured housing community preliminary plan, as described in the *Section 11 of the Manufactured Home Act*, Act No. 96 of Public Acts of 1987, as amended. Such review of the preliminary site plan is required in order to minimize the possibility of adverse effects upon adjacent property; and furthermore to find proper relationships in the development features as they relate to traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and planned open space.
4. Design Standards for Overall Development
 - a. Maximum Age. Manufactured housing units shall be no older than 3 years at the time of installation.
 - b. Minimum Development Size. Manufactured housing communities shall be at least fifteen (15) acres in area, excluding adjacent parcels which may be proposed for expansion.
 - c. Access. The main entrance to the development shall have access to a public thoroughfare or shall be connected to an asphalt or concrete collector or arterial road by a hard-surfaced road in a permanent easement which shall be recorded by the developers. Sole access to the development via an alley is prohibited. Entranceway structures, including but not limited to, walls, columns, and gates marking the entrance to a manufactured housing community, may be permitted, and may be located in a required yard, except as provided in this Article. Such entranceway structures shall be subject to the requirements of *Section 8.17., Intersection Visibility*, to permit unobstructed access by all emergency equipment, and such allowance for "clear vision" shall otherwise comply with all codes and ordinances of the Village and Tuscola County. Sight distance from points of ingress and egress shall be approved by the Tuscola County Road Commission. The structure location shall also be approved by the Village.
 - d. Perimeter Setbacks. Manufactured homes shall be set back at least fifty (50) feet from any public street right-of-way line and ten (10) feet from any other exterior property line. This setback shall include a minimum twenty (20) foot wide greenbelt, which includes minimum screening, as outlined below.
 - e. Landscape and Screening. A landscape and screening plan shall be incorporated in the plans submitted for preliminary site plan review to the Planning Commission. The plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured housing community. Manufactured housing communities shall be landscaped and screened as follows:
 - 1) Ground Surfaces. Exposed ground surfaces in all parts of the manufactured housing community shall be paved or covered with stone or other solid

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material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured housing community shall be graded and equipped to drain all surface water in a safe, efficient manner.

- 2) Perimeter Screening. All manufactured housing communities shall be screened from an abutting a public right-of-way and existing adjacent residences. The required screening shall consist of evergreen trees or shrubs at least three (3) feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping described above.
- 3) Right-of-Way Greenbelt. A landscaped berm measuring two and one-half (2 1/2) to three (3) feet in height shall be constructed along the public roads on which the manufactured housing community fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical rise for each four (4) feet horizontal run. A minimum of one (1) deciduous shade tree, one (1) evergreen tree and four (4) shrubs shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. At time of planting, canopy trees shall have a minimum size of three (3) inch caliper and evergreen trees shall have a minimum height of six (6) feet. Trees may be planted at uniform intervals, at random, or in groupings. All existing trees four (4) inches or greater in diameter (dbh) within the greenbelt shall be preserved, except where their removal is necessary to install access points.
- 4) Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured home sites.
- 5) Parking Lot Landscaping. Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one hundred fifty (150) square feet and shall be covered by grass, ground cover, shrubs, or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.
- 6) Perpetual Maintenance. Dead, damaged, and/or diseased screening shall be replaced, within a reasonable time frame, so as to maintain the approved and/or allowed screening technique originally put in place.
- 7) Required Open Space. For developments with fifty (50) or more sites, a minimum of two percent (2%) of the development's gross acreage shall be dedicated to well drained, useable open space. A minimum of twenty-five thousand (25,000) square feet of open space shall be provided. Open space shall be maintained by the manufactured housing community management and shall be relatively accessible to all areas of the development.

5. Streets

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- a. **Street Layout.** Maximum cul-de-sac length shall be one thousand (1000) feet. A dead-end road shall terminate with a fifty (50) foot in diameter cul-de-sac; a blunt-end road is prohibited. Adequate sight distance shall be provided at all intersections, in accordance with clear vision standards applicable to all areas of the Village of Mayville.
- b. **Street Width.** Minimum street widths within the manufactured home park shall be accordance with the following schedule:

Street Width Requirements	
Parking	Minimum Street Width
No on-street parking	21 feet
Parallel parking one side	31 feet
Parallel parking both sides	41 feet

- c. **Street Names/Signs.** All streets and roads shall be clearly marked with appropriate identification and traffic control signs. For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured housing community owner and a plan of this system shall be verified and approved by the Village of Mayville Fire Department. Manufactured home space numbers shall be located uniformly on each space, manufactured home unit or identification marker, throughout the manufactured housing community and street names shall be adequately marked.
- d. **Street Geometry.** The alignment and gradient of a street shall be graded for its full width to drain surface water. Specific standards promulgated by the Michigan Department of Environmental Quality (MDEQ) for the Manufactured Housing Commission shall be strictly adhered to.
- e. **Street Materials.** All streets and drives shall be constructed with materials suitable for sub grades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials, adopted herein by reference. Curbing may be installed on service drives and must meet the Village of Mayville street and private road design specifications.
- f. **Sidewalks.** A five (5) foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing community fronts. Such sidewalk shall be located within the road right-of-way or easement, beginning one (1) foot inside the right-of-way or easement line. Additionally, should the developer choose to employ internal sidewalk systems, such sidewalk systems shall conform to the Manufactured Housing Commission standards, as promulgated.

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6. Accessory Buildings and Facilities. Any accessory buildings and facilities constructed within the manufactured housing community shall be designated and serviced consistent with the following requirements:
 - a. Accessory buildings and structures, including development management offices and public works facilities, storage building, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents, guests, and employees of the manufactured housing community.
 - b. Site-built buildings within a manufactured housing community shall be constructed in compliance with the Manufactured Home Construction and Safety Standards. Site plan approval shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds and garages shall require a building permit from the Village prior to construction.
 - c. Each manufactured home shall be permitted one (1) storage shed and one (1) garage. The installation of any such shed or garage shall comply with codes and ordinances of the Village of Mayville and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage area on any manufactured home site is prohibited. Storage sheds need not be supplied by the owner of the manufactured housing community. A storage shed shall not exceed a floor area greater than one hundred forty-four (144) square feet. A carport or garage shall not exceed five hundred seventy-six (576) square feet.
 - d. Maximum height of any community accessory buildings and structures shall be thirty-five (35) feet, or two (2) stories, whichever is less. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.
7. Storage. If the owner of the manufactured housing community shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured housing community, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents of the manufactured housing community. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing community. Such storage area shall be screened from view from existing residences adjacent to the manufactured housing community, in accordance with the perimeter screening provisions described above. Manufactured housing community owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles, and similar equipment are not required to construct common areas for storage.
8. Drainage. The manufactured housing community shall provide sufficient stormwater facilities, independent of sanitary sewers, to prevent flooding of streets, lot, or recreation areas. On-site stormwater detention facilities, if provided, may be required to be fenced for safety reasons. The street drainage system shall be designed in such a

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way so as to minimize ponding and icing conditions. All stormwater drainage improvements shall be subject to review and approval by the Tuscola County Drain Commissioner, and the MDEQ, in accordance with MDEQ Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.

9. Waste Receptacles. Waste receptacles shall be provided unless curb side pick-up is provided. An on-site recycling station for residents may be provided at a location approved by the Planning Commission and the MDEQ. Adequate screening shall be provided, as required for the placement of outdoor storage areas.
10. Underground Wiring. All local distribution lines for franchised utilities (telephones, electric service, and cable television) shall be placed entirely underground throughout the manufactured housing community area. Mainlines and perimeter feed lines located on a Section or Quarter Section Line may be above ground if they are configured or installed within the State Electrical Code guidelines. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
11. Mailbox Clusters. If mailbox clusters are required by the U.S. Postal Service, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community road with a public road.
12. Design Standards for Individual Lots/Dwelling Units. No manufactured home shall be permitted to occupy any site or lot in the manufactured housing community if the home is either longer or wider than would permit compliance with the following requirements:
 - a. Site Size. The manufactured home development shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured home unit. These five thousand five hundred (5,500) square feet for any one site may be reduced by up to twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code and this Article.
 - b. Foundation. Each dwelling shall be provided with a foundation support in the form of a 4-inch cement slab, with a minimum of 1000 sq. ft., an 8-inch rat wall, and required tie downs. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling. Each dwelling shall be securely anchored to the foundation.

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- c. Minimum Width. Each dwelling shall be no less than sixteen (16) feet in width in all directions, prior to any additions or alterations.
- d. Setbacks and Spacing. Each manufactured home site shall have the following minimum yard requirements:
 - 1) Home not Sited Parallel to an Internal Road. Twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year.
 - 2) Home Sited Parallel to an Internal Road. Fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year if the adjacent home is sited next to a home on and parallel to the same internal road or an intersecting internal road.
- e. Roof. Each dwelling shall have a roof with no less than a 4-12 pitch. In the case of manufactured or modular homes, the roof shall be part of the original manufacture of the unit prior to being brought into the Village.

ARTICLE 2,
DIVISION 3:
COMMERCIAL/
MIXED-USE
DISTRICTS

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Article 2

Division 3: Commercial/Mixed-Use Districts

Sec. 5.01 Permitted Uses

In the Central Business District (CBD), Historic Downtown District (HDD) and Local Commercial/Mixed-Use District (LCD), land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, and by “*” are uses which have additional specific requirements, and may be approved administratively, whereas uses denoted by “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 5, Division 3: Special Land Uses*. Any use requiring Planning Commission approval must be reviewed by a planning consultant and any other applicable consultants for compliance with zoning regulation and district intent.

Permitted Uses	Central Business District <i>*non-retail and office type uses are not permitted on the first/ground floor</i>	Historic Downtown District	Local Commercial District	Additional Criteria
Residential	CBD	HDD	LCD	
Attached Residential (ground floor)		P		
Attached Residential (upper floor)	P	P		
Home Occupations (<i>in accordance with Sec x</i>)	P	P		
In-Home Office	P	P		
Nursing and Convalescent Homes	S	S	P	
Senior Housing, not including Nursing and Convalescent Homes	S	S	P	
Single-family detached (only existing)		P	P	

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Care Facilities				
Adult and child residential care facilities in accordance with <i>Section 86-132 Adult and Child Care Facilities.</i>	S	S	S	Section Adult and Child Care Facilities
Entertainment and Recreational				
Banquet, Conference, Dance, Lodge and Union Halls, and Private Clubs	S	S	S	
Entertainment- Live Theater, Bowling Alleys, Amusement Parks, etc.	P		S	
Golf Courses			S	
Golf Driving Ranges and Miniature Golf Courses			S	
Health Clubs and Fitness Centers	S	S	P	
Recreation Facilities Public	P	P	P	
Recreation Facilities, Private	S	S	S	
Theaters, Cinemas and Similar Assembly Buildings	S	S	S	
Finance, Medical and Professional Office and Research and Development				
Animal Grooming Establishments	P	P	P	
Banking Centers, including Drive-Through			S	
Banks, S and L, Credit Unions and Similar with No Drive-Throughs	P	P	P	
Hospitals			S	

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Medical Offices and Clinics including Chiropractors, Osteopaths, Optometrists, and Similar or Allied Professions	P	P	P	
Offices	P	P	P	
Professional Services	P	P	P	
Urgent Care Centers, Emergency Medical Stations and Similar Uses			P	
Veterinary Hospitals			P*	
Veterinary Offices/Clinics	P	P	P	
Service and Retail Trade				
Automobile Gasoline Stations			S	
Automobile or Vehicle Dealerships			P*	
Automobile Service Establishments (Routine Maintenance and Minor Repair)			S	
Automobile Washes, Automatic or Self-Service			P*	
Bars, Taverns, Lounges, Microbreweries (Accessory Only) and Brewpubs	*	*	*	
Bed and Breakfast Inns	S	S	S	
Convenience Stores without Gasoline Service	P	P	P	
Drive-Through Window Facilities			S	
Dry Cleaners, Retail Outlet	P	P	P	

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Funeral Homes and Mortuaries, not including Crematoriums	P*	P*	P*	
Garden Centers			S	
General Retail Uses	P	P	P	
Hotels and Motels	P	P	P	
Hotels and Motels including Accessory Convention/Meeting Facilities and Restaurants	S	S	S	
Laundromats			P	
Outdoor Display	P*	P*	P*	
Outdoor Sales and Storage			S	
Parking Lots and Parking Garages	S	S	S	
Personal Service Establishments	P	P	P	
Restaurants with Open Front Restaurant Windows	P*	P*	P	
Restaurants, including Carry-out, Delicatessens, Fast-food and Standard Restaurants	P	P	P	
Retail Businesses with drop-off areas			S	
Small Manufacturing Establishment	P*	P*	P*	
Storage on Upper Levels, provided no storage shall be allowed on a floor having residential dwellings, and all storage shall be related to a principal use within the structure	S	S	P	
Studios of Art, Photography, Music, Dance and Similar Uses	P	P	P	

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Public, Institutional, and Utilities				
Business, Research, Vocational and Technical Training Schools			S	
Places of Worship or Public Assembly	S	S	S	
Colleges, Universities, and Other Institutions of Higher Learning			S	
Essential Public Service Buildings			S	
Essential Public Services	P	P	P	
Public and Quasi-Public Institutional Buildings, Structures and Uses	P	P	P	
Accessory				
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	P	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	S	S	

Sec. 5.02. Site Development Requirements

All principal uses, special land uses, and conditional land uses are subject to the following site development requirements:

1. Village of Mayville Development Design Standards
2. Article 3: General Provisions
3. Article 4, Division 1: Off-Street Parking and Loading Standards
4. Article 4, Division 2: Access Management and Driveway Standards
5. Article 4, Division 3: Landscape Standards and Tree Replacement
6. Article 4, Division 4: Signs
7. Article 4, Division 5: Lighting
8. Article 5, Division 1: Site Plan Review

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Sec. 5.03. Provisions Applicable to All Commercial Districts

- (a) Intent. The Commercial Districts, Central Business (CBD), Historic Downtown (HBD), and Local Commercial/Mixed Use (LCD) Districts, are intended to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using Goodrich, Huron, and Main Streets. These districts are intended to create cohesive commercial areas that take advantage of access provided by the Village's roadway system but also provide convenient vehicular access between businesses in attractive settings, thereby ensuring the safety and discouraging undesirable commercial development.
- (b) Building Design. Building design shall complement the intended traditional small-town character and architectural heritage of the community. The design shall consider the adaptive reuse of the building. Building design shall incorporate a clear and well-articulated design concept, and architectural detailing that creates a positive and visually consistent image shall be encouraged. Any facade work being done in the Historic District Zone must have prior approval of the Planning Commission. (Reference – Attachment B, Full View Zoning Map)
- (c) Front façade design. All building façades that are visible from a street and/or neighboring property shall conform to the following design criteria:
 - a. Linear, or blank walls are prohibited on the front façade.
 - b. Architectural features, details and ornaments such as archways, colonnades, cornices, contrasting bases, contrasting masonry courses, water tables, molding pilasters, columns, and corbelling, contrasting bands of color, stone or accent features are encouraged.
 - c. Windows. Large window openings shall be provided at ground level with transparent, nonreflective, minimally tinted glass. Window shapes should be rectangular, square or Palladian (mostly rectangular with a semi-circular top). Circular, octagonal, or diamond shaped windows are not permitted unless they are consistent with specific traditional architectural style.
 - d. On a residential first floor building, the doors and windows will be of a residential style. The door will be solid or frosted glass.
- (d) Rear or side façade design. All sides of a building shall be similar in design, detail, and material to present a cohesive appearance to neighboring properties. Whenever a side or rear façade is visible from a public street, or if parking is located at the side or rear of a building, the façade shall be designed to create an appearance similar to the front façade.
- (e) Building materials. The selection of materials shall enhance the architectural ambiance of the area and shall reinforce the permanency of the structure and the development as set forth herein.
 - a. Durable materials required.

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- b. Materials shall have good architectural character, be durable and be selected for their compatibility with adjacent buildings and properties. A preference shall be given to the use of “green” building materials that can be recycled.
- c. Reflective materials are discouraged.
- d. Special attention shall be given to the durability of materials used around the ground floor of buildings. Such materials shall require minimal maintenance and have colors integral to the material.
- e. Materials visible from the street.
 - 1) A minimum of 60 percent of the exterior finish material of all building façades visible from any public street, parking lot or adjacent residentially zoned land (exclusive of window areas) shall consist of brick, cut stone, cast stone, architectural precast concrete, or wood. These materials must be used in any façade area subject to abuse or damage.
 - 2) The planning commission may allow, upon applicant’s request, the use of split face or burnished face concrete masonry units; however, such units must have an integral color. The remaining 40 percent of the façade (exclusive of window areas), including parapets and accent features, may incorporate other materials such as fiberglass-reinforced concrete, polymer plastic (Fypon) or exterior insulation and finishing systems (EIFS) materials for architectural detailing.
 - 3) The planning commission may permit other material for façades that are not visible from a public street or parking lot and are adequately screened from adjoining land uses.
- (f) Building material colors. The planning commission shall review building colors as a part of site plan approval.
 - a. Exterior finish materials and colors shall be consistent or compatible with existing finish materials/colors in the case of building additions or renovations.
 - b. As part of review, samples of building materials may be required.
 - c. Exterior colors shall be compatible with colors on adjacent buildings and shall reinforce the visual character of the environment of the proposed building, subject to the review and approval of the planning commission. The colors shall be such that the buildings are not competing for attention; colors shall not, in any way, constitute “signing” of the building.
 - d. The following natural colors are encouraged to be used for the main portions of building façades and roof forms: neutral earth tones (sand to brown); shades of gray; traditional colors (brick red, forest green, navy blue, etc.); light subdued hues (salmon, putty, etc.) or white.

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- e. Contrasting accent colors that are compatible with the primary colors listed above are encouraged for trim, accent and other decorative architectural features. The use of bright or fluorescent colors (purple, orange, pink, lime, yellow, etc. is discouraged.
- f. Architectural consistency of colors, materials and detailing shall be provided between all building elevations, subject to the review and approval of the planning commission. All elevations need not look alike however, a sense of overall architectural continuity shall be achieved.
- (g) Material or color changes. Material or color changes shall only occur at a change of plane. Material changes at the outside comers of buildings that give the impression of “thinness” and/or discloses or highlights the artificial nature of the material shall be prohibited. Inconsistent adornment and frequent changes in material or color shall be avoided.
- (h) Soffits and architectural elements. Soffits and other architectural elements visible to the public shall utilize materials compatible with other exterior materials on the building.
- (i) Roof materials, color and design.
 - a. Roof materials, color and design are considered an integral part of material and color features of the proposed building and as such shall be consistent with the design intent.
 - b. Pitched roofs on single story buildings shall be encouraged.
 - c. Shingles shall be asphalt, fiberglass, tile, slate or cedar in color subject to review and approval of the planning commission.
 - d. Standing seam metal roof systems may be permitted by approval of the planning commission.
 - e. Single story buildings with flat roofs or higher buildings shall have decorative cornices. If a flat roof is used, they may be made of rubber or build-up composition and shall be enclosed by parapets or peaked architectural features with a full roof return, at least 42 inches high or of a height to screen rooftop mechanical or other equipment. The planning commission shall determine the specific requirements of such screening.
- (j) Accessory buildings. Accessory buildings that are part of a new development shall incorporate the same materials as are utilized in the primary structure. Accessory buildings that are connected on an existing site should incorporate a unifying element(s) with the existing principle building. The new accessory structure shall, however, make every effort to follow the intent of this document and incorporate the recommendations herein in the design of the new accessory structure.
- (k) Building entrance design. All buildings shall have at least one primary public entrance. Main entrances to buildings shall incorporate devices such as canopies, roof overhangs, recessed entrance ways, or other similar features to provide protection from the elements. The primary building entrance shall be clearly defined

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and provide a sense of entry. In addition, long blank walls along the sidewalk leading to the entrance should be avoided.

- (l) Stylized or prototype buildings. Building design such that the building itself is an advertisement shall not be permitted. Building architecture shall not be of a design which intends to advertise a particular corporate or franchise style.
- (m) Screening (fences and walls). The impact of those elements of a site, which have an adverse effect on the subject site and surrounding sites, should be minimized.
- (n) Service areas. Unattractive project elements including, but not limited to, delivery zones, storage areas, trash receptacles, transformers, and generators shall be located in areas that are generally not visible to the public. Such elements shall be screened by the use of landscaping or screening materials compatible with the principal building.
- (o) Dumpsters. The location and method of screening of waste receptacles shall be shown on all plans, and an illustration depicting the path of refuse vehicles should be provided to ensure that conflicts with parked cars and structures are minimized.
- (p) Walls and fences.
 - a. All sound walls, masonry walls, or fences should be designed to minimize visual monotony through changes in plane, height, material, texture, or significant landscaping massing.
 - b. All fencing shall be designed as an integral part of the site, such as a planter wall or continuation of an architectural wall feature, rather than as a separate fence.
- (q) Overhead doors. Overhead loading doors shall not face a public street or residential district. The planning commission can waive this requirement upon a determination that there is no reasonable alternative, it is essential to the operation of the business, and the visual impact will be moderated through use of building materials, architectural features or landscaping. This provision is not intended to regulate retail customer access; however, overhead vehicular access doors facing a public street are discouraged.
- (r) Existing Buildings. The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:
 - a. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the Village may modify the material requirements of this Section to ensure consistency with the architecture of the remainder building.
 - b. Where an addition is proposed to an existing building, the Planning Commission or Zoning Administrator may allow the use of existing or compatible wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design.
- (s) Modification Requiring Planning Commission Approval. Modifications to the building design standards of Sec. 5.03.2 may be approved by the Planning Commission. A

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modification shall require an application that includes a site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings on the block. The application shall be reviewed by the Planning Commission based upon the following criteria:

- a. The design of the building shall be in keeping with the architectural character of Mayville, as articulated in the Master Plan. This shall not prevent innovation and creativity in design that is in keeping with the Master Plan, as determined by the Planning Commission.
- b. The building shall be oriented toward the front sidewalk, have a functioning entrance and enhance the continuity of the pedestrian-oriented environment. A modification shall not result in increasing the dominance of vehicular parking or garage doors along the front of the building.
- c. The design of the roof shall be compatible with character of other buildings along the block and shall meet district height requirements.
- d. The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of Mayville, as defined in this section, above.
- e. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian-orientation of the streetscape and upper story windows and shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

Sec. 5.04. Central Business District CBD and Historic Downtown District HDD

1. Intent and Applicability. The intent of the Central Business District (CBD) and Historic Downtown District (HDD) are to create pedestrian-friendly, compact, mixed-use districts. Downtown Mayville is characterized by a mixture of uses, which include retail, offices, attached residential, and civic uses.
2. The Central Business District and Historic Downtown Districts, as designated on the zoning map, are intended for the greatest density in Mayville - mixed-use, walkable, "Main Street" – and is required to meet the additional storefront regulations in the Section 5.02, Provisions Applicable to All Commercial/Mixed-Use Districts. The Historic Downtown District is encouraged to continue storefronts where possible, but this area is also suitable for greater flexibility in building siting and uses as the district transitions to adjacent residential districts.
3. Siting and Building Requirements. The table below defines the standards applicable to uses in the LCD Local Commercial/Mixed-Use District. Any proposed development with a non-residential use shall conform with the Commercial/Mixed-Use standards.

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Central Business and Historic Downtown District		
Height		
Minimum		1 story 25 ft.
Maximum		4 stories 60 ft.
Ground Floor Elevation - Residential Units (min.)		3 ft.
Second Floor Finished Elevation		16 ft. to 22 ft.
Upper Stories Clear Height (min.)		9 ft.
Siting		
Build-To/Dooryard		0-15 ft.
Frontage Build-To (min.)		75%
Parking Setback		30 ft.
Side Setbacks (min.)		0 ft.
Rear Setback (min.)	With alley	3 ft.
	Without alley	10 ft.
Adjacent single-family residential setback (side and rear)		20 ft.
Upper story setback, above third story		15 ft.
Architectural Elements		
Ground Floor Fenestration		25 to 90%
Upper Story Fenestration		25 to 70%
Private Open Area (min.)		10%

4. Additional Design Standards. In the Central Business District and Historic Downtown District residential is prohibited on the ground floor. The ground floor storefront uses and architectural requirements preserve the walkable, active downtown, and interface with the public realm. Storefront buildings shall also meet the design specifications for the Downtown district in the previous section, except as provided herein:
 - a. Siting
 - b. Required Build-to: 0' to lotline
 - c. Frontage build-to (min).85% (lineal length) of lot frontage

5. Fenestration
 - (t) Ground floor fenestration shall comprise between 70% and 90% of the ground story façade.

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(u) Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.

(v) The bottom of the window must be no more than 3 feet above the adjacent exterior grade.

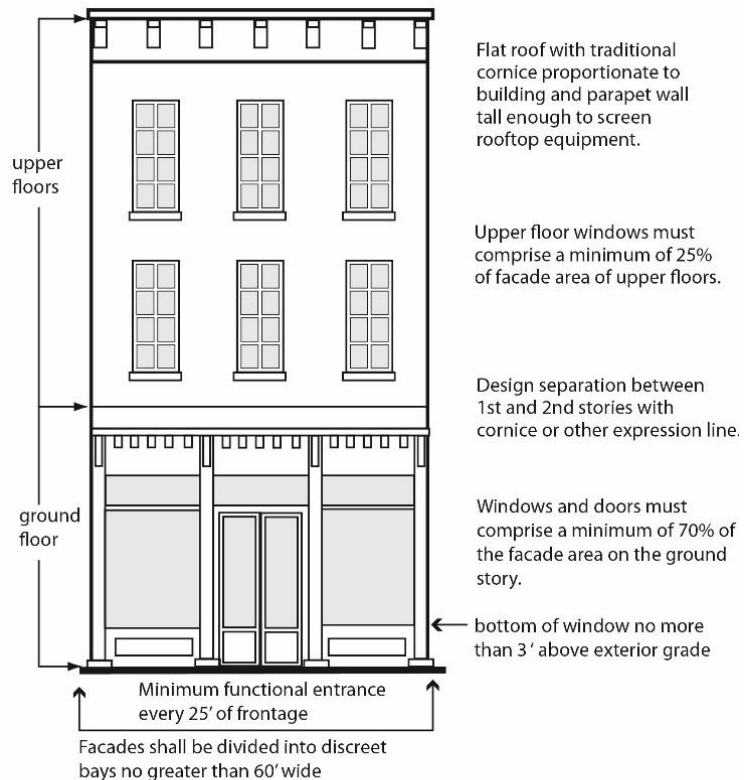
(w) Horizontal Articulation.

1) Horizontal articulation is the arrangement and proportion of façade materials and elements (windows, doors, columns, pilasters, and bays) into discreet bays.

2) For each block frontage, facades shall be divided into discreet horizontally articulated bays at no greater than 60 feet each.

3) Adjacent façades shall contain different wall materials and rhythm of bays to distinguish each storefront in the horizontal plane.

4) There shall be a minimum of one functional entrance every full 25 feet of frontage.



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

2. Ground floor Articulation

1) Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

2) Building Materials: Primary Building Materials: Brick, stone, and synthetic equivalents.

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- 3) Secondary/Trim Materials: Wood siding and synthetic equivalents; metal; synthetic stucco such as EIFS above ground floor only.

Wall materials visible from Streets	Primary Building Material (min.)	Secondary Building Material and Trim
First and Second Floor Elevations	75%	25%
Above second floor	50%	50%

3. Uses. Only Active Ground Floor Uses are permitted within the first 30 feet of building depth:
 - 1) Retail sales and services
 - 2) Restaurant
 - 3) Bar/Lounge
 - 4) Residential and Lodging Uses: Support functions such as lobbies, rental offices, and club rooms may be located on the first/ground floor.

Sec. 5.05. LCD Local Commercial/Mixed-Use District

1. Intent. The Local Commercial/Mixed Use Mixed-Use District (LCD) is intended to provide a mixture of community-serving general commercial uses and residential uses. The intent is to transform this historically mixture of housing and strip-style commercial into a mixed-use quality gateway into the Village.
2. Design Standards Intent. The intent of design standards in Local Commercial District is to establish rules applicable to new and renovated commercial and office development located outside the Central Business and Historic Downtown districts, to improve and enhance the visual and functional impact of new development in the Village of Mayville, and therefore, to enhance the public health, safety, and welfare. The intent of these regulations is to provide specific design guidelines that achieve the following:
 - a. Encourage development and redevelopment that protects and enhances the traditional small-town character, fits within the traditional urban form and creates a character that reinforces a sense of community identity.
 - b. Encourage a form of development that will achieve the physical quantities necessary to maintain and enhance the economic vitality of the various business districts, maintain the desired character of the Village, prevent the creation of blight and protect property values.
 - c. Promote the preservation and renovation of historic buildings, and ensure new buildings are compatible with, and enhance the character of, the Villages cultural, social, economic, and architectural heritage.
 - d. Establish an integrated pedestrian system to encourage a walkable pedestrian environment.

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- e. Encourage quality development to provide employment and diversify the tax base.
- f. Ensure that new development services the anticipated increased population and is designated to complement the community character.
- g. Encourage new development of existing areas.
- h. Implement recommendations of the Village of Mayville's current and future plans. For example, Village's master plan, parks and recreation plan, et al.

3. Siting and Building Requirements. The table below defines the standards applicable to uses in the B-2 Local Commercial/Mixed-Use District. Any proposed development with a non-residential use shall conform with the Commercial/Mixed-Use standards.

<i>Local Commercial/Mixed-Use</i>	
Height	
Maximum	2.5 stories/35 ft.
Front Setback (min.)	15 ft.
Front Setback (max.)	100 ft.
Side Setbacks (min.)	10 ft.
Rear Setback (min.)	10 ft.
Parking Setback (min.)	10 ft. (2)
Front parking screening	8 ft. landscape buffer, which may be reduced to 5 ft. with a 3 ft. masonry knee wall
Adjacent single-family residential setback (side and rear)	20 ft.
Adjacent single-family screening (side and rear)	6 ft. opaque screenwall or fencing within 1 ft. of common lot line
Lot Width (min.)	150 ft.
Lot Coverage (max.)	75%
Architectural Elements	
Ground Floor Fenestration	25% to 90%
Upper Story Fenestration	25% to 70%

(1) No parking between building façade and right of way

(2) Only one double-loaded bay of front-yard parking

4. Local Commercial/Mixed Use Design Standards

VILLAGE OF MAYVILLE ZONING ORDINANCE

- a. Physical features and site relationships. All development in the district shall minimize its impact on the natural environment and adjacent properties. Site design shall preserve and incorporate any natural features unique to the site. Specifically:
 - 1) Topography and grading. Site improvements shall be designed to minimize changes to existing topography. Topography and existing vegetation shall be utilized for screening, buffering, and transition of uses and developments. The project shall be designated to avoid massive grading to create flat building “pads” and shall maintain a naturally appearing grading design. Grading should be blended with the contours of adjacent properties.
 - 2) Existing site features. The design shall retain existing site features that are worthy of preservation as determined by the planning commission. The design shall also incorporate natural site amenities such as, creeks, wetlands, views, trees, natural ground forms, and similar features into the overall site design.
 - 3) Building orientation. The design shall be sensitive to the existing terrain, existing buildings in the surrounding area in terms of size, design, and orientation of buildings. Outdoor spaces shall be sensitive to views, climate, and the nature of outdoor activities that could occur in association with the project. This list is not exclusive.
 - 4) Building design. The design of buildings shall neither impair nor interfere with the development or enjoyment of other properties in the area. Though site planning and design, projects proposed near dissimilar land uses shall carefully address potential negative impacts on existing uses. These impacts may include, but are not limited to, traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.
 - 5) Distance between buildings. In a development in which there is more than one building, the distance between buildings shall be limited. Covered walks, arcades, landscaping and/or special paving shall be provided to connect buildings with each other and with the street. A variety in building size and massing shall be encouraged provided that architectural and spatial consistency can be maintained through the use of proportion, height, materials and design.
 - 6) Applicability to entire site. Site plans must address the entire parcel whenever new development is proposed, be it an addition to an existing structure, development or redevelopment of a portion of a site, or development or redevelopment of the entire site. Site plans shall address the need for improvements throughout the site to assure that proposed construction will be in compliance with this Article.
 - 7) Streetscape and pedestrian orientation. Developments shall create a walkable, pedestrian scale. Site and building design shall address pedestrian needs and shall include creative approaches to improving pedestrian interest, access, and enjoyment:

VILLAGE OF MAYVILLE ZONING ORDINANCE

- a) Spatial interruptions caused by parking or other non-pedestrian elements, such as building gaps, driveways, and service entries shall be avoided. Continuous pedestrian activity is strongly encouraged.
- b) Pedestrian spaces, such as covered walkways, courtyards and plazas shall be encouraged. The design shall encourage the development of open and attractive passageways between buildings and adjoining developments.
- c) Solid, blank walls and other “dead” or dull spaces at street level are to be avoided. Visually interesting building facades shall be maintained and/or established to engage pedestrian interest. Outdoor seating and dining areas are encouraged.
- d) Rear façades of both new and existing buildings must be designed to permit public access from parking lots whenever appropriate.
- e) Vehicular cross-access between properties shall be provided to minimize the number of curb cut openings onto public streets. Generally, vehicular access shall be limited, with no more than one access per street frontage.

ARTICLE 2,
DIVISION 4:
INDUSTRIAL
DISTRICT

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 2

Division 4: Industrial District

Sec. 6.01. Permitted Uses

In the I-1 District, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right and uses denoted by “*” are uses which have additional specific requirements. These uses may be approved administratively, whereas uses denoted by “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 5, Division 3: Special Land Uses*. Any use requiring Planning Commission approval must be reviewed by a planning consultant and any other applicable consultants for compliance with zoning regulation and district intent.

Permitted Uses in the Industrial District		Additional Criteria
	I-1	
Care Facilities		
Adult and child residential care facilities in accordance with <i>Section 86-10 Adult and Child Care Facilities</i> .	S	
Entertainment and Recreational		
Adult Entertainment Regulated Uses	S	
Commercial Recreation Facilities, Private	P	
Social Clubs	P	
Finance, Medical and Professional Office and Research and Development		
Basic Design, Research, Design and Pilot and/or Experimental Product Development Service, and Retail Trade	P	
Data Processing and Computer Centers, Including Service and Maintenance of Electronic Data and Processing Centers	P	
Medical Laboratories	P	
Professional and Corporate Offices	P	
Veterinary Hospital	C	

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Animal Grooming Establishment	C	
Commercial, Retail and Service		
Automobile Repair Establishment (Major Repair)	P	
Billboards and Off-Premise Signs	S	
Business Centers, combining small-scale office, and industrial space	P	
Commercial Parking Lots	S	
Central Dry-Cleaning Plants and Laundries	P	
Health Clubs and Related Uses Including Martials Arts Instruction and Gyms	P	
Kennels	*	
Mini- or Self-Storage Warehouses	*	
Outdoor Display	*	
Outdoor Storage	S	
Pet Boarding Facilities	*	
Radio and Television Studios and Stations	S	
Public, Institutional, and Utilities		
Business, Research, Vocational, and Technical Training Schools	P	
Essential Public Services	P	
Essential Public Service Buildings and Storage Yards	S	
Governmental Offices or Other Governmental Uses, Post Offices, Public Utility Offices, Exchanges, and Transformer Stations.	P	
Public and Quasi-Public Institutional Buildings, Structures and Uses	P	
Wireless Communications Facilities	S	
Industrial		

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Assembly, Manufacture, Compounding, Processing, Packaging, or Treatment from previously prepared materials, or repair, of such products as, but not limited to food products, excluding bakery goods and candy and plastics	P	
Assembly, Manufacture, Compounding, Processing, Packaging, or Treatment from previously prepared materials, or repair, of such products as, but not limited to: bakery goods and candy; cosmetics, pharmaceuticals, and toiletries; hardware and cutlery; pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas; musical instruments, toys, sporting goods, and novelties; small molded rubber products; electrical appliances, electronic instruments and devices, electronic consumer products, and photographic equipment; electric or neon signs; light sheet metal products, including heating and ventilating equipment, siding, cornices, eaves, and the like; textile goods; apparel, jewelry, and leather goods; and furniture and fixtures	P	
Assembly, Manufacture, Fabrication, Processing, Packaging, or Treatment of products indoors from previously prepared material including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, rubber, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood (planing mills shall not be permitted), and yarns	P	
Breweries, Distilleries and Wineries	P	
Concrete and Asphalt Batch Plants	S	
Experimental, Film, or Testing Laboratories	P	
Heat Treatment Plants	S	
Laboratories-Experimental, Film, or Testing	P	
Lumber and Planing Mills	S	
Metal Plating, Buffing, and Polishing	P	
Painting and Varnishing Shops	P	
Printing, Lithography, Blueprinting, Publishing, and Similar Uses	P	
Retail Sales of Goods Assembled, Manufactured, Compounded, Processed, Packaged, or Treated from Previously Prepared Materials, or Repaired or Stored, on The Premises, Provided the Building Floor Area Devoted to Retail Sales Comprises no more than 25% of Principal Building Floor Area and the Outdoor Sales Area Comprises no more than 25% of the Minimum Required Lot Area	P	
Salvage Yards/Junk Yard	S	

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Stamping Plants	P	
Tool, Die, Gauge and Machine Shops	P	
Truck Terminals, Truck Stops, and Truck Service Facilities	S	
Warehousing and Wholesale Establishments, Material Distribution Facilities	P	
Accessory		
Accessory buildings, structures and uses, customarily incidental to any of the above principal uses	P	
Accessory buildings, structures and uses customarily incidental to any of the above special land uses	S	

Sec. 6.02. Site Development Requirements

All principal uses, conditional land uses, and special land uses are subject to the following site development requirements:

Article 3: General Provisions

Article 4, Division 1: Off-Street Parking and Loading Standards

Article 4, Division 2: Access Management and Driveway Standards

Article 4, Division 3: Landscape Standards and Tree Replacement

Article 4, Division 4: Signs

Article 4, Division 6: Lighting Standards

Article 5, Division 1: Site Plan Review

Sec. 6.03. Industrial District, I-1

1. Intent. The I-1, Industrial District is intended to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. Since available industrial land in the Village is limited, this district is also intended to accommodate uses that are office- or research-type, along with “business center” buildings that combine office and flexible industrial space. It is further intended that the processing of raw material for shipment of bulk form, to be used in an industrial operation at another location, not be permitted.

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2. Area, Height, Bulk, and Placement Regulations

	I-1
Lot Size	
Minimum Area	1 acre
Minimum Width	150 ft.
Minimum Depth	285 ft.
Setbacks	
Front yard (min.)	50 ft.
Side yard (min)	
Least One	20 ft.
Rear yard (min.)	40 ft.
Building Height	
Stories (max.)	-
Feet (max.)	35 ft.
Building Area	
Maximum % Building Coverage	50%

3. Industrial Design Standards

- a. Physical features and site relationships. All development in the district shall minimize its impact on the natural environment and adjacent properties. Site design shall preserve and incorporate any natural features unique to the site. Specifically:
 - 1) Topography and grading. Site improvements shall be designed to minimize changes to existing topography. Topography and existing vegetation shall be utilized for screening, buffering, and transition of uses and developments. The project shall be designated to avoid massive grading to create flat building “pads” and shall maintain a naturally appearing grading design. Grading should be blended with the contours of adjacent properties.
 - 2) Existing site features. The design shall retain existing site features that are worthy of preservation as determined by the planning commission. The design shall also incorporate natural site amenities such as, creeks, wetlands, views, trees, natural ground forms, and similar features into the overall site design.
 - 3) Building orientation. The design shall be sensitive to the existing terrain, existing buildings in the surrounding area in terms of size, design, and orientation of buildings. Outdoor spaces shall be sensitive to views, climate, and the nature of outdoor activities that could occur in association with the project. This list is not exclusive.

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- 4) Building design. The design of buildings shall neither impair nor interfere with the development or enjoyment of other properties in the area. Though site planning and design, projects proposed near dissimilar land uses shall carefully address potential negative impacts on existing uses. These impacts may include, but are not limited to, traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.
- 5) Distance between buildings. In a development in which there is more than one building, the distance between buildings shall be limited. Covered walks, arcades, landscaping and/or special paving shall be provided to connect buildings with each other and with the street. A variety in building size and massing shall be encouraged provided that architectural and spatial consistency can be maintained through the use of proportion, height, materials and design.
- 6) Applicability to entire site. Site plans must address the entire parcel whenever new development is proposed, be it an addition to an existing structure, development or redevelopment of a portion of a site, or development or redevelopment of the entire site. Site plans shall address the need for improvements throughout the site to assure that proposed construction will be in compliance with this article.
- 7) Streetscape and pedestrian orientation. Developments shall create a walkable, pedestrian scale. Site and building design shall address pedestrian needs and shall include creative approaches to improving pedestrian interest, access, and enjoyment:
 - a) Spatial interruptions caused by parking or other non-pedestrian elements, such as building gaps, driveways, and service entries shall be avoided. Continuous pedestrian activity is strongly encouraged.
 - b) Pedestrian spaces, such as covered walkways, courtyards and plazas shall be encouraged. The design shall encourage the development of open and attractive passageways between buildings and adjoining developments.
 - c) Solid, blank walls and other “dead” or dull spaces at street level are to be avoided. Visually interesting building facades shall be maintained and/or established to engage pedestrian interest. Outdoor seating and dining areas are encouraged.
 - d) Rear façades of both new and existing buildings must be designed to permit public access from parking lots whenever appropriate.
 - e) Vehicular cross-access between properties shall be provided to minimize the number of curb cut openings onto public streets. Generally, vehicular access shall be limited, with no more than one access per street frontage.

ARTICLE 3: GENERAL PROVISIONS

Article 3:

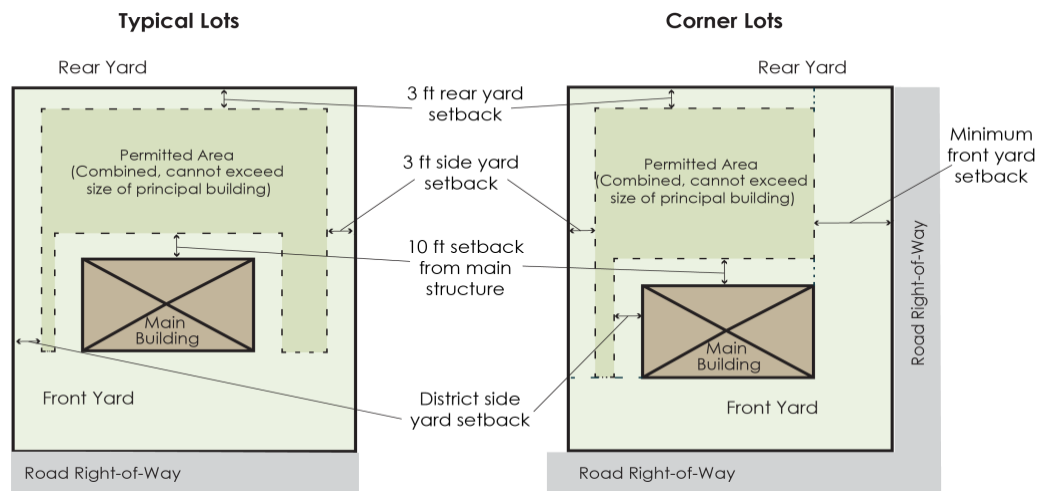
General Provisions

Sec. 8.01. Accessory Buildings, Structures, and Uses

(See Figure 2.1 Accessory Buildings and Structures Location Standards)

Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations.

1. Relation to Principal Building
 - (a) Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
 - (b) No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
 - (c) Detached accessory buildings shall be set back a minimum of ten (10) feet from the



principal building.

2. Locations for Detached Accessory Buildings

- a. Detached accessory buildings and structures shall only be located in the yards listed in Table 2.
- b. Accessory buildings shall not be located within a dedicated easement or right-of-way.

Table 2.0

Accessory Building Locations and Setbacks

Locations Permitted	Minimum Setback from Lot Line
Front Yard	Not permitted

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Side Yard	District setback
Rear Yard	3 feet from rear lot line 3 feet from side lot line 1 foot from alley
Corner lot side-street yard	Front yard setback of zoning district

- c. Rear Yard Lot Coverage Limit. A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The total area of all structures on the lot shall not exceed the lot coverage limits of the district, found in Article 2, Divisions 2-4.
- d. Height Limitations. The maximum height of detached accessory buildings shall be one (1) story but not to exceed fourteen (14) feet.
- e. Use. Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this Ordinance. Accessory buildings shall not be used for a home occupation.
- f. Appearance. The design and building materials garage or non-residential accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the Zoning Administrator or Planning Commission.
- g. Attached Garages. Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks and lot coverage, and not the regulations of this section. Attached garages shall not exceed the height of the living portion of the dwelling.

Sec. 8.02. Adult and Child Care Facilities

- a. Adult and childcare facilities, as defined in *Article 1, Division 2, Definitions*, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Adult and Child Care Facilities Regulations				
Type of Facility	Zoning District			
	SFR	MFR	CBD, LCD, HDD,	ID
Adult Daycare Facilities	SLU as accessory	SLU	SLU	SLU
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA

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Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	SLU	SLU	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Congregate Facility (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Foster Family Home (4 or fewer children 24 hours per day)	P	P	NA	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA
Family Day-Care Home (6 or fewer children less than 24 hrs. per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	P	P	NA	NA
Group Day-Care Home (7 to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	SLU	SLU	NA	NA
Child Care Center or Day-Care Center (more than 6 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7) (8)(9)	SLU as accessory	SLU	SLU	SLU
Child Caring Institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	NA	SLU	SLU	SLU
P: Permitted use SLU: May be allowed upon review and approval of a special land use, in accordance with the general standards in <i>ARTICLE 13 SPECIAL LAND USES</i>. SLU as accessory: May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use. NA: Not allowed in zoning district.				

Footnotes:

- (1) The use shall be registered with the Village of Mayville Clerk's Office and shall continually have on file with the Village documentation of a valid license as required by the State.
- (2) Since the State law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be provided.
- (3) The site shall comply with the sign provisions of *Article 4, Division 4, Signs*.

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- (4) Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.
 - (5) The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.
 - (6) Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
 - (7) There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.
 - (8) There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.
 - (9) The facility shall operate not more than sixteen (16) hours per day.
- b. A State-licensed residential adult or childcare facility existing prior to the effective date of this Ordinance (November 11th, 2020), that has been operating under a valid State license and is registered with the Village no later than sixty (60) days following the effective date of this Ordinance (November 11th, 2020), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of *Article 5, Division 1, Site Plan Review* as applicable.

Sec. 8.03. Antennas and Towers

Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as “regulated reception antenna”) and may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of *Article 5, Division 3, Special Land Use, Wireless Communication Facilities*.

1. Ground-Mounted Antennae. Regulated reception antenna exceeding one (1) meter (3.28 feet) in diameter in Residential Districts and three (3) meters (9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:
 - a. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.

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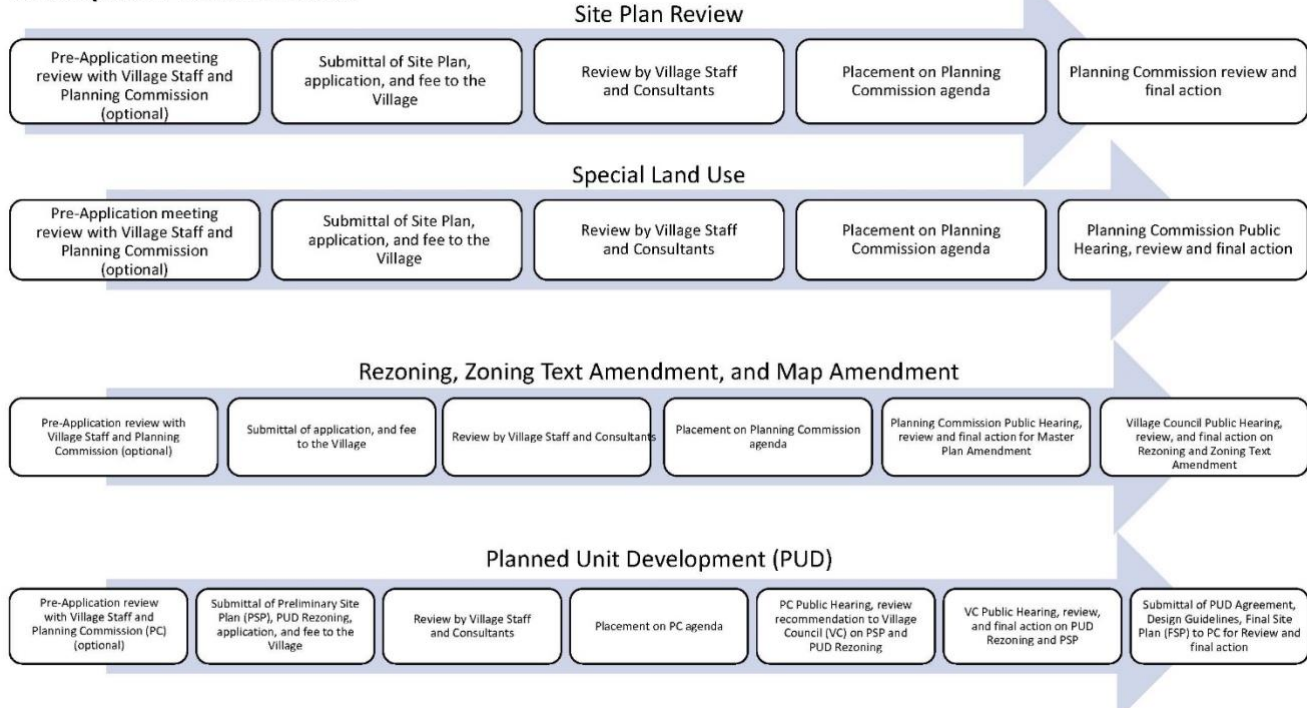
- b. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
 - c. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with *Article 5, Division 1, Site Plan Review*, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.
 - d. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any Residential District, and shall not exceed one hundred (100) feet above mean grade in any other zoning district.
 - e. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
 - f. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.
2. Building-Mounted Antennae. Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in Residential Districts and two (2) meters (6.56 feet) in Non-Residential Districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.
- a. Roof-mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in Non-Residential Districts only, provided that the antenna complies with the height requirements of the district in which they are located. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.
3. General
- a. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
 - b. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
 - c. The color of the antennae shall be of tones similar to the surroundings.
 - d. All electrical and antenna wiring shall be placed underground where applicable.
 - e. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.

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- f. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
- g. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Building Official prior to erection.
- h. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of Appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

Sec. 8.04. Application Procedures in General

Development Review Process



1. The process for application and review by the Village for site plan review, special land use approvals, planned unit developments (PUDs), condominium developments, text amendments to this Ordinance, and rezoning of land is shown on *Figure 2.2 Development Approval Process*. Submittal dates, application forms, and information on fee requirements are available at the Village offices.
2. The Planning Commission, Zoning Board of Appeals (ZBA), or Village Council may withhold granting approval of any use, site plan, Planned Unit Development plan, or other approvals required by this Zoning Ordinance pending approvals which may be required by County, State, or Federal agencies or departments.

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Sec. 8.05. Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or Building Official. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Sec. 8.06. Determination of Similar Use

1. Since every type of potential use cannot be addressed in this Ordinance, each district provides for similar uses, referencing this Section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Zoning Administrator for review and decision, based on the following standards:
 - a. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.
 - b. If the use is not addressed in this Ordinance, the Zoning Administrator may attempt to select a named use listed in this Ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the Village.
 - c. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other Ordinance requirements that apply to the named use. Where the Zoning Administrator determines a proposed use is not similar to any named use addressed in this Ordinance, the applicant may petition for an amendment to this Ordinance.
 - d. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the Zoning Administrator to be similar shall thereafter be deemed to be included in the enumeration of the uses permitted.

Sec. 8.07. Donation Boxes

1. Intent. It is the intent of this ordinance to support, in a responsible manner, the placement and use of attended and unattended collection bins. These containers are most commonly used to collect for recycling, re-sale or re-use of general household goods such as clothing, shoes, books and similar items. The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing minimum blight-related performance standards for the operation of unattended collection bins. This includes establishing criteria to ensure that material is not allowed to accumulate outside of such bins, that the bins remain free of graffiti and blight, they are maintained in sanitary conditions, and that the public is fully informed of those who operate the bins so that they may obtain additional information and/or so that such operators can

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be contacted if there are any blight-related questions or concerns. This ordinance is also intended to ensure that collection bins are not placed on property without the express permission of the property owner. Further, it is the intent of this ordinance to ensure the safety of pedestrians and motorists through appropriate placement of such containers as well as to ensure the site standards for other on-site uses are met.

2. **Meaning of terms.** The term “collection bin” as used in this section shall have the meaning assigned to it in *Article 1, Division 2, Definitions*, of this Ordinance.
3. **Permitted locations.** Collection bins may be placed as an accessory use on properties that are used for non-residential purposes in the following Zoning Districts: Local Commercial and Industrial. Collection bins shall not be located within 1,000 feet from another collection bin as measured along a straight line from one box to the other. Collection bins shall not be located on any unimproved parcel or on property on which the principal use has not been operated for more than 30 days.
4. **Permit required; validity; renewal.** No person or entity shall cause or permit the installation or placement of a collection bin upon any real property located within the Village, whether public or private, without first obtaining a collection bin permit. A collection bin permit is valid for a one-year period from the date of issuance. Renewal of a collection bin permit may be requested no less than 30 days before the current permit expires.
5. **Permit Application.** A collection bin permit application shall be accompanied by the following information for review:
 - a. An affidavit and acknowledgment from the property owner, giving written permission to place a collection bin on the subject property, as well as an acknowledgment of receipt of a copy of this chapter, and a signed statement agreeing to obey all of its requirements.
 - b. A site plan indicating the placement of the collection bin.
 - c. The name, address, telephone number and e-mail address of the applicant, property owner and collection bin operator who will be responsible for compliance.
 - d. A photograph, rendering, or example image of the collection bin to be installed.
 - e. A nonrefundable fee determined by resolution as set by Village Council.
 - f. A copy of the license and registration from the State of Michigan under the Michigan Consumer Protection Act and the Charitable Organizations Solicitations Act if statutorily required.
6. **Standards for Collection Bins and Surrounding Areas.** Collection bins shall be established in a manner that preserves public safety and welfare by ensuring proper maintenance and placement. The following standards apply:
 - a. Collection bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.

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- b. Collection bins are required to be placed on a paved or concrete surface. Collection bins must be level and stable.
- c. Collection bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
- d. The collection bins shall be emptied with such frequency and regularity as to ensure that it does not overflow, and materials do not accumulate outside the collection bin.
- e. The collection bin operator and property owner shall maintain, or cause to be maintained, the area surrounding the bins free from any overflow collection items, furniture, rubbish, debris, hazardous materials, and noxious odors. To extent provided by law, the collection bin operator and/or property owner shall be jointly and severally responsible for the Village's cost to abate any nuisance.
- f. One collection bin on a single lot of record is allowed.
- g. The maximum size of a collection bin is limited to 5' x 5' x 7'.
- h. Collection bins must be placed:
 - 1) At least 10 feet from a public sidewalk;
 - 2) At least 5 feet from a private sidewalk;
 - 3) At least 10 feet from a public right-of-way;
 - 4) At least 10 feet from a driveway;
 - 5) At least 10 feet from a side or rear property line that is adjacent to residentially zoned or used property;
 - 6) Collection bins shall not be placed in a designated fire lane, in or adjacent to a handicap parking space, or block a building entrance or exit; and
 - 7) Collection bins shall not be located in any required or preexisting landscaping area.
- i. Identification of Collection Bins. Collection bins shall have signage on each bin that identifies the name, mailing address, email address, website and phone number of the collection bin operator. Total sign area on a collection bin shall not exceed four (4) square feet per side of the bin.

Sec. 8.08. Electric Distribution and Service Lines

The electric distribution system for new residential developments shall be placed underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rules 460.511 - 460.512.) Electric lines servicing new office, commercial, and industrial developments shall be located underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rule

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460.513) unless the practical difficulty associated with such action shall result in an undue burden to the customer as determined by the Village Council.

Sec. 8.09. Essential Public Services

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in *Article 1, Division 2, Definitions*, authorized under any franchise in effect within the Village shall be permitted subject to regulation as provided in any law in the State of Michigan or in this Ordinance or any Village Ordinance. It is the intention of this Ordinance to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practical and not in conflict with the specific requirements of such franchise, State legislation, or Village Ordinance. In absence of such conflict, the standards of this Ordinance shall prevail.

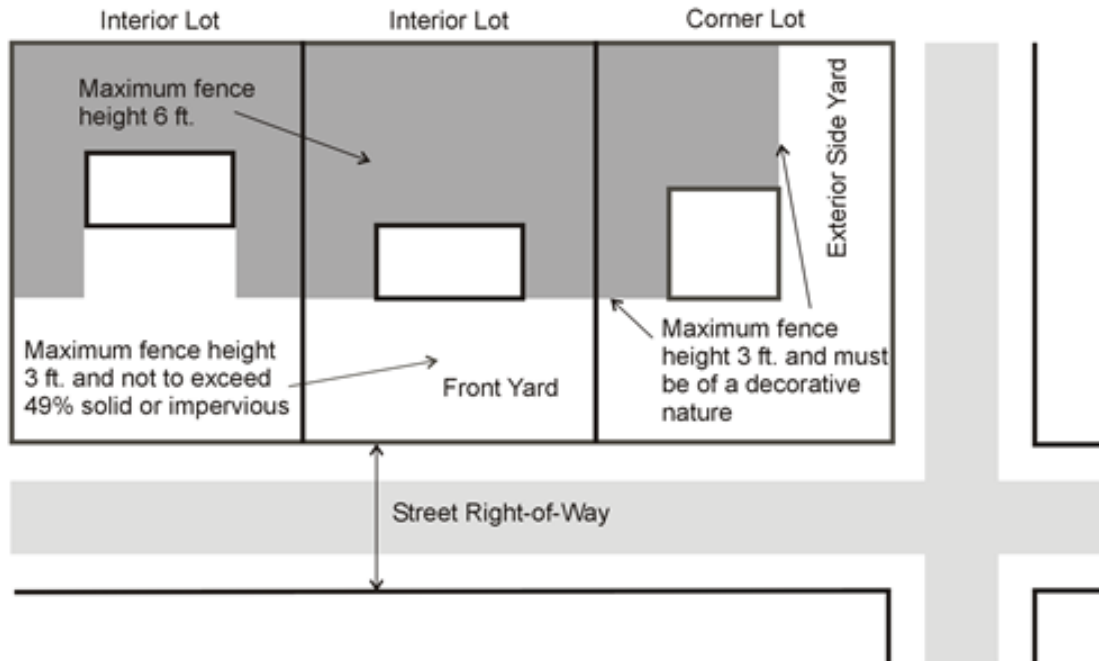
Sec. 8.10. Fences and Walls (also see Article 4, Division 3, Landscape Standards)

1. All Districts

- (d) Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six (6) feet.
- (e) Fences and walls shall not be erected within any public right-of-way or easement.
- (f) Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists.
- (g) Chain link fences shall not be erected in any non-residential front or exterior side yard, except Industrial Districts, unless enclosing a retention pond approved by the Planning Commission. The chain link fence must be black vinyl coated.
- (h) Electronic fences buried beneath the ground are permitted in all districts.

- (i) All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered

Fences in Residential Districts



between the two vertical exterior surfaces of the fence.

2. Residential Districts

- a. Unless specifically authorized elsewhere in this Ordinance, fences may be located within the required exterior side yard for corner lots but shall not exceed four (4) feet in height, be in excess of forty-nine percent (49%) solid or impervious, and shall be tubular aluminum, black vinyl-coated chain link fence, or similar, as determined by the Zoning Administrator. It must also be determined that the fence will not be detrimental to the property or its surroundings including neighboring properties, streetscape, or intersection visibility.
- b. Any fence in the required front yard shall be:
 - 1) No more than three (3) feet in height or be in excess of forty-nine (49%) solid or impervious;
 - 2) Constructed of wrought iron (tubular aluminum), wood or vinyl “picket”, or similar as determined by the Zoning Administrator, per the adopted Planning Commission guidelines.

3. Non-residential Districts

- a. Any fence in a front yard in a Non-Residential District shall be of a decorative nature as determined by the Zoning Administrator. The Zoning Administrator may require

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landscaping to obscure the visual impact of the fencing in such situations as noted above.

- b. A security fence for a permitted non-residential use may include a maximum of one (1) additional foot of height to accommodate the barbed wire.

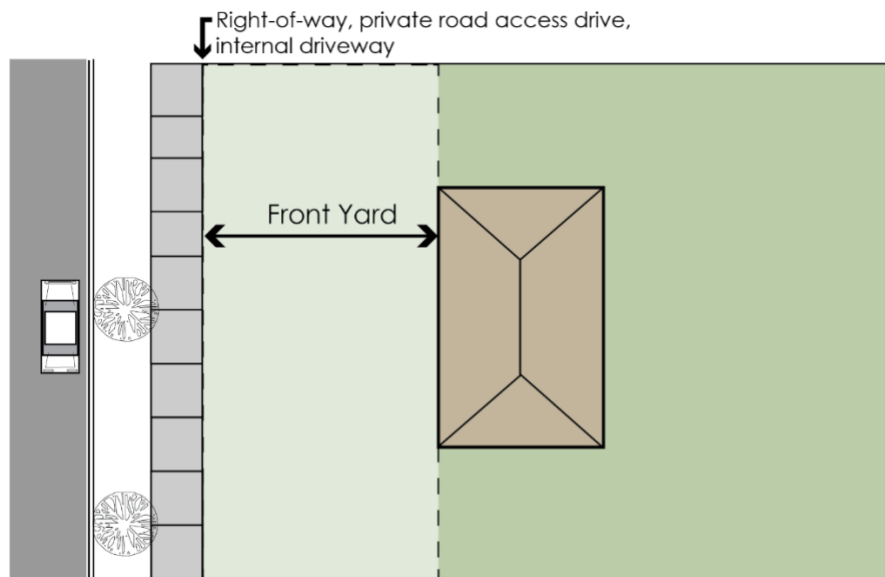
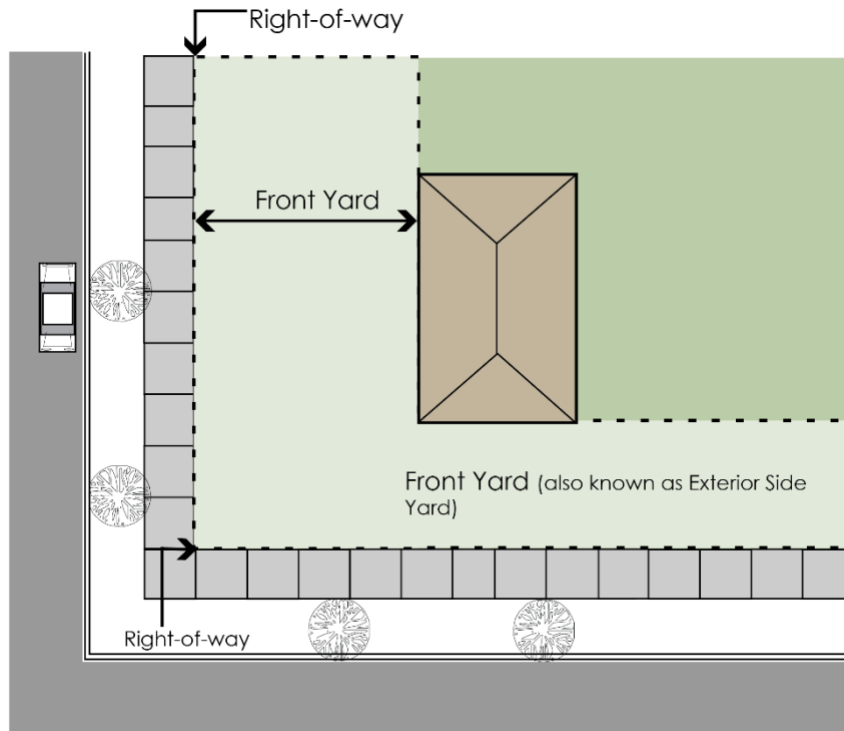
Sec. 8.11. Flagpoles

1. The maximum height of flagpoles shall not exceed forty (40) feet, except in residential district where the maximum height shall not exceed twenty (20) feet, measured from the average surrounding grade.
2. A maximum of one (1) flagpole per property is allowed in single-family residential districts and three (3) flagpoles are allowed per site in all other zoning districts.
3. Flagpoles shall be set back a minimum of ten (10) feet from any public right-of-way, private road access easement, access drive, or property line.
4. A maximum of two (2) flags per flagpole shall be permitted.

Sec. 8.12. Front Yard Requirements

1. Front yard requirements along rights-of-way shall be measured from the property line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
2. Front yard setback reductions are permitted as regulated in *Article 2, Zoning Districts*.
3. Corner lots and through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
4. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.
5. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

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Sec. 8.13. Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

1. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable County and State regulations.

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2. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet, on a one-time basis, may be permitted after review and approval of a sketch plan by the Planning Commission in accordance with *Article 5, Division 1, Site Plan Review* and with applicable County and State regulations.
3. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.
4. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained, and the pool is completely constructed within six (6) months of the excavation.
5. Any clearing of trees on lots of over one hundred (100) square feet prior to site plan approval in accordance with *Article 5, Division 1, Site Plan Review* shall be prohibited.

Sec. 8.14. Height Exceptions and Limitations

The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

Sec. 8.15. Home based Occupations

All home based occupations must comply, and remain in continuous compliance with, the following standards:

1. A home based occupation permit must be obtained from the Village and include a floor plan indicating the area(s) within the house where the home occupation will be conducted.
2. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
3. The use of the dwelling for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than twenty percent (25%) of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
4. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation.
5. There shall be no signs on any structure, in the windows or anywhere on the property.
6. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or no more than an average of ten (10) vehicular trips per day.

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7. The home occupation shall be conducted entirely within the confines of the dwelling and shall not take place in a garage or accessory structure.
8. There shall be no sale of products or service on the premises where the home occupation is located. A retail showroom, sales area, outlet, or similar facility is prohibited as is outdoor display of goods.
9. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard.
10. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

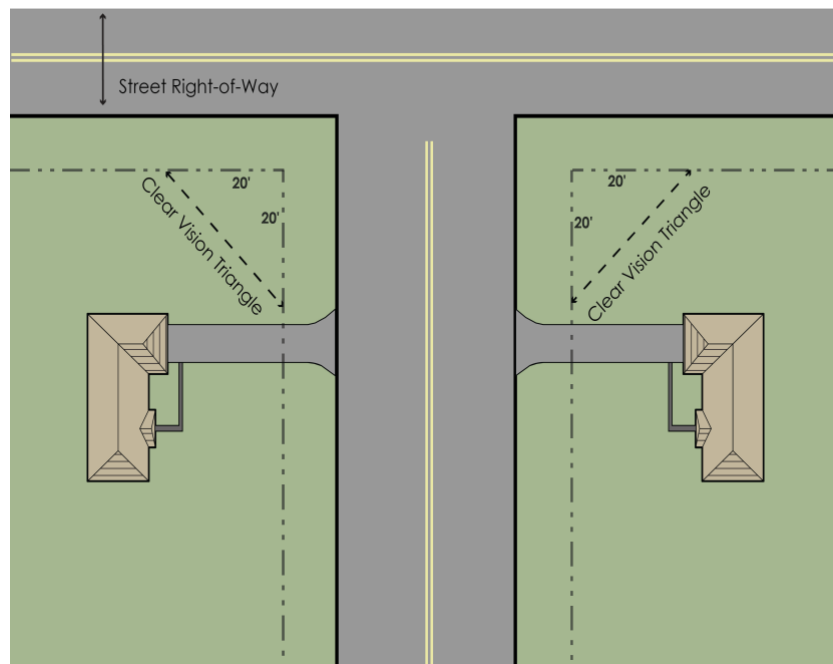
Sec. 8.16. In-Home Office

An in-home office is permitted by-right in any residential zoning district when in compliance with the following standards:

1. Clients or customers shall not make visits to the office.
2. The above conditions (home occupation) 2 and 4 through 8 shall be met.

Sec. 8.17. Intersection Visibility

1. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20)



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feet from the point of intersection of the right- of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.

2. The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

Sec. 8.18. Lot Area Allocation

1. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.
2. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
3. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of the lot.

Sec. 8.19. Mechanical Equipment and Utilities

1. Ground mounted mechanical equipment, such as blowers, ventilating fans, air conditioning units, and generators are permitted only in non-required side yards and in any rear yard, as determined by the Building Official.
2. Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the CBD.
3. Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
 - a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
 - b. For all commercial and industrial buildings, roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface and shall occupy no more than fifteen percent (15%) of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

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Sec. 8.20. Medical Marihuana

1. Uses of land or buildings or structures for commercial uses or purposes that are prohibited by or contrary to federal, state or local regulations and ordinances are expressly prohibited in any zoning district within the Village. However, the following are exempt from this prohibition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, MCL 333.26423(d), *et seq.*, as may be amended:
 - a. The use, possession, cultivation, or growth of Marihuana by a registered qualifying patient as defined in the Michigan Medical Marihuana Act; or
 - b. The possession, cultivation, growth, or transfer of marihuana or provision of services to a qualifying patient by a primary caregiver as defined in the Michigan Medical Marihuana Act.
2. Marihuana establishments, authorized pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended, are prohibited within the boundaries of the Village.

Sec. 8.21. One-Family Cluster Housing Option

The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will introduce development flexibility so as to provide for the sound physical development of sites in those instances where the normal subdivision platting process, or single family site condominium procedure, or development under the open space preservation option, as set forth and regulated in this ordinance Code, would otherwise be unreasonably restrictive. This may be accomplished by using the *Planned Unit Development (PUD) Overlay, Article 5, Division 2*.

Sec. 8.22. Outdoor Seating for Restaurants and Cafes

Outdoor restaurants and cafes shall be reviewed and approved administratively by the Zoning Administrator, subject to the following requirements:

1. A site drawing showing a detailed plan of the outdoor restaurant or café shall be administratively approved by the Village. The Village will review the site plan in order to ensure the following traffic and pedestrian safety measures:
 - a. Any sidewalk or open space used for the outdoor restaurant or café is immediately adjacent to the applicant restaurant, provided that the café may be separated from the restaurant by the main pedestrian walkway along the public sidewalk.
 - b. The use of a sidewalk or open space for the outdoor restaurant or café allows a minimum pedestrian walkway of six (6) feet.
 - c. Any tables, chairs, umbrellas or other equipment shall not extend into or over the six (6) foot wide pedestrian walkway, and there shall be no barriers to pedestrian visibility. The number, size and location of tables, chairs, and equipment shall be administratively approved by the Village.

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- d. If alcohol is to be served in conjunction with the proposed outdoor restaurant or café, barriers designating the service area, as required by the Michigan Liquor Control Commission, will be utilized. If no alcohol is to be served, a barrier approved by the Village will be utilized between the service area and the pedestrian right-of-way. In either instance, the design of the barrier must be in keeping with the zoning ordinance and any applicable design guidelines.
2. The outdoor restaurant or café must be part of a licensed full-service restaurant and it must meet all of the requirements of, and secure all of the necessary permits from, the Tuscola County Health Department and the Michigan Liquor Control Commission.
3. Liability insurance and property damage coverage, naming the Village of Mayville as an insured party, in an amount approved by the Village, must be provided before an outdoor restaurant or café extending into the right-of-way may be set up.
4. Final approval by the appropriate Village department(s) is required for any seating placed within the public right-of-way.
5. The Zoning Administrator can submit the request to the Planning Commission for review and action, if deemed necessary.

Sec. 8. 23. Performance Standards

No land use otherwise allowed shall be permitted within a zoning district that does not conform to the following standards of use, occupancy, and operation. These performance standards are hereby established as the minimum requirements to be maintained.

1. Smoke
 - a. Generally. It shall be unlawful for any person to permit the emission of any smoke from any source, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, to a density greater than that density described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four (4) minutes in any thirty (30) minute period.
 - b. Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard.
2. Radioactive, Toxic and Hazardous Materials. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted in excess of quantities established as safe by the American National Standards Institute, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the Federal government.
3. Noise. Operations or activities which exceed the maximum sound intensity levels defined below shall be prohibited. A sound level meter and an octave band analyzer

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shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer; and the maximum levels indicated in the following table may be exceeded by no more than five (5) decibels. Where questions on noise arise, the current standards recognized by the American National Standards Institute shall apply.

Maximum Permitted Sound Intensity Levels		
Center Frequency (Cycles per second)	Sound Pressure Level in Decibels (0.0002 dyne/cm ²)	
	Residential Districts	Non-Residential Districts
31.5	72	77
63	71	76
125	65	70
250	57	62
500	51	56
1,000	45	50
2,000	39	44
4,000	34	39
8,000	32	37

Source: American National Standards Institute

a. The following sources of noise are exempt:

- 1) Transportation vehicles not under the control of an on-site use.
- 2) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- 3) Temporary construction activity between 6:00 a.m. and 7:00 p.m.
- 4) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
- 5) Noises resulting from authorized public activities such as parades, fireworks displays, sports events, musical productions, and other activities that have the approval of the Village Council or its designee.

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4. Dust, Dirt, and Fly Ash

- a. Generally. No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or devices are equipped with recognized and approved equipment, methods, or technology to effectively reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device so that the quantity of gas-borne or airborne solids shall not exceed 0.20 grains per cubic foot of carrying medium at a temperature of five hundred (500) degrees Fahrenheit. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stove.
- b. Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
- c. Fire and Explosive Hazards. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with these performance standards and all other standards of this Ordinance, and providing that the following conditions are met:
 - 1) Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.
 - 2) All such buildings or structures shall be set back at least forty (40) feet from lot lines and all buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFPA prevention codes.
 - 3) The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State rules and regulations as established by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the NFPA.

Sec. 8.24. Personal Ice Rinks

1. Personal ice rinks (not commercial) are permitted as an accessory use in any single-family residential zoning district.
2. Personal ice rinks are permitted in the rear yard.
3. A four (4) foot setback is required from adjacent residential property lines.

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4. The ice rink boards shall be no taller than 24" in height and must be properly maintained and free from deteriorating conditions such as peeling paint and cracking wood.
5. Any lighting must be directed away from adjacent properties and the road right-of way. In addition, lights may not be used from 10:00 pm to 7:00 am.
6. No ice rinks shall be erected prior to November 15th and shall be removed no later than March 15th, or as weather permits.

Sec. 8.25. Playscapes, Playground Equipment, and Tree Houses

1. Playscapes, playground equipment, and tree houses are permitted as accessory uses in any single-family residential zoning district.
2. Playscapes and playground equipment are permitted in the rear yard and shall not exceed fourteen (14) feet in height.
3. A four (4) foot setback is required from adjacent residential property lines.
4. Tree Houses are permitted as an accessory use in any single-family residential district, with a maximum height of fourteen (14) feet at the peak, a four (4) foot setback from property lines and are not permitted in any front yard.

Sec. 8.26. Principal Buildings, Structures, and Uses

1. No lot may contain more than one (1) principal building, structure, or use.
2. Groups of multiple-family dwellings, site condominiums, retail business buildings, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the Zoning Administrator.
3. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the Zoning Administrator.

Sec. 8.27. Private Road Standards

1. The Village may allow private roads only when meeting the standards of this Section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by the *Chapter 86 Subdivisions of the Village of Mayville Code of Ordinances*, as amended, or internal access drives to parking within approved site plans for multiple-family developments or commercial access drives.
2. Private roads are reviewed and approved by the Village Council after a recommendation from the Planning Commission. Documentation accepted by the Village Council, must support that the property possesses unusual configuration and/or topography which would render construction of public streets under Village standards for grades, radii, width, and/or materials impractical.

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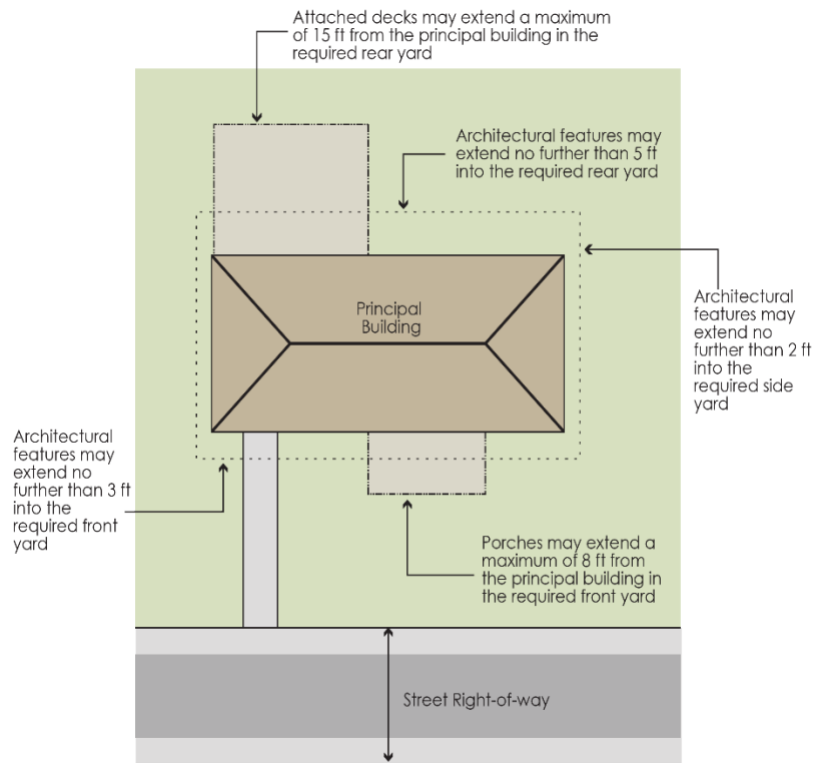
3. An easement for private road access shall be provided of not less than twenty-four (24) feet in width for roads and utilities serving two (2) or fewer lots or single-family residential units and not less than sixty (60) feet in width for roads serving more than two (2) homes. This easement shall be recorded with the Oakland County Register of Deeds office and a copy of the recorded easement provided to the Zoning Administrator.
4. Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the Zoning Administrator as the side lot lines.
5. Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum lot width and lot area requirements.
6. The maximum length of any private road cul-de-sac shall not exceed the Village standard for public roads.
7. The minimum roadway width of any private road shall be at least eighteen (18) feet, however if such roadway is within three hundred (300) feet of a fire hydrant, such width may be reduced to sixteen (16) feet upon approval of the Village of Mayville Fire Department.
8. The surface and base material and construction of any private road shall be approved by the Village Engineer and Village of Mayville Fire Department as being sufficient to accommodate emergency vehicles.
9. Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The Village assumes no responsibility for the maintenance of or improvements to private roads.
10. The applicant shall submit a joint maintenance agreement or master deed, reviewed and approved by the Village attorney, in recordable form that runs with the land, binds benefiting parcels, and allows the Village to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
11. The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

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Sec. 8.28. Projections into Yards

(See also Figure 2.1 Accessory Buildings and Structures Location Standards)

1. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
 - a. Three (3) feet into a required front yard.
 - b. Five (5) feet into a required rear yard.
 - c. Two (2) feet into a required side yard.
2. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
 - a. Eight (8) feet into a required front yard.
 - b. Maximum of 33% into required rear yard setback.
 - c. Five (5) feet into the right-of-way in the CBD if such feature is located at least eight (8) feet above ground level.
 - d. At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.
 - e.



Sec. 8.29. Regulations Applicable to Manufactured Single-Family Dwellings Outside of Manufactured Housing Developments

1. Any manufactured single-family dwelling, constructed and erected on a lot outside a manufactured housing development, shall be permitted only if it complies with all of the following requirements:
 - a. If the dwelling unit is a manufactured home, it must either be:
 - 1) New and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S.

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Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.

- 2) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Zoning Administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.
2. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and tongue removed.
3. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Home Commission, or any similar or successor agency having regulatory responsibility for manufacture home parks or manufactured housing communities.
4. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the Village, provided, that where a dwelling unit 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 stricter than those imposed by Village codes, then and such Federal or State standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Zoning Administrator.
5. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, yard requirements, lot percent coverage and maximum building height requirements of the zoning district in which it is located.
6. The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty (20) feet.
7. The dwelling unit shall be placed on the lot so that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
8. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism.
9. A storage area within a building not less than one hundred twenty (120) square feet in an area shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building

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which is in compliance with all other applicable provisions of this Ordinance pertaining to accessory buildings.

10. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first-floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the Village building code.
11. The main roof of the dwelling unit shall have a minimum pitch of four (4) feet of rise for each twelve (12) feet of horizontal run.
12. The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
13. The dwelling unit shall not contain any additions of rooms or other areas which are not permitted and constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
14. The above standards may be modified by the Zoning Administrator upon determination that the proposed design is consistent with the predominant standard in the surrounding area.

Sec. 8.30. Residential Development Regulations for Infill Housing for Existing Neighborhoods

1. Intent. The development regulations contained herein are intended to regulate the character of new infill housing development within a 300-foot defined area of the Village which contain traditional and historic exterior design elements. The purpose of these regulations is to promote harmony in neighborhoods between new housing units and the existing buildings by assuring that new construction is of suitable character in terms of site layout, building dimensions, architectural design, and building materials.
2. Procedure
 - a. All building permit applications for new single-family and two-family housing development located in platted subdivisions approved prior to 1967 must be submitted to the Zoning Administrator.
 - b. The Zoning Administrator shall have final approval on any applicable infill housing development in accordance with section 3. below. However, the Zoning Administrator may refer applications to the Planning Commission for final approval.
3. Site Design and Architectural Standards for Single and Two-Family Dwelling:
 - a. Lot Coverage. The lot coverage of any proposed dwelling unit shall be no less than ninety percent (90%) and no more than one hundred thirty-five percent (135%) of the lot coverage of other single-family or two-family dwelling units within three hundred (300) feet of the subject lot, including dwelling units on both sides of the street of the same block.

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- b. Front Yard Setbacks. The front and exterior side yard setbacks of any proposed single-family or two-family dwelling unit shall be in accordance with district regulations as set forth in *Article 2, Division 2, Residential Standards*.
- c. Building Appearance. Building appearance for new single-family and two-family dwelling units shall reflect a continuity of design with surrounding buildings by maintaining the architectural styles, details, building materials, and design themes of dwelling units on both sides of the street within three hundred (300) feet of the subject lot. Similarity and compatibility with surrounding dwelling units in terms of the following features may be necessary in order to meet this requirement:
 - 1) Roof and overhang style (e.g. gable, mansard, hip, A-frame, flat).
 - 2) Facade appearance (door and window openings).
 - 3) Building massing and height.
 - 4) Exterior building materials
 - 5) Porches.
 - 6) Detached garage style and design.
 - 7) Orientation. Proposed infill residential units shall be oriented toward, and be parallel with, the right of way or private road.

Sec. 8.31. Residential Recreational Area

- 1. Any residential subdivision, condominium, or multiple-family development comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area, such as play structures or picnic tables and benches, which shall contain an area equal in size to fifteen hundred (1,500) square feet for each lot or dwelling unit in the subdivision, condominium project, or multiple-family development. The Planning Commission may modify this requirement when it is determined that alternate recreation facilities are provided in close proximity, however, a contribution to the maintenance fund for those recreational facilities shall be made.
- 2. The recreational area shall be well-drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the Planning Commission as part of the site plan review.
- 3. Preservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

Sec. 8.32. Sidewalks, Bike paths, and Walkways

Any development shall provide pedestrian pathways meeting the following requirements:

- 1. Sidewalks
 - a. Sidewalks shall be required on both sides of the street or road in accordance with Village of Mayville Code of Ordinances.

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- b. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 - c. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
 - d. In lieu of concrete sidewalks, the Planning Commission may permit asphalt, stone, or wooden boardwalks in open space areas or areas with sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the Planning Commission waives the requirement for concrete sidewalks.
2. Bike paths. Bike paths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.
- a. Walkways from the sidewalk to building entrances.
 - b. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
 - c. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least fifty percent (50%) of the length of the walkways.
 - d. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.
3. Walkways from Parking Areas to Building Entrances
- a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).
 - b. The walkways shall be designed to separate people from moving vehicles as much as possible.
 - c. The walkways must be designed for disabled access according to the adopted building code for the Village of Mayville and other applicable laws.
 - d. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or pavement markings. Other materials may be approved by the Planning Commission if appropriate to the overall design of the site and building.
4. General
- a. Unless otherwise permitted by this Ordinance, sidewalks, bike paths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.

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- b. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Sec. 8.33. Solar Panel Energy Systems

Freestanding solar panels shall be considered an accessory building and shall be subject to the following requirements for such, together with all other applicable building codes and ordinances:

1. Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principle use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.
 - a. Solar energy systems are subject to the following:
 - 1) Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three (3) feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
 - 2) Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
 - 3) Solar energy systems are prohibited in front yards and shall not be located past the front wall of the principle building.
 - 4) The number of solar panels and supporting equipment shall be considered as one system.
 - 5) Ground mounted solar energy systems shall not be categorized as accessory buildings.
 - 6) If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in *Section 8.0., Accessory Buildings, Structures, and Uses*.
 - 7) The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed 10 feet in height.
 - 8) No more than 20% of a lot may be covered with a solar energy system.
 - 9) Ground mounted systems shall be located on lots of one half (1/2) acre or more.
 - 10) Zoning and construction permits are required.

Sec. 8.34. Storage and Repair of Vehicles

1. The parking of commercial vehicles, as defined in *Article 1, Division 2, Definitions*, shall be prohibited in all zoning districts except Commercial and Industrial Districts, unless otherwise permitted.

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2. Commercial vehicles shall not be permitted in a Residential District except as permitted below:
 - a. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
 - b. The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
 - c. No part of the vehicle may exceed ten (10) feet in overall height, measured from grade.
 - d. The vehicle shall not have more than four (4) rear wheels.
 - e. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
 - f. In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.
 - g. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
3. Commercial vehicles which are employed in conjunction within a Non-Residential District shall be parked or stored in compliance with the following provisions:
 - a. For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan and per site plan approval.
 - b. For situations not covered under 1. above, commercial vehicles shall not be parked or stored in the front yard.
 - c. The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.
4. The repair, restoration, and maintenance of vehicles in any Residential District, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:
 - a. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building.
 - b. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
 - c. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in Article 6, Junk Vehicles, of the Village of Mayville code of ordinances.

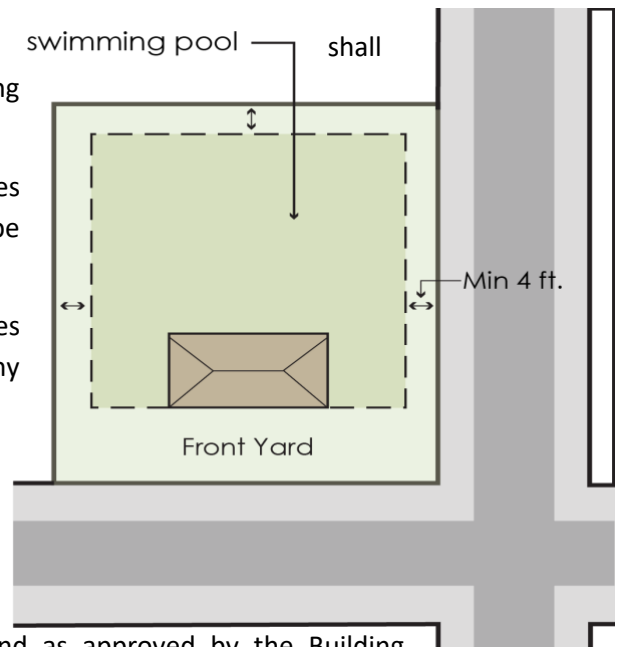
Sec. 8.35. Street Access and Design

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1. Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the Village Council.
2. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the Village Council.
3. Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the Village standards.
4. All street access shall meet the standards of and be constructed in accordance with *Michigan Public Act 288 of 1967 and Act 368 of 1978*.
5. All streets shall be constructed with curb and gutter unless waived by the Village Council.

Sec. 8.36. Swimming Pools

1. Swimming pools, spas, hot tubs, and similar devices shall be built in accordance with the Michigan Building Code.
2. Swimming pools, spas, hot tubs, and similar devices are only permitted in the rear yard and may not be placed in a side or front yard.
3. Swimming pools, spas, hot tubs, and similar devices shall not be located less than four (4) feet from any lot line.
4. Swimming pools shall be considered in computing impervious surface calculations.
5. All swimming pools, spas, hot tubs, and similar devices shall be enclosed by a barrier (i.e. fence or other enclosure) where required by State law and as approved by the Building Official.



Sec. 8.37. Temporary Buildings, Structures, Seasonal/Special Events, and Uses

1. Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:
 - a. Temporary Construction, Buildings, and Structures/Offices
 - 1) With the exception of moving/storage pods, temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and

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supervision offices, and for temporary on- site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.

- 2) Moving/storage pods are allowed with an active building permit and must be placed upon a hard surface such as a driveway.
 - 3) No temporary building or structure shall be used for dwelling purposes.
 - 4) The placement of temporary buildings and structures shall be in conformance with the requirements of *Article 5, Division 1, Site Plan Review*. A building permit for such building or structure shall be issued by the Building Official prior to installation.
 - 5) Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Official for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
2. Seasonal, and Special Events. Seasonal or special events may be allowed in any district upon issuance of a permit by the Zoning Administrator, when meeting the standards listed below:
- a. Seasonal, and special events may be allowed on any lot with a permitted principal building.
 - b. Seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 - c. The seasonal or special event must not prevent the continued use of sidewalks, rights-of- way, fire lanes, etc.
 - d. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such seasonal or special event.
 - e. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores
 - f. A sketch plan (to scale) shall be provided illustrating:
 - 1) Property lines.
 - 2) Adjacent uses and zoning districts.
 - 3) Existing and proposed buildings and structures.
 - 4) Location of any areas for storage such as inventory not being displayed.
 - 5) Fire hydrants.
 - 6) Layout of parking.

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- 7) Boundaries of proposed sales areas.
 - 8) Location and size of any proposed sign (off-premise signs shall also be mapped).
 - g. All equipment, materials, goods, poles, wires, signs, and other items associated with the seasonal or special event shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the Village shall use the escrow fee to clear such items from the property.
 - h. The length of a seasonal or special event shall not exceed four (4) days, except seasonal sales of items such as Christmas trees, pumpkins, and seasonal roadside stands which are permitted for up to sixty (60) days.
 - i. Two (2) permits for a seasonal or special event by a single business or property are permitted each calendar year.
3. Temporary Uses. Temporary uses may be allowed in any commercial, office, or industrial district upon approval by the Planning Commission, when meeting the standards listed below:
- a. Temporary uses may be allowed on any lot with a permitted principal building.
 - b. Temporary uses may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 - c. In no case shall the setbacks for any buildings, structures or parking be less than ten (10) feet except in the CBD. The temporary use must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 - d. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an activity prior to beginning such a temporary use.
 - e. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
 - f. A sketch plan (to scale) shall be provided illustrating:
 - 1) Property lines.
 - 2) Adjacent uses and zoning districts.
 - 3) Existing and proposed buildings and structures.
 - 4) Location of any areas for storage such as inventory not being displayed.
 - 5) Fire hydrants.
 - 6) Layout of parking.
 - 7) Boundaries of proposed sales areas.

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- 8) Location and size of any proposed sign (off-premise signs shall also be mapped).
 - g. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five (5) days of the end of the activity. Following the five (5) day period, the Village shall use the escrow fee to clear such items from the property.
 - h. The length of a temporary use shall not exceed three (3) months.
 - i. One (1) temporary use permit by a single business or property is permitted each year and there must be a minimum three (3) month gap between temporary uses on a property.
 - j. Special standards for carnivals, circuses, farmer's markets, flea markets, and similar events shall be as follows:
 - 1) Such uses shall be approved by the Village Council. The Village Council shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The Village Council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses. (b)The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the Village's insurance carrier. (c)The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on Village streets.
 - 2) Farmer's markets which are to occur on a regular schedule shall be permitted only in commercially zoned districts. The Village Council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of the Village Council are maintained.
4. Review and Approval Procedures, Permit Fees, and Required Escrow for Temporary Uses and Sales Events
- a. Review. Except as otherwise noted above for carnivals, circuses, farmer's markets, and similar events as defined by the Zoning Administrator, the Zoning Administrator shall review and approve requests for a temporary use or seasonal event. Where appropriate, the Zoning Administrator shall consult with the Police Chief and Fire Department official. If the request is denied, the Zoning Administrator shall state the reasons for denial in writing and provide a copy to the applicant.
 - b. Use Fee. The applicant shall pay a nonrefundable permit fee to the Village Clerk. The fee shall be established and modified, from time to time, by the Village Council. The amount of the permit fee may vary depending upon the type of event.

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- c. Use Escrow. The proprietor of the temporary use or seasonal event shall deposit a cash bond or similar type of escrow, in an amount established by the Zoning Administrator, prior to the issuance of a permit. The escrow shall be used by the Village to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this Ordinance and any other applicable ordinances.
- d. Sign Fee and Escrow. The sign standards provided in *Article 4, Division 4, Signs*, permits the use of temporary signs, to be reviewed concurrent with use permit.

Sec. 8.38. Voting Place

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

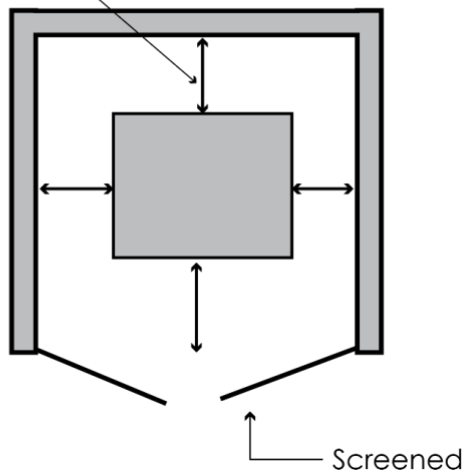
Sec. 8.39. Waste Receptacles and Enclosures

1. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. Waste receptacles shall not be permitted as accessory to any single-family residential use.
2. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete block material, consistent with the building materials of the principal building.
3. The enclosure shall also include a gate, made of vinyl or other high-quality material, as determined by the Planning Commission, on the fourth side. Wooden gates are not permitted. The gates shall remain close when not being emptied and must always be maintained as approved. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
4. 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. The enclosure must be spaced at least three (3) feet from the waste receptacle.
5. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure.
6. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.
7. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six

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- (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
8. The unloading of waste receptacles shall only occur between the hours of 7 a.m. and 11 p.m.
 9. The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements

Minimum 3 ft. from
enclosure



are required with this standard.

ARTICLE 4: SITE DEVELOPMENT STANDARDS

DIVISION 1: OFF-STREET PARKING AND LOADING STANDARDS

Article 4

Division 1: Off-Street Parking and Loading Standards

Sec. 9.01. Purpose

The purpose of this Article is to ensure adequate and well-designed parking and loading areas are provided in all districts at the time of erection, enlargement or change in use, of any principal building or lot. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts. Off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

Sec. 9.02. General Requirements

1. Residential Parking

- a. Single-family residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
- b. No parking shall be permitted in required yards on a regular basis on lawns or other unpaved areas on residential lots.
- c. A minimum three (3) feet wide lawn or landscape strip shall be required between the edge of parking area pavement and all property lines to provide adequate room for drainage, snow storage and privacy screening.
- d. Commercial and recreational vehicle parking in residential districts shall comply with the standards in *Article 3, Division 1: General Provisions*.
- e. Garage doors facing the front yard shall be setback twenty (20) feet from the road right-of-way.

2. Location

- a. Except within the CBD, Central Business District, off-street parking for multiple-family and nonresidential uses shall be either on the same lot or within lots under the same ownership and control within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building or use entrance to the nearest point of the off-street parking lot, except as otherwise permitted in this Division.
- b. Within the CBD District, off-street parking shall be either on the same lot, lot(s) under the same ownership and control, open public parking lots, or on the street within five hundred (500) feet of the building it is intended to serve, measured from the nearest point of the building entrance to the nearest point of the off-street parking lot. The Planning Commission may, however, require that some or all of the parking required by *Section 9.03., Parking Space Numerical Requirements*, be provided outside of municipal parking lots or on-street if it is determined that sufficient capacity is unavailable within the municipal parking lot(s) or on-street. The Planning Commission can require a parking supply and demand study if necessary to make this determination.
- c. Change in Use or Intensity
 - 1) Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this article for the new use.
 - 2) If any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided to bring the site into compliance.

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- 3) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Article are provided elsewhere, or the parking requirements of the site change as determined by the Village President.
- d. Storage and Repair. The use of required parking, drives and loading areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles, trailers and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.
- e. Control of Off-Site Parking. It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of such property.
- f. Shared Parking . The provision for shared off-street parking for two (2) or more buildings or uses is permitted subject to the following:
 - 1) The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the Planning Commission may reduce the total number of spaces by up to twenty-five percent (25%) if they determine that the operating hours of the buildings or uses do not overlap.
 - 2) Where buildings are located on separate lots, written easements which provide for continued use and maintenance of the parking shall be submitted to the Village for approval. Such agreement shall include provisions to address any changes in use which shall be reviewed in accordance with *Section 9.01.c, Change in Use or Intensity*.
 - 3) Where shared parking between two or more lots is utilized, provisions for pedestrian connection(s) must be provided.
- g. Parking Lot Deferment
 - 1) Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six (6) months of being informed of such request in writing by the Village President.
 - 2) The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
 - 3) Stormwater calculations shall be provided based on the required amount of parking to verify adequate capacity if an expansion is necessary.
- h. Additional Parking. To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, the number of spaces provided shall not exceed twenty percent (20%) beyond the number required by this Article, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence of actual use and demand provided by the applicant.
- i. Construction During construction, off-street parking shall be provided on-site for all construction vehicles and employees. Gravel surfacing may be permitted by the Village President for such temporary parking.
- j. Carports and Garages. Carports are not permitted in any single-family residential districts. Carports and garages for multiple-family dwellings and other non-single-family residential uses shall be calculated as parking spaces on a one-to-one (1:1) basis. Carports and garages in such

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developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be enclosed or obscured at least twenty-five percent (25%) along sides visible from public streets, residential districts or vehicular drives within the site. All details must be provided on the site plan and reviewed and approved by the Planning Commission.

k. Stacking Space Requirements

- 1) Stacking spaces, as required by *Section 9.03., Parking Space Numerical Requirements*, which block access to parking spaces shall not be included in calculating the required number of spaces.
- 2) Each required stacking space shall be a minimum of twenty-four (24) feet long and nine (9) feet wide.
- 3) Stacking space shall be designed so that an efficient circulation pattern is maintained on the site and a sufficient width is available to allow a vehicle to maneuver around another vehicle waiting in line.

l. Uses Not Cited

- 1) For uses not specifically listed in *Section 9.04., Parking Space Numerical Requirements*, the requirements for off-street parking facilities shall be in accordance with a similar use as determined by the Village President based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission.

Sec. 9.03. Parking Units of Measurement

The following standards shall be used in determining the required number of parking spaces:

1. Floor Area

- a. Where floor area is the unit for determining the required number of off-street parking and loading spaces, such unit shall mean the gross floor area (GFA), unless otherwise noted.
 - b. Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be eighty-five percent (85%) of the gross floor area.
2. Bench Seating. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one (1) seat.
 3. Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises at any one time and may include overlap of employees during shift changes.
 4. Fractional Spaces. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one (1) additional space.

Sec. 9.04. Parking Space Numerical Requirements

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule:

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Parking Space Numerical Requirements	
Residential	
Mobile or Manufactured Homes in a Mobile Home or Manufactured Housing Park	2.0 spaces per dwelling unit plus 5.0 additional spaces for any office or clubhouse facility, plus 1 visitor space for every 3 homes
Multiple-family Dwellings	1.5 spaces per each efficiency or one-bedroom dwelling unit, 2.0 spaces per each unit with two bedrooms, 2.5 spaces per each unit with three or more bedrooms, plus 5.0 additional spaces for any office, plus 1.0 space per 200 sq. ft. of GFA of any clubhouse facility, plus visitor off-street parking equal to at least 20% of the total spaces required
Single- & two-family dwellings	2.0 spaces per dwelling unit
Housing for the Elderly	
Congregate, Assisted Living or Interim Care Housing	1.0 space per each room or three beds, whichever is less,
Dependent Housing Facilities including convalescent homes, nursing homes, rest homes, etc.	1.0 space per each four beds or two rooms, whichever is less,
Senior Apartments	1.0 spaces per unit
Institutional/Public	
Adult & Child Care Facilities	1.0 space per 400 sq. ft. of GFA, plus 1.0 space per employee, plus adequate drop-off area
Auditoriums, Assembly Halls, Stadiums and Sports Arenas with Fixed Seating	1.0 space per each three seats or six lineal feet of bleachers
Churches, Temples & Other Places of Worship or Public Assembly	1.0 spaces per each three seats or six feet of pews in the main unit of worship, plus required spaces for any accessory uses

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Parking Space Numerical Requirements	
	such as a school, childcare center, recreation facilities, etc.
Community Centers Including Senior Centers, Cultural Centers & Teen Centers	1.0 space per each 250 sq. ft. of GFA, or 1.0 space per every four persons of capacity authorized by the Uniform Building Code, plus 1.0 space per employee, whichever is greater
Group Day-care Homes, Adult Foster Care Group Homes, & Adult Congregate Care Facilities	1.0 space per four residents, plus 1.0 space per employee, plus adequate drop-off spaces
Hospitals, Outpatient Service Centers, Urgent Care Centers, Emergency Medical Stations & Similar Uses	1.0 space per 175 sq. ft. of GFA plus 1.0 space per employee
Lodge & Union Halls; Fraternal Orders; Private & Civic Clubs & Similar Uses	1.0 space per every three persons of capacity authorized by the Uniform Building Code
Municipal Office Buildings	1.0 space per 250 sq. ft. of GFA
Post offices, Public Libraries, Museums	1.0 space per 200 sq. ft. of GFA (available for public use) plus spaces for employees and delivery vehicles
Public Utility Use	1.0 space per employee
Schools, Elementary & Middle Schools	2.0 spaces per classroom plus 2.0 drop-off spaces per classroom plus spaces required for any assembly hall, auditorium, and/or outdoor arena or athletic fields
Schools, High Schools, Colleges, Business & Vocational Schools, & Technical Training Facilities	2.0 spaces per classroom plus 15.0 student spaces per classroom plus parking required for any assembly hall, auditorium, or outdoor arena
Office	
Banks, Credit Unions, Savings & Loans	1.0 space per 200 sq. ft. of GFA, plus 2.0 spaces per each 24-hour teller, plus 4.0 stacking spaces for the first drive-through window and 2.0

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Parking Space Numerical Requirements	
	stacking spaces for each additional drive-through lane
Business Offices & Professional Services	1.0 space per 300 sq. ft. of GFA
Medical and Dental Clinic/Offices (where such use comprises at least 50% of the building or site)	1.0 space per 150 sq. ft. of GFA
Veterinary Offices, Clinics or Hospitals	1.0 space per 250 sq. ft. of GFA.
Commercial	
Animal Grooming Establishments	1.0 space per 300 sq. ft. of GFA plus 1.0 space per employee
Appliance Stores	1.0 space per 250 sq. ft. of GFA
Automobile Gasoline Stations	1.0 spaces per each pump island and service bay (bay can be included as a space), plus 1.0 space per employee, plus plus 1.0 space for each 500 sq. ft. of GFA devoted to sales of automotive goods, plus required spaces for any convenience store (mini-mart), restaurant or auto wash
Automobile & Vehicle Service Centers & Auto Repair Establishments	3.0 spaces for each service bay (bay can be included as a space), plus 1.0 space per employee, plus 1.0 space for each tow truck. plus 1.0 stacking space per bay
Automobile & Vehicle Dealerships Including Recreational Vehicles, Boats, Motorcycles, & Mobile Homes	1.0 space per 400 sq. ft. of GFA of interior sales space plus 1.0 space per 600 sq. ft. of GFA of exterior display, plus 3.0 spaces per each service bay (bay can be included as a space)

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Parking Space Numerical Requirements	
Automobile Washes (Automatic)	2.0 spaces, plus 1.0 space per employee, plus 12.0 stacking spaces per bay for free-standing washes, 6.0 stacking spaces when accessory to a gas station
Automobile Washes (Self-service or Coin Operated)	2.0 spaces per bay for drying, plus 3.0 stacking spaces per wash bay
Bars, Taverns, Lounges, and Brewpubs (majority of sales consist of alcoholic beverages)	1.0 space per 75 sq. ft. of GFA
Barber Shops, Beauty Salons, and Tanning Facilities	1.0 space per 175 sq. ft. of GFA or 2.5 spaces per each barber or beautician's chair/station, whichever is greater
Bookstores	1.0 space per 200 sq. ft. of GFA
Business & Personal Service Establishments	1.0 space per 300 sq. ft. of GFA plus 1.0 space per employee
Conference, Meeting or Banquet Rooms; Exhibit Halls & Similar Uses	1.0 space per every two persons of capacity authorized by the Uniform Building Code
Convenience Stores (Mini-marts), with or Without Gasoline Service	1.0 space per 250 sq. ft of GFA, plus spaces required for automobile gasoline stations plus 2.0 stacking spaces
Discount Stores & Department Stores	1.0 space per 200 sq.ft. of GFA
Dry Cleaners	1.0 space per 500 sq. ft. of GFA plus 2.0 stacking spaces per drop off station
Equipment Repair Establishments	1.0 space per 800 sq. ft. of GFA
Funeral Homes & Mortuary Establishments	1.0 space per 50 sq. ft. of GFA of service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on the premises
Furniture, Carpet & Flooring Stores	1.0 space per 500 sq. ft. of GFA

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Parking Space Numerical Requirements	
General Retail & Service Uses Not Otherwise Specified	1.0 space per 200 sq. ft. of GFA
Grocery Store & Retail Food Establishments	1.0 space per 250 sq. ft. of GFA
Hardware, Paint & Home Improvement Stores	1.0 space per 200 sq. ft. of GFA including outdoor sales space
Kennels, Commercial	1.0 space per 400 sq. ft. of GFA, plus 1.0 space per employee
Laundromats	1.0 space per each two (2) washing machines, plus 2.0 spaces for employees
Marinas	1.0 space per each boat slip during boating season, plus 1.0 space per each five (5) dry-docked boats during the winter season, plus additional access and maneuvering space as determined necessary by the Planning Commission, plus year-round parking spaces as required for other uses such as clubhouse, restaurant or retail store
Mini or Self-storage Warehouses	minimum of 6.0 spaces
Motel, Hotel, Bed & Breakfast Inn, & Similar Uses	1.0 space per guest room, plus 1.0 space per employee, plus 75% of required spaces for restaurants, conference rooms, banquet halls and other uses
Open Air Businesses including Nurseries, Garden Centers & Other Outdoor Display, Sales, & Storage Uses	1.0 space per 500 sq. ft. of GFA of outdoor display, sales and storage area, plus 1.0 space per 200 sq. ft. of GFA of indoor space, plus 1.0 space per employee
Pharmacies	1.0 space per 200 sq. ft. of GFA plus 3.0 stacking spaces for any drive-through windows
Restaurants, Standard, with Liquor License	1.0 space per 60 sq. ft. of GFA, or 0.6 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting rooms

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Parking Space Numerical Requirements	
Restaurants, (Standard, Without Liquor License	1.0 space per 70 sq. ft. of GFA or 0.5 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting
Restaurants, Fast Food with Drive-through Window, Including Coffee Shops, Cafes, Delicatessens, etc.	1.0 space per 80 sq. ft. of GFA, plus 10.0 stacking spaces
Restaurants, Fast Food Without Drive-through Window	1.0 space per 80 sq. ft. of GFA or 0.5 spaces per seat, whichever is greater
Restaurants, Drive-in	1.0 space per drive-in station, plus 1.0 space per employee
Restaurant Carry-out & Open Front Window, with fewer than 6 Tables and/or Booths	6.0 spaces plus 1.0 space per employee
Showroom of a Plumber, Decorator or Similar Trade	1.0 space per 800 sq. ft. of GFA
Shopping Centers with less than 100,000 Sq. Ft. Gross Leasable Floor Area	1.0 space per 225 sq. ft. of GFA, plus spaces required for any grocery store, bookstore or restaurant, if included
Shopping Centers with 100,000 Sq. Ft. or More Gross Leasable Floor Area	1.0 space per 250 sq. ft. if GFA, plus spaces required for any grocery store, bookstore, or restaurant, if included
Studios for Art, Photography, Music, Dance & Similar Uses	1.0 space per 300 sq. ft. of GFA plus 1.0 space per employee
Video Rental Establishments	1.0 space per 200 sq. ft. of GFA, with a minimum of 8.0 spaces provided
Wholesale Establishments & Warehouse Clubs	1.0 space per 500 sq. ft. of GFA
Recreation/Entertainment	

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Parking Space Numerical Requirements	
Arcades	2.0 spaces per machine plus 1.0 space per employee
Baseball & Softball Fields	25.0 spaces per field
Batting Cages	3.0 spaces per cage
Boat Marinas	1.5 spaces per boat berth, plus required spaces for winter boat storage and other uses
Bowling Centers	3.0 spaces per lane, plus 0.5 spaces per seat in spaces designated for any lounge or dining area
Golf Course Driving Ranges	1.0 space per tee
Golf Courses, Miniature & Par Three	2.0 spaces per each course hole, plus 1.0 space per employee
Golf Courses	6.0 spaces per each course hole, plus 1.0 space per employee, plus required spaces for restaurants, banquet rooms, pro shop, offices, and other uses
Health Clubs & Fitness Centers	1.0 space per 250 sq. ft. of GFA, plus required spaces for swimming pools, courts, restaurants and other uses
Ice/roller Skating Rinks	1.0 space per 170 sq. ft. of GFA, or 1.0 space for each 6.0 seats or feet of bench, whichever is greater, plus 50% of parking required for restaurants, pro shops and other uses
Pool & Billiard Halls	1.0 space per 70 sq. ft. of GFA or 1.0 space per every three persons of capacity authorized by the Uniform Building Code
Recreation Centers (Indoor) Commercial, Not Already Specified	1.0 space per 1,000 sq. ft. of GFA, plus required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Recreation Centers (Outdoor) Public or Commercial	1.0 space per 200 sq. ft. of GFA

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Parking Space Numerical Requirements	
Soccer and Football Fields	30.0 spaces per field
Swimming Pools	1.0 space per each three persons of capacity authorized by the BOCA Code
Tennis Courts & Racquetball Centers	1.0 space per 1,000 sq. ft. GFA or 6.0 spaces per court, whichever is greater, plus 50% of required spaces for restaurants, banquet rooms, offices, sales area, & other uses
Theaters, Cinemas	1.0 space per each three seats plus 1.0 space per two employees
Industrial	
Light Industrial, Manufacturing, Testing Labs, Research, Design & Development Centers	1.0 space per 700 sq. ft. GFA, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area
Warehousing & Wholesale Establishments (Non-retail)	1.0 space per each 1,500 sq.ft. GFA, or 1.0 space per employee, whichever is greater; plus 1.0 space for each corporate vehicle plus spaces required for any office/sales area

Sec. 9.05. Barrier-Free Parking Requirements

Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide barrier free spaces in compliance with the State Building Code.

Sec. 9.06. Off-street Parking Space Design and Setback Requirements

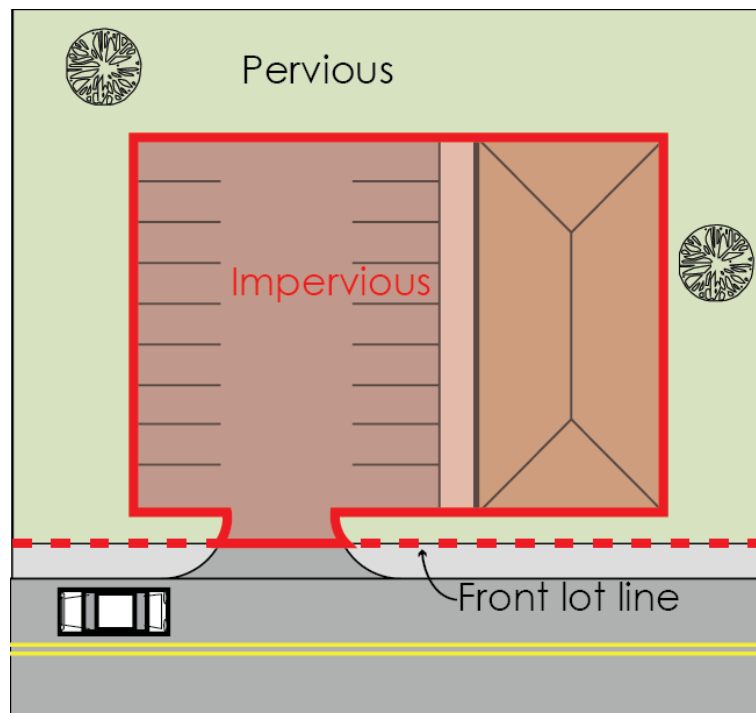
Where required, off-street parking facilities containing more than five (5) parking spaces shall be designed, constructed, and maintained according to the following standards and regulations:

1. Ingress and Egress

- a. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways in accordance with *Article 4, Division 2: Access Management and Driveway Standards*.
- b. All spaces shall be provided adequate access by means of maneuvering lanes.

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- c. Spaces backing directly onto a street use of the street for maneuvering between parking rows shall be prohibited.
 - d. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.
2. Surfacing, Drainage, and Grading
- a. Grading, surfacing, and drainage plans shall comply with Village engineering specifications and subject to the review and approval of the Village engineer. All driveways, parking lots, access lanes and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, in accordance with specifications of the Village.
 - b. Off-set parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
 - c. All driveways, parking lots, and loading-unloading areas shall not be less than one percent (1%)



and not exceed a grade differentiation of four percent (4%).

3. Curbs. A raised or rolled concrete curb a least six (6) inches in height shall be installed with the construction of all driveways, parking lots, access lanes and other vehicle maneuvering areas to prevent motor vehicle conflicts with abutting landscape areas, sidewalks, streets, buildings or adjoining property. The use of bumper blocks is prohibited, except when associated with barrier-free parking spaces.
4. Lot Setbacks
- a. From Street Rights-of-Way. In accordance with *Section 86-257, paragraph c. Location*, the Planning Commission may determine that parking lots may be appropriate in the front yard. If such determination has been made, parking lots, including drives and maneuvering aisles but excluding driveways, must be set back a minimum of twenty (20) feet from any adjacent street

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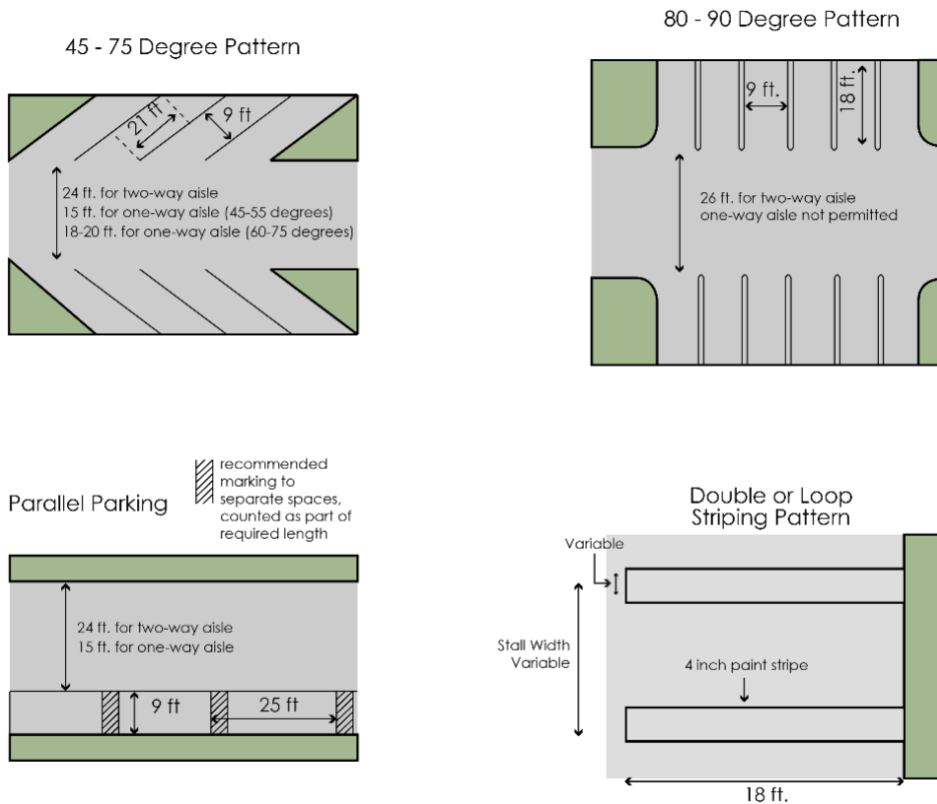
right-of-way line in all zoning districts except the CBD, wherein the setback shall be a minimum of ten (10) feet. Required parking lot setback areas shall be landscaped according to the standards of *Article 4 Division 3: Landscape Standards and Tree Replacement*.

- b. From Non-Residential Districts. Parking lots shall have a minimum setback of ten (10) feet from any nonresidential property line that is not a street right-of-way line. This requirement may be waived by the Planning Commission where a shared access driveway, connected parking lots, frontage road, or rear service drive, designed in accordance with *Article 4, Division 2: Access Management and Driveway Standards*, is provided.
 - c. From Residential Districts. Parking lots shall have a minimum rear and side yard setback of ten (10) from any residential zoning district. This setback area shall include either berming, a wall and/or landscaping, designed according to the standards of *Article 4, Division 3: Landscape Standards and Tree Replacement*.
 - d. CBD District. The above setback requirements may be reduced in the CBD by the Planning Commission upon showing that adequate buffering and/or screening is provided.
5. Dimensions. All spaces shall be designed and marked with dimensions described below, Off-Street

Dimensions			
Parking Pattern	Parking Space Dimension	2-Way Aisle Width	1-Way Aisle Width
80-90 degree	9 feet X 18 feet	26 feet	not permitted
60-75 degree	9 feet X 21 feet	24 feet	18 -20 feet
45-55 degree	9 feet X 21 feet	24 feet	15 feet
parallel parking	9 feet X 25 feet with 3-foot area striped for "no parking" between each two (2) spaces	22 feet	15 feet

Parking Design Standards:

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6. **Parking Lot Marking.** All parking spaces must be marked with double (or loop) stripes three (3) to four (4) inches wide and spaced not less than eighteen (18) inches apart and no greater than twenty-four (24) inches apart (see *Figure 9.1 Off-Street Parking Design Standards*).
7. **Walkways.** In accordance with *Article 3, Section 8.35., Sidewalks, Bike paths, and Other Pedestrian Pathways*, walkways shall be located within the parking areas and provide access to the entrances of the building(s).

Sec. 9.07. Parking Lot Construction and Maintenance

1. Plans and specifications for parking and loading areas shall be submitted to the Village President prior to the issuance of a building permit. These plans shall at a minimum:
 - a. Show existing and proposed grades.
 - b. Be designed to ensure that stormwater runoff shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures.
 - c. Provide specifications on surface and base materials to be used for construction.
2. Required parking lots shall be installed and completed within six (6) months of receipt of a building permit and before issuance of an occupancy permit. The Village President may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.

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3. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in good condition.
4. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
5. All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow or standing water which prevent full use and occupancy of such facilities, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.

Sec. 9.08. Off-Street Loading and Unloading Requirements

1. General Applicability. On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.
2. Change in Use and Intensity. Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this article for the new use, regardless of any variance which may have been in effect prior to change of use.
3. Location
 - a. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street.
 - b. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
 - c. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.
4. Size. The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet in area for office uses and at least ten (10) feet by seventy (70) feet or seven hundred (700) square feet in area for commercial and industrial uses, with a clearance of at least fourteen (14) feet in height.
 - a. Surfacing and Drainage
 - 1) Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material.
 - 2) Loading areas shall be graded and drained so as to dispose of surface waters.
 - 3) Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
 - 4) Grading, surfacing, and drainage plans shall be subject to review and approval by the engineer.
5. Storage and Repair. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.
6. Central Loading. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

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- a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
 - b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
 - c. No building served shall be more than three hundred (300) feet from the central loading area.
7. Loading Space Requirements. The minimum number of loading spaces shall be provided in accordance with the following table. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Central Loading	
Institutional, Commercial and Office Uses	
Up to 5,000 sq. ft. GFA	1.0 space.
5,001-60,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA or fraction thereof
60,001 sq. ft. GFA and over	3.0 spaces, plus 1.0 space per each 50,000 sq. ft. GFA or fraction thereof
Industrial Uses	
Up to 1,400 sq. ft. GFA	0
1,401-20,000 sq. ft. GFA	1.0 space
20,001-100,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft. or fraction thereof
100,001 sq. ft. GFA and over	5.0 spaces

8. Screening. When required off-street loading in a nonresidential district is visible from public view or abuts a residential district, the off-street loading shall be screened by a solid, ornamental masonry wall at least six (6) feet in height above the grade elevation at the residential district line, in addition to the landscape requirements of *Article 4, Division 3: Landscape Standards and Tree Replacement*.
9. Calculations. Required loading areas shall not be included in calculations for off-street parking space requirements.

ARTICLE 4,
DIVISION 2:
ACCESS
MANAGEMENT
AND DRIVEWAY
STANDARDS

Article 4

Division 2: Access Management and Driveway Standards

Sec. 10.01. Purpose

The purpose of this Article is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

Sec. 10.02. Application of Standards

1. The standards of this Article shall be applied to the following major traffic routes (arterials) in the Village of Mayville Master Plan:
 - Ohmer Road
 - West Main Street
 - Fulton Street
 - Mill Street
2. The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Tuscola County Road Commission and the Michigan Department of Transportation (MDOT).
3. The standards contained in this Article shall apply to all uses, except permitted single-family and two-family dwelling units.
4. For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all the standards of this Article is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this Article may be accepted by the Planning Commission, provided that the applicant demonstrates all the following apply:
 - a. Size of the parcel is insufficient to meet the dimensional standards.
 - b. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 - c. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers (ITE).
 - d. There are no other reasonable means of access.

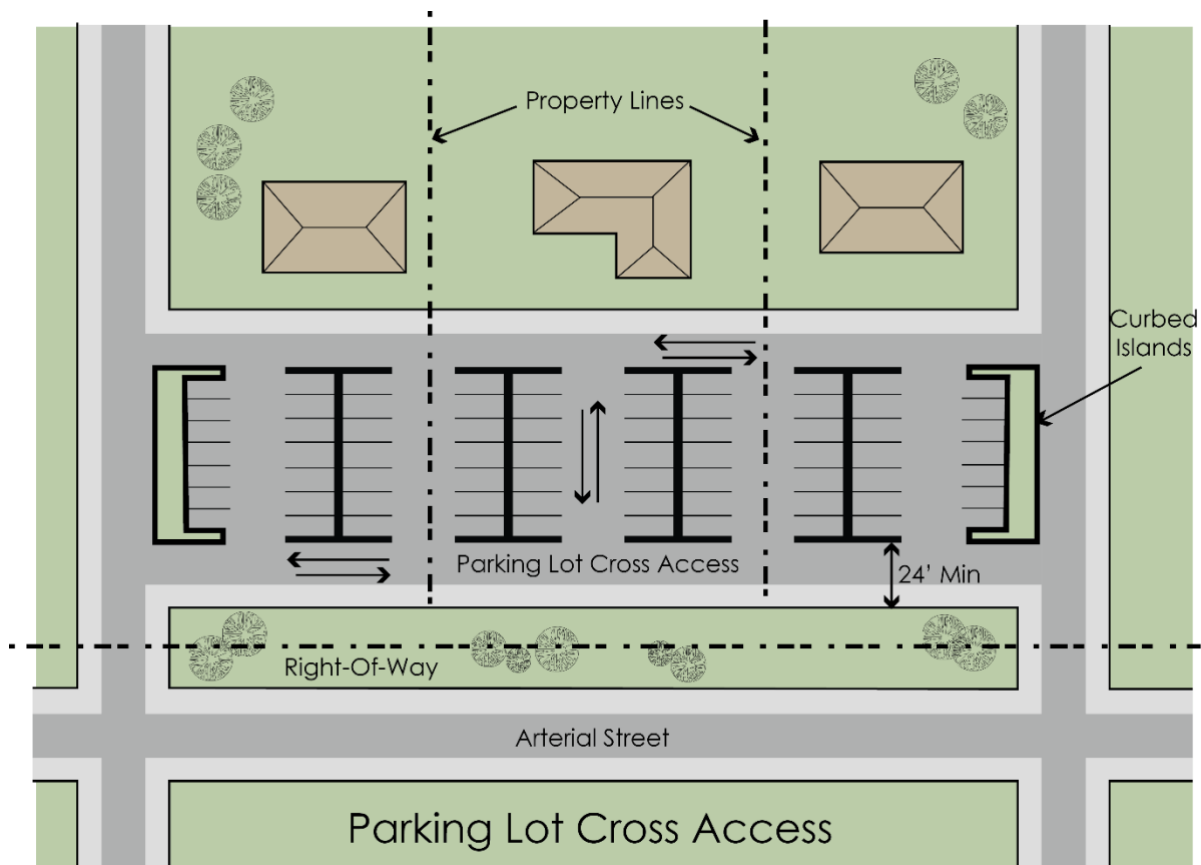
VILLAGE OF MAYVILLE ZONING ORDINANCE

Sec. 10.03. Number of Driveways

1. Access to a parcel shall consist of either a single, two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
2. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
3. Where parcels of at least two (2) acres in area, have frontage along two (2) streets, access should be provided only along the street with the lower average daily traffic volume, unless the Planning Commission determines this would negatively affect traffic operations or surrounding land uses.
4. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers Trip Generation Manual or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point. Where possible, this access should be spaced accordingly to the standards contained herein, located on a side street, shared with an adjacent property, and/or be constructed to restrict one (1) or both left turn movements.
5. Where the property has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being constructed and signed for right-turns-in, right-turns-out only.

Sec. 10.04. Shared Access-Joint Driveways, Frontage Roads, Parking Lot Connections, and Rear Service Drives

1. Shared use of access between two (2) or more property owners should be encouraged through use of driveways constructed along property lines, connecting parking lots and construction on-site of frontage roads and rear service drives; particularly within one-quarter mile of major intersections, for sites having frontage on two (2) or more streets, where frontage dimensions are less than three hundred (300) feet, at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.
2. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the Planning Commission.



Parking Lot Cross Access. To utilize cross access, an agreement or easement is required from all affected properties.

3. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection or rear service drive.
4. The applicant shall provide the Village with letters of agreement or access easements from all affected property owners.

Sec. 10.05. Adequate Sight Distance

1. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1994.
2. The Planning Commission may adjust driveway location where there is inadequate sight distance.

VILLAGE OF MAYVILLE ZONING ORDINANCE

Sec. 10.06. Driveway Spacing from Intersections

1. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
2. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
 - a. For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service 'C' for one (1) or more movements) and/or a significant number of traffic accidents (five or more annually), the Planning Commission may require that access be constructed along the property line furthest from the intersection.
 - b. For locations within two hundred (200) feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of one hundred fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for right-turn in, right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
 - c. For locations not addressed by paragraph b. above, not including single-family parcels, driveways shall be spaced one hundred (100) feet from the intersection.

Sec. 10.07. Driveway Spacing from Other Driveways

1. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
2. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:
3. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be a minimum of one hundred fifty (150) feet, as determined by the Planning Commission, excluding when one (1) or both driveways are designed and signed for right-turn-in, right-turn-out only.

Driveway Spacing From Other Driveways	
Posted Speed (mph)	Minimum Driveway Spacing
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

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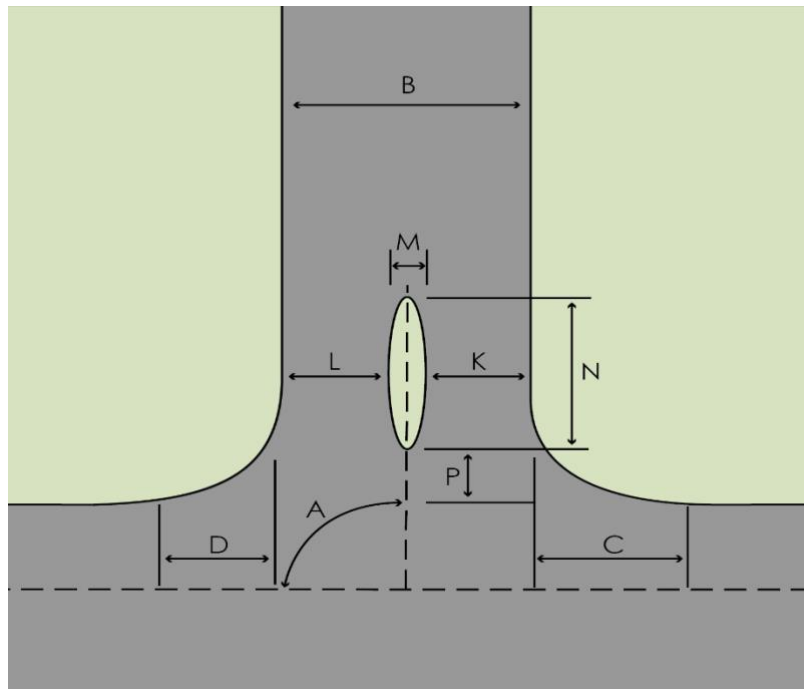
Sec. 10.08. Driveway Design, Channelized Driveways, Deceleration Lanes and Tapers, and Bypass Lanes

1. Standards. Driveways shall be designed to the standards of the Tuscola County Road Commission, except where stricter standards are included herein.
2. Driveway Width and Radii
 - a. The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined maximum throat width of thirty (30) feet, measured from face to face of curb.
 - b. Wherever the Planning Commission determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.
 - c. For one-way paired driveway systems, each driveway shall be sixteen (16) feet wide, measured perpendicularly.
 - d. In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet.
 - e. Driveways shall be designed with a twenty-five (25) foot radii; thirty-foot radii where daily semitruck traffic is expected.
3. Directional Driveways, Divided Driveways, and Deceleration Tapers and/or By-pass Lanes. Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they are necessary to reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of seventy-five (75) feet in length and at least eleven (11) feet wide. Design of direction and divided driveways shall be in accordance with the designs in Directional Driveway Standards Divided.

Divided Commercial Driveway

<u>Design Features</u>		<u>Required (feet)</u>	<u>Range* (feet)</u>
Intersecting Angle	A	90	-
Driveway Width	B	48	46 to 78
Entering Radius	C	30	25 to 40
Existing Radius	D	25	20 to 35
Entrance Drive Width	K	16	16 to 27
Exit Driveway Width	L	22	20 to 27
Island Width	M	10	6 to 24
Island Length	N	12	6 to 18
Nose Offset	P	35	30 to 100

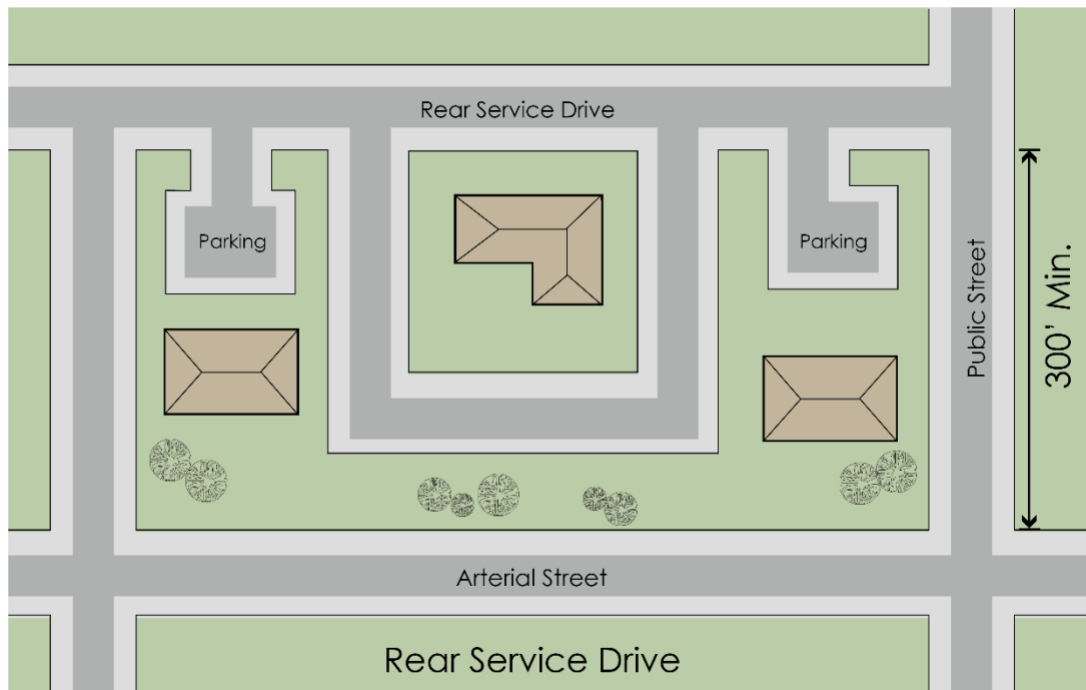
*The “required” dimension shall be used unless the City specifies, or the applicant demonstrates technical justification for a different value. The range in dimensions indicate the working values for each design feature.



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Sec. 10.09. Design of Frontage Roads, Rear Service Drives and Parking Lot Connections

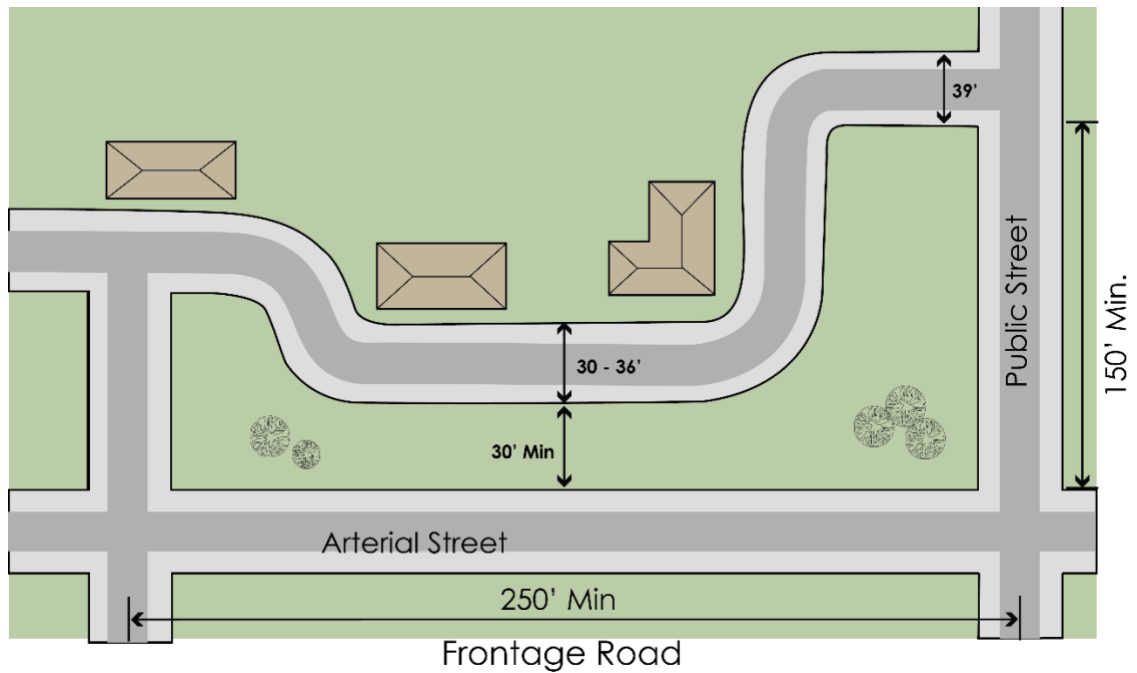
1. Frontage roads, rear service drives and drives connecting two (2) or more parking lots



shall be constructed in accordance with the following requirements:

- a. Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
- b. Frontage road access to public streets shall be spaced according to the standards of *Sec. 10.06., Driveway Spacing from Intersections*, and *Sec. 10.07., Driveway Spacing from Other Driveways*.
- c. Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.

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- d. Parking along or which backs into a frontage road shall be prohibited.
- e. For properties which are currently developed or adjacent to developed uses, and the standards of paragraphs a. through d. above are determined by the Planning Commission to be too restrictive, frontage roads can be defined through parking lots by a raised curb and/or painted islands, as shown, provided that at least every third island at the end of the parking row is a raised curbed island.

ARTICLE 4,
DIVISION 3:
LANDSCAPE
STANDARDS
AND TREE
REPLACEMENT

Article 4

Division 3: Landscape Standards and Tree Replacement

Sec. 11.01. Purpose

1. The intent of this Article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscape improvements. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the Village. The standards of this Article are intended to help achieve a number of functional and environmental objectives such as:
 - a. Promoting the implementation of the Village of Mayville Master Plan and subarea studies.
 - b. Defining and articulating outdoor spaces and architectural elements.
 - c. Obscuring, integrating and complementing various site elements.
 - d. Assisting in directing safe and efficient movement of vehicular and pedestrian circulation.
 - e. Screening headlights to reduce glare and incidental pollution.
 - f. Reducing the physical impact between adjacent land uses.
 - g. Providing landscape treatments that are consistent with adjacent sites and parcels within the surrounding area.
 - h. Providing incentives to preserve quality existing plant material and trees.
 - i. Providing reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein
 - j. Encourage drought-resistant species.
2. The standards contained in this Article are considered the minimum necessary to achieve the objectives identified above. In several instances these standards are intentionally flexible to encourage flexibility and creative design. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance and value of the property.
3. The intent of the tree protection removal requirements set forth in this section is to protect to the extent practical, the existing tree cover in the Village and when trees must be removed, to sustain tree cover in the Village by replacing trees in the community that are removed.

Sec. 11.02. Tree Protection: Removal and Replacement, Permit Required

1. Permit Required. If more than 25% of the trees eight (8) inches in caliper or larger on a site are proposed for removal, the property owner must first notify the Zoning

VILLAGE OF MAYVILLE ZONING ORDINANCE

Administrator and obtain approval. The Zoning Administrator may require submittal of a proposed site plan for review and/or may send to the Planning Commission for approval.

2. Normal Maintenance. This article is not intended to prevent the removal of dead or diseased trees on a site, after obtaining a permit from the Zoning Administrator.
3. Tree location survey. If a tree location survey is required by the Zoning Administrator, it shall be presented in a form acceptable to the Village and shall include at least the following information:
 - a. The scale of the tree location survey map shall be drawn at the same scale as the site plan, except a scale shall not be used that will make detail information illegible.
 - b. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, including existing and proposed utilities.
 - c. The location and related setback dimensions of all buildings, structures and off-street parking areas, along with all existing or proposed easements.
 - d. All such trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags.
 - e. The location of all existing trees measuring six inches or more in diameter at breast height (DBH), including:
 - 1) All such trees within any adjoining street right-of-way, and
 - 2) All such trees on any abutting properties that are within 25 feet of the property lines of the subject property, and
 - 3) All such trees that may be affected by the development, including all such trees located in any off-site right-of-way or utility easement or other easement in which improvements, including off site utility work necessary to serve the new development will be extended.
 - f. All such trees that are proposed to remain, or which are proposed to be relocated, and all such trees that are proposed to be removed shall be clearly identified on the tree location survey map. The tree location survey map shall also contain a list of all of these trees. Their tag number will key the trees on the list to the trees on the survey map. The list shall include the common name of each tree, its DBH number, its condition, and the existing and proposed grade at the base of each tree. The condition of each such tree shall be determined by using the tree-rating matrix set forth in subsection (o)(2), in this section.
 - g. All tree location surveys shall be performed on the site as field surveys. A registered land surveyor shall map the location of each such tree and record the existing and proposed grades at the base of each such tree. The type, size, and condition of each such tree shall be determined in the field by a registered landscape architect,

VILLAGE OF MAYVILLE ZONING ORDINANCE

certified arborist or forester. The name, address, and the phone and fax number, and any email address of those performing these responsibilities shall be provided on the tree location survey map, along with the date the field information was obtained.

4. Identify existing trees that will be relocated, their new location on the property, along with a statement as to how they will be protected and/or stored during land clearance and construction, and how these trees will be maintained in a living and growing condition, as required by ordinance.
5. A statement explaining how trees not included in item (7), in this subsection, and which will remain on site will be protected during land clearance, construction, including the proposed use of tree wells, protective barriers, tunneling or retaining walls, and explaining thereafter, how these trees will be maintained as a permanent part of the site's landscaping.
6. Figures that represent the number of trees that are six inches in DBH that will be removed from:
 - a. The property;
 - b. The public rights-of-way along the property;
 - c. Any abutting property, if applicable;
 - d. Any affected easements, if applicable; and
 - e. Any rights-of-way and/or easements beyond the site in which such trees must be removed to extend services to the site, if applicable.
7. A tree location survey may be waived by the Village for any area or areas of a development site that lie 50 feet or more outside of the development's construction zone. For the purpose of this section the construction zone shall mean any area of the property that will be disturbed in any way by any new development taking place on the property. Prior to receiving a waiver, the applicant shall submit a statement to the Village identifying the most predominant species of trees in the waiver area, the total number of trees in the waiver area, and the estimated predominate tree size in the waiver area. A waiver area shall be physically separated from any designated construction zone on the property by a snow fence prior to any activity taking place on the property.
8. Tree protection during site development.
 - a. Prior to the land clearing stage of development and before a tree permit will be issued, the owner, developer, or agent shall do the following:
 - 1) Clearly identify the on-site trees that are to be removed and those that are to be relocated by fluorescent orange spray paint or by red flagging tape. This responsibility shall be completed before any field inspection shall be conducted by the Village or its designee.

VILLAGE OF MAYVILLE ZONING ORDINANCE

- 2) Erect barriers of four-foot high wooden fencing or orange snow with metal stakes ten feet on center (OC) which will shield and protect trees, no closer than six feet from the trunk or at the edge of the tree canopy, whichever is greater, of all such trees or groups of trees.
 - 3) Keep the area within the protective barrier clear of all debris or fill, and any equipment and material.
 - 4) During the construction stage of development, the owner, developer or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees including but not limited to the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material, or any other material harmful to the life of a tree.
 - 5) No damaging attachment, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this section.
 - 6) The Village or its designee shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this section.
9. Emergency tree removal. When high winds, storms, tornadoes, floods, freezes, fires, or other manmade or natural disasters damage or destroy trees in the Village, making it necessary to expedite the removal of these trees in the interest of promoting the public safety, health and general welfare of the Village, the requirements of this chapter may be suspended by the Village for a period of 30 days in the affected areas.
10. Penalties. Each unauthorized removal of a tree that is protected by this section shall be deemed a separate offense. The Village's zoning code, as amended, shall be applicable to violations and penalties involving the unauthorized removal of a protected tree.

Sec. 11.03. Replacement of Removed Trees

1. A tree survey shall be submitted with any site plan for new development. The survey shall identify the location, species and size of existing trees on the proposed site that are to be removed or are within ten (10) feet of the removal area. Existing landmark trees that are planned to be removed shall be replaced on the site in accordance with the following standards:
 - a. Removed landmark trees between eight (8) and eighteen (18) caliper inches shall be replaced at a rate of 50% of the total diameter breast height (dbh).
 - b. Removed landmark trees greater than eighteen (18) caliper inches shall be replaced at a rate of 75% of the total dbh.
 - c. Removed landmark trees greater than thirty (30) caliper inches shall be replaced at a rate of 100% of the total dbh.
 - d. Landmark trees that are dead or diseased, with no visible growth, as determined by the Zoning Administrator, are exempt from replacement requirements.

VILLAGE OF MAYVILLE ZONING ORDINANCE

- e. A summary table of existing trees shall be provided, indicating those trees that will be removed.
- f. Landmark trees are defined by size and species, as listed in the table below:

COMMON NAME	SPECIES	MINIMUM DBH (INCHES)
American Beech	<i>Fagus grandifolia</i>	18
American Chestnut	<i>Castanea dentata</i>	8
Birch	<i>Betula</i> spp	18
Black Alder	<i>Alnus glutinosa</i>	12
Black Tupelo	<i>Nyssa sylvatica</i>	12
Black and White Walnut	<i>Juglans nigra</i> , <i>J. cinerea</i>	20
Buckeye	<i>Aesculus glabra</i>	18
Cedar, Red	<i>Juniperus</i> spp	12
Crabapple (cultivar)	<i>Malus</i> spp	12
Choke Cherry	<i>Prunus</i> spp	18
Douglas Fir	<i>Pseudotsuga menziesii</i>	18
Eastern Hemlock	<i>Nuga canadensis</i>	12
Flowering Dogwood	<i>Cornus florida</i>	8
Hickory	<i>Carya</i> spp	18
Horse-chestnut	<i>Aesculus camea</i>	18
Kentucky Coffeetree	<i>Bymnociadus diocius</i>	18
Larch/Tamarack	<i>Larix Laricina</i> (Eastern)	12
London Planetree/Sycamore	<i>Plantanus</i> spp	18
Maple	<i>Acer</i> spp	18
Oak	<i>Quercus</i> spp	16

VILLAGE OF MAYVILLE ZONING ORDINANCE

Pine	Pinus spp	18
Sassafras	Sassafins albidum	15
Spruce	Picea spp	18
Tuliptree	Liriodendron tulipfera	18

Sec. 11.04. Tree Health Condition Ranking Matrix

1. Except as may be otherwise waived herein, the applicant shall be responsible for determining the condition (health) in the field of all trees that are to be removed or relocated. Compliance with the applicable requirements of this subsection may be waived by the Village, provided the applicant has properly requested a waiver from the applicable requirements of this section, in the manner set forth in this section:
2. The applicant or his designee shall evaluate the condition of the tree trunk, the growth rate of the tree, its general structure, identify any insect infestations and/or diseases, the crown development of the tree, and the life expectancy of the tree. From this evaluation the expert examining the trees shall assign a point value to each such tree using the tree condition rating matrix provided in subsection b, of this section. The rating number shall be placed in the column listing all the trees as outlined in subsection 3. of this section.
3. The ranking matrix that the expert shall use in the field to calculate the condition (health) of a tree is outlined below:

RANKING MATRIX

Factor	5 or 4	3 or 2	1
Trunk	Sound and solid	Sections of bark missing	Extensive and hollow
Growth/rate	More than 6" twig elongation	2"—6" twig elongation	Less than 2" twig elongation
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead
Insects/diseases	No pests present	1 pest present	2 or more pests present
Crown/development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown
Life Expectancy-Remaining	Over 30 years	15—20 years	Less than 5 years

VILLAGE OF MAYVILLE ZONING ORDINANCE

4. When the Village or its designee evaluates the applicant's tree condition data in the field, the rating matrix set forth in subsection b, of this section shall be used.

Sec. 11.05. Incentives to Preserve Existing Trees

1. The standards listed below are intended to encourage the preservation of quality and mature landmark trees by providing credits toward required landscape components.
2. Trees intended to be preserved shall be indicated on the site plan.
3. To obtain credit, the preserved trees shall be arranged to meet the intent of this Article, be of high-quality, as confirmed by the Village, and at least 2.5" caliper in size for deciduous trees, 6 ft. in height for evergreen trees.
4. Each deciduous tree preserved that is between 2.5" to 7.9" caliper in size and evergreen tree that is between 6 ft. to 19 ft. shall be calculated as one (1) required tree, two (2) credits for deciduous trees with a caliper of 8" or greater and evergreen trees greater than 19 ft.
5. The landscape plan shall include a matrix that lists required trees and credits for preserved trees.
6. During construction, tree protection fencing shall be placed ten (10) feet beyond the drip-line of the tree. The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. The Planning Commission may allow pedestrian pathways, driveways or parking within the dripline upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials within the dripline is prohibited.
7. If trees are lost within three (3) years after completion of the construction, the property owner shall replace with new trees equal to the number of tree credits granted.
8. Tree credits may account for up to fifty percent (50%) of the required trees and be applied anywhere on the site.

Sec. 11.06. Landscape Plan Specifications

A separate detailed landscape plan, prepared by a licensed/registered design professional, shall be submitted as part of the site plan review process.

1. The landscape plan shall demonstrate that all requirements of this Article are met and shall:
 - a. Illustrate location, spacing, species, and size of proposed plant material.
 - b. Separately identify compliance with the minimum numeric requirements for greenbelts, buffer zones, parking lot trees, detention ponds, and interior landscaping; required trees or materials cannot be double counted.
 - c. If applicable, identify compliance with the numeric requirements for tree replacement and preservation.

VILLAGE OF MAYVILLE ZONING ORDINANCE

- d. Provide, as determined by the Planning Commission, typical cross sections to illustrate views from adjacent land uses and the slope, height and width of proposed berms or landscape elements.
- e. Identify trees and other landscape elements to be preserved.
- f. Delineate the location of tree protection fence and limits of grading at the perimeter of areas that to be preserved.
- g. Provide significant construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- h. Provide details to ensure proper installation and establishment of proposed plant material.
- i. Identify grass areas and other methods of ground cover.
- j. Identify a landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this Ordinance.

Sec. 11.07. Design Standards

1. Greenbelts. A greenbelt shall be planted or preserved along public rights-of-way, private road easements, and designated frontage roads and access drives. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:
 - a. The width of the greenbelt shall be thirty-five (35) feet in residential districts and ten (10) feet in nonresidential districts.
 - b. Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.
 - c. Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway to provide visual and physical separation between the vehicular and pedestrian circulation.
 - d. The greenbelt shall contain a minimum of one (1) canopy tree and six (6) upright shrubs per thirty (30) linear feet, or fraction thereof, of street frontage including any openings for driveways, pathways, or easements. The Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses. A hedgerow with upright shrubs planted four (4) to five (5) feet on center along the entire road frontage may also be utilized.

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- e. Ornamental trees may be used to diversify greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
 - f. Greenbelt plantings shall be arranged to simulate a natural setting such as massing or staggered rows, except where the Planning Commission finds a more formal arrangement would be consistent with the established character of the area.
 - g. Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities, and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location of the required materials so as long as the design intent is met.
2. Parking Lot Landscaping. Parking lot landscaping shall be provided in accordance with the following standards:
- a. Landscaping shall be dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
 - b. At least one (1) canopy tree shall be provided per eight (8) parking spaces provided.
 - c. All of the required parking lots trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending outward ten (10) feet from the edge of the parking lot.
 - d. A minimum of one-third (1/3) of the trees shall be placed within parking islands located inside the perimeter of the parking lot.
 - e. Parking lot islands shall be curbed and be at least one hundred (100) square feet in area. Islands within parking lots having less than 100 spaces may be a minimum of ten (10) feet in width, parking areas with more than one hundred (100) spaces shall have islands at least twenty (20) feet in width. The depth of the island shall be two (2) feet shorter than an adjacent parking space.
 - f. Only trees, shrubs, grass or other living ground cover shall be used within parking lot islands.
 - g. The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.
3. Buffer Zones
- a. A buffer shall be provided between the subject site and all adjacent properties, developed or undeveloped, in accordance with the table on the following page.
 - b. The Planning Commission shall use the table as the minimum requirements necessary and determine whether landscaping, a wall, a berm, or combination of these elements are needed to attain the intended screening.

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- c. The use of canopy trees and associated understory are encouraged while walls and berms are discouraged.
- d. Buffer zones shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.

Buffer Zone A	1. 30-foot minimum width 2. along the property line with two (2) canopy trees and four (4) shrubs or one (1) canopy tree, one (1) evergreen and four (4) shrubs per twenty (20) linear feet, rounded upward 3. and including a wall, berm or combination of these elements as determined by the Planning Commission
Buffer Zone B	1. 10-foot minimum width 2. along the property line with one (1) canopy trees and four (4) shrubs or one (1) evergreen and four (4) shrubs per twenty (20) linear feet, rounded upward

- a. Residential adjacent to Residential = Buffer Zone A
 - b. Residential adjacent to all other districts = Buffer Zone B
 - c. Commercial adjacent to Commercial = Buffer Zone A
 - d. Commercial adjacent to all other districts = Buffer Zone B
 - e. Industrial adjacent to Industrial = Buffer Zone A
 - f. Industrial adjacent to Commercial = Buffer Zone B
3. Detention/Retention Pond Landscaping. Ponds shall be located outside required setbacks and designed to provide a natural appearance. Detention and retention ponds shall be provided in accordance with the following standards:
- a. Side slopes shall be such that the perimeter of the pond shall not need to be fenced.
 - b. The sides of the pond must be undulating to avoid an “engineered” appearance.
 - c. One (1) canopy or evergreen tree and ten (10) shrubs are required per fifty (50) feet of pond perimeter, as measured along the top of the bank elevation. The required

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- landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
- d. Wild grasses and wetland plantings should be utilized on the side slopes and bottom of the pond to give it a more natural appearance, minimize on-going maintenance, and provide improved filtering of sediments.
 - e. Where a natural landscape is found not to be particular or desirable the Planning Commission may require some type of decorative fencing.
4. Interior Site Landscaping. Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas or as landscaped plazas.
5. Residential and Site Condominium Developments. Landscaping for single-family and multiple-family residential developments shall be provided in accordance with the following requirements:
- a. Street trees shall be provided at a rate of one (1) tree per forty (40) linear feet of frontage, or thereof, along all interior roads. The Planning Commission may determine that existing trees preserved within ten (10) feet of the road edge may fulfill the street tree requirement for that portion of the road. Trees should generally be planted between the sidewalk and road curb, in consideration of intersection sight distance.
 - b. The landscape plan shall also include details of the cul-de-sac islands, project entrances, accessory buildings and common open space areas.
6. Right-of-Way Landscaping. Public rights-of-way shall be planted with grass or other suitable living plant material and maintained by the owner or occupant of the property. Trees and shrubs may be planted within the right-of-way with permission from the appropriate authority with jurisdiction over the street.
7. Accessory Site Components. In addition to required screens or walls, site elements such as waste receptacles, air conditioner units, utility boxes and other similar components shall be appropriately screened with plant material.

Sec. 11.08. Specifications for Landscape Improvements and Plant Materials

1. Wall Standards. While walls are not necessarily encouraged, certain situations may be appropriate for provision of a wall. When provided, walls shall meet the following requirements:
- a. Walls shall be located on the lot line or within the required setback when it is desired to have plant material on both sides of the wall.
 - b. Walls shall be continuous except for openings for pedestrian connections as approved by the Planning Commission.
 - c. Walls shall be constructed of the primary building material of the principal structure as determined by the Planning Commission.

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- d. The height of any wall shall be as determined by the Planning Commission based on the intended screening.
2. **Berm Standards.** While berms are not necessarily encouraged, they may be appropriate in certain situations. In instances where wider open spaces are available between uses, the Planning Commission may allow the substitution of a berm with additional landscaping in place of the wall requirement. Berms shall be constructed with horizontal and vertical undulations so as to represent a natural appearance with a crest area at least four (4) feet in width. Berms shall be planted with trees, shrubs or lawn to ensure that it remains stable. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other similar method. The maximum slope of the berm shall not exceed one (1) foot of vertical rise to three (3) feet of horizontal distance.
3. **Plant Material.** All plant material shall be hardy to the Village of Mayville, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen. Landscaped areas shall include only living plant materials and planting beds, no pebbles or stones are permitted.
 - a. **Minimum Sizes and Spacing.** The minimum plant sizes and spacing shall be provided in accordance with the following:
 - 1) Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.

Minimum Sizes and Spacing		
Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Deciduous canopy trees	2½ in. caliper	25 ft. on-center
Ornamental trees	2 in. caliper 6 ft. height (clump form)	15 ft. on-center
Evergreen trees	8 ft. height	15 ft. on-center
Narrow evergreen trees	4 ft. height	12 ft. on-center
Deciduous shrubs	3 ft. height	4 ft.-6 ft. on-center
Upright evergreen shrubs	3 ft. height	3 ft.-4 ft. on-center

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Spreading evergreen shrubs	18 in.-24 in. spread	6 ft. on-center
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- b. **Mixing of Species.** The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
- c. **Trees Not Permitted.** The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects. The Planning Commission may however allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ash, Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).
- d. **Planting Beds.** Bark used as mulch shall be maintained at minimum of two (2) inches deep. Planting beds shall be edged with plastic, metal, brick or stone in residential districts and metal edging in all other zoning districts.
- e. **Topsoil.** Topsoil shall consist of a 4" base for lawn areas and an 8"-12" base within planting beds.
- f. **Proximity to Utilities.** Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
- g. **Lawn Grasses.** Lawn grasses shall be planted in species normally grown as permanent lawns in Tuscola County. Grasses may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.

Sec. 11.09. Minimum Standards for Installation, Irrigation and Maintenance

- 1. **Timing of Planting.** All required plant material shall be planted prior to issuing a Final Certificate of Occupancy. In the event that the project is completed during a time of year when planting is impractical, a financial guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the Village.
- 2. **Completion of Improvements.** Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
- 3. **Irrigation.** All landscaped areas in commercial or industrial districts shall be provided with an underground irrigation system.

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4. Maintenance. Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within thirty (30) days written notice from the Village or within an extended time period as specified in said notice.

Sec. 11.10. Standards for Compliance for Existing Sites

In any case where the building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site plan or is being changed to a more intense use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than twenty-five percent (25%) over the original site plan, the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or parking footprint. For example, a building or parking area increase of ten percent (10%) requires forty percent (40%) compliance with the landscape standards.

ARTICLE 4,
DIVISION 4:
SIGNS

Article 4

Division 4 Signs

Sec. 12.01 General Regulations – Signs in All Districts

1. No sign shall be erected or used except in conformity with this Ordinance and only after site plan review and approval by the Zoning Administrator or his/her designee.
2. No signs or other advertising devices shall be permitted which:
 - a. Contain statements, words or pictures of any obscene, indecent or immoral character, such as will offend public moral or decency.
 - b. Contain or imitate any official traffic sign or signal or contain the words: "stop," "go slow," "Caution," "danger," "warning," or similar words, except for officially issued governmental signs.
 - c. Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or constructed as a traffic control device or which hide from view any traffic or street sign or signal, except for official governmental signs.
 - d. Turn, revolve or have moving parts, have flashing lights, have exposed illumination, or are portable in nature; provided however, that permanent electronic changeable copy signs are permitted provided they meet the requirements of this ordinance and do not change displays more frequently than once every twenty (20) seconds. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
 - e. Are not maintained in good condition and repair and kept clear and free from obnoxious and offensive substances, weed, rubbish, and flammable materials at all times.
 - f. Project into a public right-of-way or easement, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers necessary to safely operate a vehicle or by reflecting light so as to be a safety hazard to drivers.
 - g. Exceed Twenty (20) feet above grade in height.
 - h. Are located within the public right-of-way, except for:
 - 1) signs erected by or on behalf of a governmental agency post legal notices, identify public property, convey public information, and direct or regulate traffic;
 - 2) bus signs erected by a public transit company;
 - 3) informational signs of a public utility regarding poles, lines, pipes, or facilities; and

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- 4) emergency warning signs created and installed by a governmental agency or other entity authorized to do work in the public right-of-way.
3. The owner of any property on which any sign is placed and the person or entity maintaining the sign shall be equally responsible for the condition of the sign and the area in the vicinity thereof.

Sec. 12.02 Signs and Residential Land Districts

1. For each lot or parcel, one non-illuminated sign may be permitted with a gross surface area of four (4) square feet or less and a maximum height of four (4) feet above grade, exclusive of building/house numbers and required traffic control signs. Such sign shall be temporarily or permanently affixed to the ground or permanently attached to the building as a wall sign. For multifamily, single family complexes, and non-residential uses in residential district, an entrance identification sign may be permitted with a gross surface area not to exceed a maximum of thirty (30) square feet and a maximum height of six (6) feet.

Sec. 12.03 Signs in Business/Mixed-Use Districts

1. Ground mounted or freestanding sign in all business and commercial district shall be regulated as follows:
 - a. For each lot or parcel, one ground-mounted or freestanding sign may be permitted with a gross display area of one (1) square foot for each two (2) feet of frontage up to a maximum of sixty (60) square feet in total area.
 - b. Up to Fifty (50) percent of gross surface area may be a changeable copy sign.
 - c. All ground-mounted and freestanding signs shall be setback at least ten (10) feet from all property lines.
 - d. If a lot contains more than six hundred (600) feet of frontage on a public road, a second sign meeting the criteria above may be erected. No freestanding sign or ground-mounted sign shall be located no closer than one hundred (100) feet to another sign along the same right-of-way.
 - e. The top of a ground-mounted or free-standing sign shall not be more than fifteen (15) feet above grade level.
2. In addition to a free-standing or ground-mounted sign for each lot, each business establishment may have one wall sign:
 - a. not to exceed ten (10) percent of its wall area facing the front lot line, up to a maximum of sixty (60) square feet.
 - b. If no freestanding or ground mounted sign is present, then two (2) wall mounted signs may be permitted. (To illustrate the requirement, a building with a 12' x 30' wall (360 sq. ft.) facing the front lot line and containing one tenant would get one wall sign up to 36 square feet.)
 - c. If at the discretion of the owner/applicant, up to eighteen (18) square feet on the allotted wall sign space may be used for a projecting sign, provided that the bottom of the sign is at least ten (10) feet above grade and the sign does not project more than

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five (5) feet from the side of the building, or more than one (1) foot above the roof of the building.

- d. A building mounted sign that projects from the face of the building shall have a minimum clearance of the (10) feet above grade.
3. Maximum brightness levels for illuminated signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness during daylight hours and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn. For purposes of this Ordinance, the term "nits" shall describe a metric unit of luminance defined as candela per square meter (cd/m), based on the candela, the modern metric unit of luminous intensity, and the square meter.
4. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

Sec. 12.04. Signs in Industrial Districts

1. For each lot or parcel, one ground-mounted or free-standing sign not exceeding sixty (60) square feet in total area and fifteen (15) feet in height is permitted.
2. In addition to a free-standing or ground mounted sign for each lot, each industrial establishment may have one wall sign not to exceed the (10) percent of its wall area facing the front lot line, up to a maximum of sixty (60) square feet.
3. No free-standing or ground-mounted sign shall be located closer than one hundred (100) feet to another sign along the same right-of-way.

Sec. 12.05. Signs for Institutional Uses

Signs erected in any use district by public and private institutions, including but not limited to churches, village, township buildings and schools, shall not exceed forty (40) square feet in area six (6) feet in height, except that if the institution is within a residential district, such sign shall not exceed thirty (30) square feet in gross surface area and six (6) feet in height.

Sec. 12.06. Temporary Land Development Project Signs

Signs pertaining to the sale, lease, rent, or development of any project requiring a building permit shall adhere to the requirements of the appropriate district. As permanent signs are erected, temporary signs shall be removed so that the total sign area does not exceed the maximum permitted by this ordinance. In no instance shall any temporary sign exceed twenty (20) feet in height above grade.

Sec. 12.07. Temporary Signs in All Districts

1. Temporary Signs, for the purpose of directing the public to seasonal promotions of crops, such as pick-your-own fruit, Christmas Trees, or special events located, or grown in the Village of Mayville, may be permitted by the Village Council, subject to the following:
 - a. The applicant shall file a complete application form and provide all information required by Section Signs.
 - b. The Village Council may enact a Temporary Sign Permit fee to defray administrative expenses. This fee will be required for each sign.

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- c. The fee may be waived by the Village Council.
2. No temporary sign shall exceed Thirty-two (32) square feet in area.
3. Temporary signs shall be set back at least ten (10) feet from all property boundary lines, or under discretion of Zoning Administrator.
4. Written permission from the landowner, where the temporary sign or banner is to be placed, must be provided to the Village.
5. Temporary signs shall be removed immediately upon expiration of the thirty (30) day permit, or ending of special event, whichever is less.

Sec. 12.08. Non-Conforming Signs

1. Any sign which lawfully existed and was maintained at the time the Zoning Ordinance became effective, and which is subject to the regulation of this Ordinance, as amended, shall be deemed a legal, non-conforming sign.
2. Non-conforming signs may remain provided they are not expanded, enlarged, or substantially altered other than routine maintenance and upkeep of the sign itself. It is intended that nonconforming signs be eventually removed or replaced by a conforming sign through natural attrition.
3. All nonconforming signs that are obsolete due to discontinuance of the business or activity advertised thereon shall be removed within thirty (30) days of the close of said business activity.

Sec. 12.09. Permits for Permanent Sign Erection and Alteration Permit Requirements

1. No person shall erect, construct, enlarge, move, convert, or substantially alter any sign within the Village of Mayville, or cause the same to be done, without first obtaining sign review and approval from the Zoning Administrator or his/her designated agent, for each sign, as required by this Ordinance.
2. This requirement shall not be construed to require a permit for a change in copy on a changeable copy sign, or the re-painting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not substantially altered.
3. A new permit will not be required for signs heretofore erected in conformity with the ordinances of the Village of Mayville prior to the date of the adoption of this Ordinance.

Sec. 12.10. Permit Limitations

A sign permit issued by the Zoning Administrator or his/her designated agent shall become null and void if the construction permitted thereon is not commenced within 180 days from the date of issuance. If the work which is authorized by such permit is suspended, a new permit shall first be obtained before construction is again commenced.

Sec. 12.11. Failure to Obtain Permit

Failure to obtain a permit under this article or to pay a required fee, shall subject a sign to removal or subject its owner to fines, as provided for violations of this Zoning Ordinance in *Section 20.08*.

Sec. 12.12. Removal

1. The Zoning Administrator of his/her designee may order the removal of any sign which is abandoned or erected or maintained in violation of this Ordinance.
2. He or she shall give thirty days' notice in writing to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance.
3. The Zoning Administrator or his/her designated agent may remove any sign or cause it to be removed immediately and without notice if, in his/her opinion, the condition of the sign or an existing nonconforming, billboard is such as to present an immediate threat to the safety of the public.
4. The cost of removal shall be paid by the owner of the sign or the building, structure or premises on which it is located.

Sec. 12.13. Exemptions

1. Signs located within a building or structure and not visible to people outside the building or structure are exempt from the sign requirements in the ordinance.
2. The following exemptions shall not be construed as relieving the owner of such sign from the responsibility of complying with applicable provisions of this ordinance.
3. These exemptions shall apply to the requirements for site plan review and permitting of signs only, and no sign permit shall be required for the erection of the following signs:
 - a. Signs erected by an official government body or agency and deemed necessary for the protection of the public health, safety or welfare.
 - b. Official flags of government.
 - c. Signs required to be maintained by law or government order rule or regulation.
 - d. Any single, non-illuminated sign with a gross surface area of four (4) square feet or less provided no other sign exists on the lot or parcel (excluding traffic control signs and house/building address signs.)
 - e. Holiday decorations and greetings in season without any commercial message.
 - f. Any sign which sets forth the house or building address, provided that the individual characters on the sign do not exceed twelve (12) inches in height.
 - g. Scoreboards on athletic fields.
 - h. Price, volume, warnings and similar information required to be displayed by law including, but not limited to, warnings on equipment (e.g., gas pumps), price and volume/quantify displays on machines (e.g., price and volume on gas pumps and digital displays showing the amount of money deposited in a coin operated vending machine); provided, however, that:

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- 1) the information is displayed at the minimum size required by law up to a maximum of four (4) square feet; and
 - 2) the information is not intended to be legible to a person of average eyesight standing on the property line.
- i. Memorial tablets, building dedication tablets, historical markers, and similar signs incorporated into the architecture of the building by moldings, embossing or engraving on the face of the building or when constructed of bronze or other non-combustible material, up to a maximum of four (4) square feet.

Sec. 12.14. Application

1. An application for a sign permit under this article shall be made. The application shall have attached the following information:
 - a. Name, address and telephone number of applicants.
 - b. A brief description of the type of proposed sign.
 - c. Location of building, structure or lot to which the sign is to be attached.
 - d. A site plan drawing showing location of all other existing signs and of all other proposed or existing structures showing the sign height, and location of the sign on the site of the property.
 - e. Name and address of the person, firm, corporation, or association erecting or attaching the sign.
 - f. Written consent of the owner of the property on which any sign is to be located.
 - g. A drawing or sketch of the proposed sign, in color, indicating specific dimensions, plan and specifications of the material to be used in its construction, sign colors, lettering and content (copy) to be placed on the sign (the actual typeface style should be approximated), method of illumination, if any, and the method of construction and attachment.
 - h. Where appropriate, details on electrical wiring, with sufficient data to determine if building code or other applicable Village or County codes and regulations are addressed.

Sec. 12.15. Inspection

After a sign permit is issued, the person erecting, constructing, enlarging, altering or converting a sign shall notify the Zoning Administrator upon completion of the work for which permits were required. All free-standing signs shall also be subject to a footing inspection. All electrical signs shall be subject to a final electrical inspection.

Sec. 12.16. Fees

1. A fee shall be paid for the sign review process and for the issuance of sign permits in accordance with a fee schedule which shall be adopted and amended from time to time by the Village Council.

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2. Such schedule of fees shall be designed to reimburse the Village for all of its direct costs incurred in the inspection and regulation of signs and issuance of permits.

Sec. 12.17. Special Conditions

1. Non-signs. The following exceptional displays shall not be considered as signs under this definition:
 - a. Any display of official court or public office notices.
 - b. Awnings or canopies which are completely devoid of any message or symbol.
 - c. Time and temperature displays without any advertising or commercial matter up to a maximum of six (6) square feet providing all clearances prescribed herein for signs similarly located are maintained.

ARTICLE 4,
DIVISION 5:
LIGHTING
STANDARDS

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 4

Division 5: Lighting Standards

Sec. 13.01. Purpose

The purpose of this Article is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this Article provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow”; reduce light pollution and light trespass from light sources onto adjacent properties; conservation of electrical energy; and curtail the degradation of the nighttime visual environment.

Sec. 13.02. Applicability

The standards in this Article shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Village President (or his designee) may review any building or site to determine compliance with the requirements under this Article. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the Village, the applicant shall submit sufficient information to enable the Village President to determine whether the proposed lighting will comply with this Article.

Sec. 13.03. Lighting Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canopy Structure: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

Flood or Spotlight: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

Glare: Direct light emitted by a lamp, luminous tube lighting or other light source.

Lamp: The component of the luminaire that produces the actual light including luminous tube lighting.

Light Fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light Pollution: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

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Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire: The complete lighting system including the lamp and light fixture.

Luminous Tube Lighting: Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Outdoor Light Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

Shielded Fixture: Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Article.

Wall Pack: An unshielded fixture that is typically wall-mounted and used to illuminate a large area.

Sec. 13.04. Submittal Requirements

1. The following information must be included for all site plan submissions and where full site plan approval is not required, some or all of the items may be required by the Zoning Administrator:
 - a. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
 - b. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
 - c. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
 - d. Use of the fixture proposed.
2. Any other information deemed necessary by the Village President to determine compliance with provisions of this Article.

Sec. 13.05. Lighting Standards

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1. Unless exempted under *Section 13-06: Exemptions*, all lighting must comply with the following standards:

- a. Freestanding Pole Lighting

- 1) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide or LED, shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the Village and prevent "sky glow"
- 2) The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. The only exception is for automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted in display areas within the site but the above standards shall apply to intensity at the property line. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line.
- 3) The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
- 4) The maximum height of parking lot light fixtures shall be twenty (20) feet, except that the Planning Commission may permit a maximum height of thirty (30) feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than one hundred fifty (150) feet to a residential district or use.
- 5) Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
- 6) Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within non-residential zoning districts shall be turned off between 11:00 p.m. and sunrise, except where such use continues after 11:00 p.m. but only for so long as such use continues.

- b. Building-Mounted Lighting

- 1) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the Village and prevent "sky glow."
- 2) The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line.

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- 3) The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site or is necessary for security purposes.
 - 4) The intensity of lighting under roof eaves, awnings, porticos, or other structural projections shall not exceed ten (10) footcandles. The internal illumination of building-mounted awnings is prohibited.
 - 5) Luminous tube, LED, and exposed bulb lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. unless approved by the Planning Commission upon showing that the treatment will enhance the appearance of the building.
- c. Window Lighting
- 1) Any light fixtures visible through a window must be shielded to prevent glare at the property line.
 - 2) Luminous tube, LED, and exposed bulb lighting (visible from the property line) is prohibited in the windows of a building unless it is part of a sign that meets the requirements of Article 4, Division 4: Signs.
- d. Gas Station Canopy Lighting.
- 1) The intensity of lighting under gas station canopies shall not exceed 32 footcandles or have an average intensity greater than 22 footcandles for LED fixtures. Any other fixtures shall not have an intensity greater than 20 footcandles.
 - 2) All fixtures must be recessed into the canopy and the lens shall not extend below the lowest part of the fixture.
- e. Other Lighting
- 1) The internal illumination of building-mounted canopies is prohibited.
 - 2) Indirect illumination of signs and buildings is permitted provided there is no off-site glare.
 - 3) The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
 - 4) Lighting shall not be of a flashing, moving, or intermittent type.
 - 5) Luminous tube, LED, and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of *Article 4, Division 4, Signs*.

Sec. 13.06. Exemptions

The following are exempt from the lighting requirements of this Article, except that the Village President may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:

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1. Sports field lighting, in use no later than 10:00 p.m., provided they are located at least 1000 feet away from any existing residential zone or use. Other sports field lighting may be approved by the Planning Commission after a determination that compliance with the standards in *Section 13.05* have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses.
2. Swimming pools.
3. Holiday decorations when removed within 15 days of said holiday.
4. Window displays without glare.
5. Shielded pedestrian walkway lighting.
6. Residential lighting with no off-site glare.
7. Streetlights.
8. Search lights may be approved by the Village President, under the following conditions:
 - a. Such lighting must be associated with a public or private special event or annual sale.
 - b. Search lights for private events may be approved for a maximum of two (2) such events per business, person or organization, per calendar year. The Village President may grant exceptions to this maximum for community-wide events or for those that serve a general public purpose or that benefit the public.
 - c. Search lights may not be used for a duration exceeding seven (7) consecutive calendar days.
 - d. Location of all search lights must be in a non-residential district and must be placed in such a way as to minimize any nuisance or glare onto any nearby residential property.
 - e. Search lights may not be run by any power supply that creates noise or vibration that can be heard or felt by nearby residences at a level that is greater than 75 decibels, or roughly equivalent to the noise generated by Village traffic.
 - f. If it is determined necessary by the Village President, a limit to the hours of search light usage may be imposed to prevent night glare.

Sec. 13.07. Lamp or Fixture Substitution

Should any light fixture regulated under this Article, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Village President for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

ARTICLE 5:
APPROVAL
PROCEDURES

DIVISION 1:
SITE PLAN
REVIEW

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 5

Division 1: Site Plan Review

Sec. 14.01. Purpose

1. It is the intent of this Article to require site plan review approval by the Planning Commission to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this Article.
2. It is further the intent of this Article to require the eventual upgrade of existing sites that do not conform with current standards of this Article and ensure that the arrangement, location, design, and materials within a site are consistent with the character of the Village and the goals and design guidelines in the Village of Mayville Master Plan.

Sec. 14.02. Uses Requiring Site Plan Review

Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
a.	New construction of any non-residential or multiple-family development; specifically non-residential buildings greater than 1,500 square feet in all districts excluding Central Business District.	•			
b.	All uses subject to special conditions.				
c.	All site plans with multiple phases				
d..	Site condominium developments or Residential Subdivision plans.		•		

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
e..	Planned Developments (PDs) in accordance with Article 5, Division 2: PUD, Planned Unit Development Overlay District Standards.				
f..	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	•			
g..	Co-location of a communication antenna upon an existing tower.			•	
h..	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	In accordance with Section 86-131			
i.	Home occupations.			•	
j.	Temporary uses, buildings, structures, and seasonal events.			•	
k.	An increase in floor area of uses subject to site plan review up to 1,000 square feet or 5% of existing floor area, whichever is less.			•	
l.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bike paths, or			•	

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
	sidewalks.				
m.	Improvements to outdoor recreational uses and parks.			•	
n.	Expansion, replacing or alteration of landscaping areas consistent with this Article.			•	
o.	Improvements or installation of walls, fences, or lighting.			•	
p.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent (5%) or to meet various Federal, State, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate Village staff.			•	
q.	Construction or relocation of a waste receptacle or enclosure.			•	
r.	Changes to facade, architectural features, or wall signs (elevation plan showing changes and construction materials is required) pursuant to ARTICLE 2, DIVISION 3, SECTION 86-51: SITE	•			

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
	DEVELOPMENT REQUIREMENTS, and in compliance with the Mayville Downtown Design Guidelines.				
s.	Approved changes to utility systems.			•	
t.	Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds, or tree clearing over 100 square feet.			•	
u.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool, or clearing of trees within an area of less than 100 square feet.				•
v.	Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with ARTICLE 6, DIVISION 1: NONCONFORMING USES, STRUCTURES, AND LOTS.			•	
w.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other Federal, State or County regulations.			•	

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
x.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.				•
y.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.				•
z.	Development regulated by the Land Division Act of 1997 (P.A. 112) and Chapter 70: Subdivisions of the Code of Ordinances, Village of Mayville.				•
aa.	Erection of essential public service local distribution lines.				•
bb.	Construction, erection or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.				•
cc.	Keeping of animals as an accessory use without additional structures, except kennels under the Special Land Use requirements.				•

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
dd.	Construction of accessory building or structure for the keeping of animals.			•	
ee.	Accessory outdoor display of general retail items as determined by the Zoning Administrator.			•	
ff.	Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12-month period does not exceed 50% of the building SEV or affect parking requirements on a site.				•
gg.	Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other Village standards and where site plan review is not specifically required under other sections of this Article.				•
hh.	Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review.	•			

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Sec. 14.03. Planned Unit Developments, Site Condominiums, and Condominium Subdivisions

Site plans for planned unit developments shall be subject to the provisions of *Article 5, Division 2: Planned Unit Development*, and site condominiums and condominium subdivisions shall be subject to the provisions of *Article 5, Division 5: Condominium Development Standards*, and the Condominium Act (MCLA 559.101 et seq.).

Sec. 14.04. Projects Exempt from Site Plan Review

Projects identified as exempt from site plan review must still meet all applicable zoning ordinance and code requirements and obtain a Certificate of Zoning Compliance prior to application for a building permit or construction.

Sec. 14.05. Projects Eligible for Sketch Plan Review and Administrative Approval

1. Intent. The intent of this section is to permit submittal of sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Ordinance. The intent is to also provide for an administrative review by Village staff or Planning Commission approved site plans for compliance with conditions as imposed by the Planning Commission.
2. Eligibility. A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in *Section 14.02. Uses Requiring Site Plan Review*.
3. Procedure
 - a. Sketch Plan. The process for administrative approval of a sketch plan shall involve submittal of the sketch plan and required application form, and fee to the Zoning Administrator. The Zoning Administrator shall review the sketch plan in accordance with the same standards used by the Planning Commission for a full site plan. The Zoning Administrator shall make a report of administrative reviews to the Planning Commission.
 - b. The minimum contents of a sketch plan submitted for administrative review include:
 - 1) Cover sheet including:
 - a) Completed application form and fee.
 - b) Title block with sheet number/title; name, address, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
 - c) Scale and north-point.
 - d) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile.
 - e) Legal and common description of property including net acreage.
 - f) Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings.
 - g) Zoning classification of petitioner's parcel and all abutting parcels.
 - h) A note on each plan sheet stating ``Not to Be Used as Construction Drawings."
 - i) Buildings and Structures
 - j) Existing and proposed buildings and parking lots with dimensions, setbacks, and percent coverage.
 - k) Floor plan indicating existing and proposed uses.

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- l) Building elevations including materials and colors for all sides with proposed changes. Building material samples shall be submitted to the Zoning Administrator for approval.
 - m) Parking and Access: Existing and proposed parking calculations.
 - n) Existing and proposed driveways.
 - o) Site Data.
 - p) Existing and proposed landscaping illustrated on the plan and described in a plant list.
 - q) Proposed changes to grading and other natural features.
 - r) Existing and proposed lighting and screening.
 - s) Proposed changes to utilities.
 - t) Any other items requested by the Zoning Administrator to assist in the administrative review.
4. Planning Commission Approved Site Plan. If the administrative review consists of a review of an approved site plan with conditions by the Planning Commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
5. Additional Information. The Zoning Administrator retains the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts, or sites experiencing problems with drainage, traffic, noise, aesthetics, or other general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with this Article within fourteen (14) days of receipt of the application.

Sec. 14.06. (Optional) Conceptual Site Plan Review

The site plan approval process includes a review, at the option of the applicant, of a conceptual site plan by the Planning Commission. This option is recommended for site plans affecting locations designated in the Village of Mayville Master Plan as having significant natural features, sites containing floodplain or within the flood hazard zone, sites containing or potentially containing MDEQ designated/regulated wetlands, special land uses, and complex developments. The review of a conceptual site plan allows the Planning Commission and Village staff to review and comment on the project's compliance with the requirements of this Article prior to the preparation of all the required site plan review materials.

Sec. 14.07. Site Plan Submittal Requirements

1. The site plan shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Application, Form, and Fees. A completed application form, supplied by the Village, and an application fee; a separate escrow deposit may be required for administrative charges to review the site plan submittal. An application will not be placed on the Planning Commission agenda until the Zoning Administrator determines that the application is complete as reviewed by Village staff and consultants.
 - b. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
 - c. Project Schedule. A narrative indicating the period of time within which the project will be completed.
 - d. Copies of the site plan.

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- e. Sheet Size. Sheet size of submitted drawings shall be twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- f. Cover Sheet. Cover sheet providing:
 - 1) Applicant's name
 - 2) Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
 - 3) Date of preparation and revision dates.
 - 4) North arrow.
 - 5) Property lines and dimensions.
 - 6) Complete and current legal description and size of property in acres.
 - 7) Small location sketch of sufficient size and scale to determine the site's location within the Village.
 - 8) Note on each plan sheet stating "Not to Be Used as Construction Drawings."
- g. Site Plan. Plan sheet(s) indicating:
 - 1) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
 - 2) Lot lines and all structures on the property and within one hundred (100) feet of the site's property lines.
 - 3) Location of any vehicle access points on both sides of the street within one hundred (100) feet of the site along streets where vehicle access to the site is proposed.
 - 4) Existing buildings and any public or private easements, noting those which will remain, and which are to be removed.
 - 5) Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
 - 6) Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.
 - 7) Building footprints, setbacks, typical floor plans, and a sketch of any ground mounted equipment to scale along with required screening.
 - 8) Proposed lot coverage percentage and impervious surface percentage.
 - 9) Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed.
 - 10) Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees (in accordance with Article 4, Division 3, *Section 11.05. Incentives to Preserve Existing Trees*), non-MDEQ regulated wetlands, lakes, rivers, drainageways, topography, etc.
 - 11) Location(s) of any MDEQ- regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an MDEQ

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- wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two (2) contiguous acres.
- 12) Location(s) of all properties within the Floodplain.
 - 13) Location and method of screening for all waste receptacles including dumpsters and compactors, meeting the requirements of Article 3, Division 1, *Section 08.40. Waste Receptacles and Enclosures*.
 - 14) Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements of Article 4, Division 1, *Section 09.08. Off-Street Parking and Loading-Unloading Standards*.
 - 15) Details of exterior lighting meeting the requirements of Article 4, Division 5: *Section 13.05. Lighting Standards* including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
 - 16) Size, type, and location of proposed identification signs including:
 - a) Location, type, height and method of lighting for identification signs.
 - b) Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
 - 17) Details of site circulation and access design, including:
 - a) Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.
 - b) Indication of pavement widths and pavement type including internal service and access drives.
 - c) Street horizontal and vertical dimensions, including curve radii.
 - d) Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.
 - e) Location of existing sidewalks and location and dimensions for proposed sidewalks and bicycle paths.
 - f) Written verification of access easements or agreements, if applicable.
 - g) Landscape Plan. A landscape plan in accordance with Article 4, Division 3: Landscape Standards and Tree Replacement, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
 - h. Grading Plan. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels and with topography extending a minimum of fifty (50) feet beyond the site in all directions and a general description of grades within one hundred (100) feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.
 - i. Stormwater Management Plan. A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds. Stormwater outfall structures or basins constructed in an MDEQ-regulated wetland may require an MDEQ wetland permit; and, if constructed below the ordinary high water mark of an inland lake or stream, will require a permit under the Inland Lakes & Streams Act, PA 346 of 1972, as amended. Status of all such MDEQ permit applications or copies of permits with attached conditions shall be provided as applicable.

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- j. Additional Items. Any additional graphics or written materials requested by the Planning Commission or Village Council to assist the Village in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage.

Sec. 14.08. Standards for Site Plan Approval

1. Based upon the following standards, the Planning Commission may recommend approval, approval with conditions, or denial of the site plan:
 - a. General. All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article.
 - b. Building Design. The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of Article 2, Division 3, *Section 05.03-05.05 Site Development Requirements*.
 - c. Preservation of Significant Natural Features. Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, MDEQ-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the MDEQ.
 - d. Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Article. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of *Article 4, Division 3: Landscape Standards and Tree Replacement*.
 - e. Streets. All streets shall be developed in accordance with the Village of Mayville engineering and construction standards, unless developed as a private road in accordance with the requirements of *Article 3, Division 1, Section 08.28. Private Road Standards*.
 - f. Access, Driveways, and Circulation. Safe, convenient, un-congested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
 - 1) Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - 2) All driveways shall meet the design and construction standards of the Village.
 - 3) Access to the site shall be designed to minimize conflicts on adjacent streets, particularly left turns into and from the site.
 - 4) For uses having frontage and/or access on a major traffic route, as defined in the Village of Mayville Master Plan, the number, design, and location of access

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driveways and other provisions for vehicular circulation shall comply with the provisions of Article 4, Division 2: Access Management And Driveway Standards.

- g. Emergency Vehicle Access. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Village fire and police departments.
- h. Sidewalks, Pedestrian and Bicycle Circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with Article 3, *Section 08.33. Sidewalks, Bike paths, and Other Walkways*.
 - 1) A pedestrian circulation system shall be separated from vehicular circulation system.
 - 2) In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals, and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high traffic areas of pedestrians or bicycles.
- i. Barrier-free Access. The site has been designed to provide barrier-free parking and pedestrian circulation.
- j. Parking. The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by Article 4, Division 1: Off-Street Parking and Loading Standards. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or Village Council may reduce the required number of parking spaces as permitted in *Shared Parking, Section 09.06., Parking Lot Deferment*.
- k. Loading and Storage. All loading and unloading areas and outside storage areas shall be screened as determined by the Planning Commission in accordance with *Article 4, Division 3: Landscape Standards and Tree Replacement*.
- l. Soil Erosion Control. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Village Engineer.
- m. Utilities. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
- n. Stormwater Management. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion, and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- o. Lighting. Exterior lighting, in accordance with *Article 4, Division 5: Lighting Standards*, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

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- p. Noise. The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.
- q. Mechanical Equipment and Utilities. Mechanical equipment and utilities, roof, building and ground mounted, shall be screened in accordance with the requirements of Article 3, Division 1, *Section 08.20. Mechanical Equipment and Utilities*.
- r. Waste Receptacles. Waste receptacles shall be provided as required in *Article 3, Division 1, Section 08.40. Waste Receptacles and Enclosures*.
- s. Signs. The standards of *Article 4, Division 4: Signs* must be met.
- t. Hazardous Materials or Waste. For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
- u. Other Agency and Department Reviews. The applicant has provided documentation of compliance with other appropriate agency and department review standards, including, but not limited to, the MDEQ, MDOT, Tuscola County Drain Commission, Tuscola County Health Department, Michigan Department of Floodplain Management, Village of Mayville Police, Fire, Building, etc., and other Federal and State agencies, as applicable.

Sec. 14.09. Site Plans with Multiple Phases

The Planning Commission shall review site plans with multiple phases as a site plan meeting the submission requirements of this Division, *Section 14.07. Site Plan Submittal Requirements*. Any future phases identified on a site plan must be reviewed by the Planning Commission in the form of a site plan submission. The Planning Commission may require that the conceptual layout for future phases and outlots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the Planning Commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this Article have been provided. In addition, any phase of a site plan where construction has not commenced within one (1) year from the date of approval must return to the Planning Commission for a new site plan approval.

Sec. 14.10. Conditions of Site Plan Approval

1. As part of an approval to any site plan, the Zoning Administrator or Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Zoning Administrator or Planning Commission to ensure compliance with the review standards of this Division, *Section 14.08. Standards for Site Plan Approval*, and necessary to meet the intent and purpose of this Article.
2. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.
3. A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Division, *Section 14.12. Deviations from Approved Site Plan*.

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4. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
5. The Zoning Administrator may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the Planning Commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The Zoning Administrator shall have authority to approve the site plan.
6. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate such approval following a public hearing.

Sec. 14-11. Validity of Approved Site Plan

1. Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of eighteen (18) months. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.
2. Upon written application filed prior to the termination of the eighteen (18) month review period, the Planning Commission may authorize a single extension of the time limit for approval of a site plan for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the Planning Commission, but which shall not exceed eighteen (18) months.

Sec. 14.12. Deviations from Approved Site Plan

1. Amendments to the approved site plan may occur only under the following circumstances:
 - a. An applicant or property owner who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - b. Minor changes may be approved by the Zoning Administrator. The Zoning Administrator must provide, in writing to the Planning Commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Article, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - 1) Change in size of structures, for residential buildings by up to five percent (5%), provided that the overall density of units does not increase.
 - 2) Change in square footage of non-residential buildings by up to five percent (5%) or one thousand (1,000) square feet, whichever is smaller.
 - 3) Alterations to horizontal and/or vertical elevations by up to five percent (5%).
 - 4) Movement of a building or buildings by no more than ten (10) feet.
 - 5) Increase in designated "areas not to be disturbed."
 - 6) Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the Zoning Administrator.
 - 7) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

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- 8) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 - 9) Changes in floor plans which do not alter the character of the use.
 - 10) Slight modification of sign placement or reduction of size.
 - 11) Relocation of sidewalks and/or refuse storage stations.
 - 12) Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent (5%) or alter access locations or design.
 - 13) Changes required or by the Village for safety reasons.
- c. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the Zoning Administrator for resubmission to the Planning Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.
 - d. Any deviation from the approved site plan, except as authorized in this Division, *Section 14-12 Deviations from Approved Site Plan*, shall be considered a violation of this Article.

Sec. 14-13. Property Maintenance after Approval

1. It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site.
2. Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the provisions of this Article and shall be subject to the same penalties appropriate for a violation.
3. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

Sec. 14-14. As-Built Drawings

1. All projects within the Village which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the Village Engineer prior to final acceptance of the project by the Village of Mayville.
2. The initial submittals shall be of two (2) sets of black line prints providing the applicable information shown on the checklist below. The minimum scale shall be 1"=50' and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the State of Michigan. All record lengths and elevations must be labeled as record.
3. After the record drawings have been approved by the Village Engineer, the applicant shall submit two (2) mylar copies of the approved drawings. A CD shall also be provided which contains a .pdf version of each sheet of the plan set with the following attributes.

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4. Locations shall be shown on the plans in State Plane coordinates using the NAD83 Michigan South zone.
5. Individual pipe sizes and structure types should be on separate layers.
6. The scale shall be 1:1.
7. Annotation should be snapped to the mid-point of lines. Lines should be snapped to the center of structures.

ARTICLE 5,
DIVISION 2:
PLANNED UNIT
DEVELOPMENT
(PUD) OVERLAY

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Article 5

Division 2: Planned Unit Development (PUD) Overlay

Sec. 15.01. Intent

1. The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one (1) of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning districts.
2. The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the Village; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
3. The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the Village of Mayville Master Plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.
4. In order to encourage PUD developments on specific properties, these standards relax or waive one (1) or more of the dimensional requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

Sec. 15.02. Principal Permitted Uses

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

1. SFR and MFR. All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses

apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.

2. CBD and LCD. All business, service, professional office, retail, and other commercial uses, or any combination of these uses, listed as principal uses permitted in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the Planning Commission to be similar to other uses in the surrounding area.
3. ID. All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, and light manufacturing uses may be permitted, if determined by the Planning Commission to be compatible with other proposed PUD uses and surrounding uses.

Sec. 15.03. Special Land Uses and Conditional Uses

All uses listed as special land uses in the underlying district are considered as special land uses or conditional land uses within the planned unit development designation.

Sec. 15.04. Qualifying Conditions

In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

1. Demonstrated Benefit. The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:
 - a. Preservation of significant natural or historic features.
 - b. A complementary mixture of uses or a variety of housing types.
 - c. Common open space for passive or active recreational use.
 - d. Mitigation to offset community impacts.
 - e. Redevelopment of a nonconforming site where creative design can address unique site constraints.
 - f. Implementation of a significant component of the Mayville Master Plan.
2. Availability and capacity of Public Services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
3. Compatibility with the Master Plan. The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the Village of Mayville Master Plan.
4. Compatibility with the PUD Purpose. The proposed PUD shall be consistent with the purpose of Article 12 and spirit of this Ordinance.
5. Development Impact. The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

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6. Unified Control of Property. The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the Village.

Sec. 15.05. Application and Review Procedure for Preliminary PUD Site Plan and Final PUD Site Plan

1. The application process for a PUD involves a three (3) step process including: an optional pre-application workshop; review of a preliminary (conceptual) site plan by both the Planning Commission and Village Council; and review of a final PUD site plan by the Planning Commission. The procedures are described below:



2. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
3. The applicant shall prepare and submit to the Village Clerk fifteen (15) copies of a preliminary PUD site plan for a PUD, meeting the requirements of Section 86-265: Preliminary PUD Site Plan Submittal Requirements, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; twenty-one (21) days for an applicant who has had a pre-application workshop on the proposal within sixty (60) days of the preliminary PUD site plan submittal. The Village President shall promptly transmit this plan to the members of the Planning Commission.
4. The Planning Commission shall review the preliminary PUD site plan and shall conduct a public hearing in accordance with the Michigan Zoning Enabling Act, Section 125.3503(5). During this review, the Planning Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of *Section 15.06. Standards for Approval of Preliminary PUD Site Plan*. The Planning Commission shall then, within sixty (60) days of the submittal, make a recommendation on the preliminary PUD site plan to the Village Council. The applicant shall incorporate these modifications or conditions recommended by Planning Commission prior to the review by the Village Council.
5. Following receipt of the Planning Commission recommendations, the Village Council shall take final action on said plan and petition within ninety (90) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review. A PUD rezoning is discretionary on the part of

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the Village and the Village Council is not obligated to approve a PUD rezoning request unless, in its opinion, the proposal meets the purpose and requirements of this ordinance.

6. If any conditions are imposed upon the approval of the preliminary PUD site plan by the Village Council, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
7. Approval of the preliminary PUD site plan by the Village Council shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the Village Council for one (1) additional three (3) year period.
8. The applicant shall submit fifteen (15) copies of detailed final site plans to the Village Clerk, as described in Section 15- 08.: Final PUD Site Plan Submittal Requirements, for all, or any phase of, the approved preliminary PUD site plan at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
9. Upon submission of all required materials and fees, the Planning Commission shall review such and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance, the final PUD site plan.
10. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Village President in accordance with Article 5, Division 1, *Section 14.04: Projects Eligible for Sketch Plan Review and Administrative Approval* for approval prior to the issuance of any building permits.
11. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this Article.
12. In the CBD District, the Village Council may, upon recommendation of the Planning Commission, approve an overall PUD plan for multiple sites and then require each subsequent developer to follow the process for final PUD site plan outlined in this Article. Depending upon the size and complexity of the project, the Village Council may then require each developer to enter into a separate PUD Agreement for each individual site or series of projects.

Sec. 15.06. Preliminary PUD Site Plan Submittal Requirements

1. The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided on a site plan:

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- a. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- b. Written Documentation. Written documentation that the proposal meets the standards of Section 15.04: Qualifying Conditions.
- c. Application Form and Fees. A completed application form, supplied by the Building Official/Zoning Administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.
- d. Sheet Size. Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- e. Cover Sheet. Cover sheet providing:
 - 1) Applicant's name.
 - 2) Name of the development.
 - 3) Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
 - 4) Date of preparation and any revisions.
 - 5) North arrow.
 - 6) Property lines and dimensions.
 - 7) Complete and current legal description and size of property in acres.
 - 8) Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
 - 9) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
 - 10) Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
 - 11) Location of any vehicle access points on both sides of the street within one hundred (100) feet of the PUD site along streets where vehicle access to the PUD is proposed.
- f. PUD Site Plan. A site plan sheet indicating:
 - 1) Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ designated or regulated wetlands with supporting documentation, wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees.

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- 2) Existing and proposed topography at five (5) foot contour intervals, and a general description of grades within one hundred (100) feet of the site.
- 3) Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
- 4) Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain, and which are to be removed.
- 5) Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
- 6) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
- 7) Size, type, and location of proposed identification signs.
- 8) Site Analysis. A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, that will be designated as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.
- 9) PUD Development Agreement. A draft written PUD Development Agreement specifying all the terms and understandings of the PUD development as prescribed in *Section 15.08: Final PUD Site Plan Submittal Requirements* may be required when deemed necessary by the Planning Commission.
- 10) Multi-Phased PUD. If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
- 11) Additional Information. Any additional graphics or written materials requested by the Planning Commission or Village Council to assist the Village in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

Sec. 15.07. Standards for Approval of Preliminary PUD Site Plan

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1. Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Village Council may deny, approve, or approve with conditions the proposed PUD.
2. The uses proposed shall be consistent with the Village's adopted Master Plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.
3. Any amendments to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the Planning Commission.
4. Any increase in the density requirements of the underlying zoning district must be approved by the Village Council upon recommendation of the Planning Commission and be included under preliminary review of the site plan.
5. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by *Article 4, Division 1: Off-Street Parking and Loading Standards*. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or Village Council may reduce the required number of parking spaces in accordance with *Article 4, Division 1, Section 9.02: General Requirements*.
6. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of Village ordinances, unless modified by Village Council.
7. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
8. Sidewalks shall be provided in accordance with Article 3, Division 1, Section 8.32: Sidewalks, Bike paths, and Other Pedestrian Pathways.
9. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of *Article 4, Division 3: Landscape Standards and Tree Replacement*.
10. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including EGLE regulated and nonregulated wetlands.
11. Surface water shall be retained on the site wherever possible.

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12. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Village President. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
13. Building design shall be of a high quality, exceeding the standards of Article 2, Division 3, Commercial Mixed-Use Districts.

Sec. 15.08. Final PUD Site Plan Submittal Requirements

1. The final PUD site plan shall include all the following information, unless the Village President determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- a. All information required for site plan submittal in accordance with *Article 5, Division 1, Section 14.07: Site Plan Submittal Requirements*.
- b. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
- c. A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:
 - 1) A survey of the acreage comprising the proposed PUD.
 - 2) All conditions which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from Village regulations which have been requested and approved.
 - 3) The manner of ownership of the developed land.
 - 4) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 - 5) Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the Village may require conveyances or other documents to be placed in escrow to accomplish this.
 - 6) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Village Council.
 - 7) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Village Council.

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- 8) Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
- 9) Any other concerns raised by the Planning Commission or Village Council regarding the construction and maintenance of the PUD.
- 10) The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
- 11) A written draft of PUD Design Guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The Design Guidelines shall also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

Sec. 15.09. Standards for Approval of Final Site Plan

The Planning Commission shall use the standards for approval of *Article 5, Division 1, Section 14.08: Standards for Site Plan Approval*, and any design requirements developed specifically for the PUD by the Village Council, in reviewing the final PUD site plan.

Sec. 15.10. Conditions of Approval

The Planning Commission may attach conditions to the final PUD site plan approval to meet the intent of this Article and *Article 5, Division 1, Section 14.10: Conditions of Site Plan Approval*.

Sec. 15.11. Validity of Approved Final PUD Site Plan

1. Project Commencement. Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within twelve (12) months of approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that twelve (12) month period, then the site plan shall be invalid and void.
2. Project Completion. The approved site plan shall remain valid for a three (3) year period following the date of final site plan approval, provided that the requirements of paragraph 1. above are met.
3. Extensions. The three (3) year period for project completion may be extended for one (1) year, if applied for by the petitioner and granted by the Planning Commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

Sec. 15.12. Deviations from Approved Final PUD Site Plan

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1. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with *Article 5, Division 1, Section 14-12: Deviations from Approved Site Plan*.
2. Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the Village Council as a new preliminary PUD plan.
3. Any amendment to the PUD Design Guideline requirements established specifically for the PUD by the Village Council shall be adopted by resolution of the Village Council, upon recommendation of the Planning Commission, and will not require amendment of this Article of the Zoning Ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph 1. above.
4. Any deviation from the approved PUD site plan, except as authorized in *Section 14-12, Deviations from Approved Final PUD Site Plan* shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

Sec. 15.13. Appeals and Variances

Amendments, appeals, and variances related to a PUD cannot be taken to the Zoning Board of Appeals in a PUD. Amendments can only be granted by the Planning Commission when it is determined that the requested amendments are in keeping with the overall purpose of PUD, as identified in *Section 15.01: Intent* and improve the quality of the development.

Sec. 15.14. PUDs Approved Prior to this Ordinance

1. All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this Ordinance shall be treated as follows:
 - a. Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this Ordinance.
 - b. Approved preliminary PUD site plans for mixed use PUDs shall be considered zoned as a mixed-use PUD in. The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD site plan.
 - c. Any changes to the uses and/or their locations as approved on a mixed-use preliminary PUD plan shall meet Section 15.07: Standards for Approval of Preliminary PUD Site Plan. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the Planning Commission or Village staff considered necessary to review the impacts of the proposed change.
 - d. All final site plans or revisions to final site plans for PUDs approved prior to the adoption of this Ordinance shall be regulated and reviewed in accordance with this Article.

Sec. 15.15 Tiny House Planned Unit Development (THPUD)

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1. Purpose. The purpose of the Tiny House Planned Unit Development (THPUD) is to:
 - a. Provide a housing type that responds to changing household sizes, ages and financial security (e.g., retirees, small families, single-person households, young professional);
 - b. Provide opportunities for ownership of small, detached units within a neighborhood;
 - c. Encourage creation of more usable space for residents of the development through flexibility in density and lot standards;
 - d. Support the growth management goal of more efficient use of residential land;
 - e. Contribute to a strong sense of community through cluster arrangement;
 - f. Provide guidelines to ensure compatibility with surrounding uses; and
 - g. Allow for residential development in areas with environmental constraints like floodplains and woodlands.
2. Definition. A tiny house shall be defined as:
 - a. A single-family dwelling of conventional modern construction and built to all Michigan building and sanitary codes;
 - b. Placed on a permanent foundation;
 - c. Has a total square footage of between 500 and 1,200;
 - d. Is sited on legally created parcel, subject to setbacks of this ordinance;
 - e. Is connected to water or well and sewer or septic; and
 - f. Is Only permitted as part of a Planned Unit Development (PUD).
3. Applicability. Tiny Housing Planned Unit Developments are allowed, as follows:
 - a. Within single-family zones, SFR;
 - b. On single-family (SFR) zoned parcels adjacent to multifamily, commercial and industrial zoned parcels, as a transition to multifamily, commercial and industrial uses, including across the street on a case-by-case basis, approved by the Zoning Administrator; and
 - c. Within multifamily zoned properties (MFR).
4. Accessory dwelling units. Accessory dwelling units (ADUs) shall not be permitted in tiny housing developments.
5. Lot Requirements.
 - a. Area. The minimum lot area per dwelling unit shall be of twelve hundred (1200) square feet. Maximum lot area per dwelling unit shall be three thousand (3000) square feet.
 - b. Maximum lot coverage 40% for structure, porches and drives 60%.

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- c. Lot Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
- d. Lot Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet
- 6. House Site Arrangement.
 - a. Tiny housing developments shall contain a minimum of four tiny houses, with a maximum of 12 tiny houses per grouping. A development may contain multiple groupings.
 - b. Groups of tiny housing shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the Village Administrator.
 - c. On a lot to be used for a tiny housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted tiny density.
- 7. Height Limit and Roof Pitch.
 - a. The height limit permitted for structures in tiny housing developments shall be 18 feet.
 - b. The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.
- 8. Lot Coverage and Floor Area.
 - a. The maximum lot coverage permitted for buildings in tiny housing developments shall not exceed 60 percent.
 - b. The maximum main floor area is 700 square feet.
 - c. The total floor area of each tiny shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a tiny located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space but shall not apply to attic or crawl spaces (less than six feet in height).
 - d. Attached garages shall be included in the calculation of total floor area.
 - e. Areas that do not count as total floor area are:
 - 1) Unheated storage space located under the main floor of the tiny.
 - 2) Attached roofed porches.
 - 3) Detached garages or carports.
 - 4) Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second-floor area under the slope of a roof.

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- 5) The total square foot area of a tiny dwelling unit may not be increased under any circumstance.
9. Setbacks and Yards
 - a. Yards. The front yard setback for tiny housing developments shall be 10 feet.
 - b. Rear Yards. The minimum rear yard for a tiny housing development shall be 10 feet.
 - c. Side Yards. The minimum required side yard shall be 10 feet.
 - d. Interior Separation for Tiny Houses in Clusters. The minimum separation shall be 10 feet.
10. Required Open Space.
 - a. Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
 - 1) A minimum of 200 square feet per unit shall be private usable open space (setbacks and common open space shall not be counted as private open space); and
 - 2) A minimum of 150 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
 - 3) Critical areas and buffers shall not be counted as open space.
 - 4) Each house shall abut its private open space. A fence or hedge not to exceed three feet may separate private open space from common open space.
11. Development Standards. Tiny houses shall be oriented around and have their main entry from the common open space.
 - a. Private usable open space shall be provided in one contiguous area with a minimum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.
 - b. Required common open space shall be provided at ground level in one contiguous parcel. Each tiny house shall abut the common open space, and the common open space shall have tiny houses abutting at least two sides.
 - c. The minimum horizontal dimension for common open space shall be 10 feet.
 - d. Each tiny house shall have a covered porch or entry of at least 60 square feet with a minimum dimension of six feet on any side.
 - e. Secondary entrances facing a street or sidewalk shall have a five-foot by five-foot porch.
 - f. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the

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same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.

- g. Variety in Building Design. A variety of building elements and treatments of tiny houses and garage or carport must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the Village's design standards. No blank walls are allowed.
- h. Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.

12. Parking. Parking shall be:

- a. Located on the tiny housing development property.
- b. Located in clusters of not more than five adjoining spaces.
- c. Screened from public streets and adjacent residential uses by landscaping or architectural screening.
- d. Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
- e. Off-street parking requirements are as follows:
 - 1) Units under 700 square feet: one space per unit;
 - 2) Units between 700 and 1,200 square feet: one and one-half spaces per unit
 - 3) At least one parking stall per dwelling will be enclosed or covered.
 - 4) Access to parking shall be from a private drive that is accessible from a public road. The private drive must meet the Village's engineering design and development standards.
 - 5) Not located in the front yard.

13. Covered Parking. Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

- a. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
- b. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.
- c. The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.

14. Screening Requirements.

- a. Boundaries between tiny dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent

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properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.

- b. Common waste and other storage receptacles shall not be placed in the front yard setback area.
 - c. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.
15. Requests for Modifications to Standards. The Village President or Zoning Administrator may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:
- a. The site is constrained due to unusual shape, topography, easements, flood prone, or sensitive areas.
 - b. The modification is consistent with the objectives of this chapter.
 - c. The modification will not result in a development that is less compatible with neighboring land uses.
16. Maintenance of open space and utilities. Before Final PUD approval is granted, the applicant shall submit covenants, deeds and homeowner's association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed, approved, and recorded at the County.
17. Application and Review Procedure for Preliminary Tiny House PUD and Final Tiny House PUD Site Plan.
18. Application and review shall be consistent with *Sec.15-05 through Sec. 15.13*

ARTICLE 5,
DIVISION 3:
SPECIAL
LAND USE

Article 5

Division 3: Special Land Use

Sec. 16.01. Intent

The purpose of this Section is to permit and provide for a special review process for unique uses and activities in zoning districts where they would not otherwise be permitted, provided these uses and activities are made compatible with permitted uses in these districts by following the standards in this Section.

Sec. 16.02. Types of Special Land Use Permit Review

1. Types of Procedure. Special Land Use permits (SLU) are reviewed and approved through either a Planning Commission procedure and/or an administrative procedure depending upon the potential impact the proposed use or activity may have upon the adjacent land uses and the broader community.
2. Planning Commission approved Special Land Uses. Applications for Special Land Use permits for the following uses shall be reviewed by the Planning Commission according to the procedures and standards contained in this chapter:
 - a. New Buildings 3,000 Square Feet or Larger in Gross Floor Area for Allowed Uses
 - b. Amusement Parks, Carnivals, Fairgrounds
 - c. Automobile Gas Station
 - d. Auto Repair Establishment
 - e. Bed and Breakfast/airBnB
 - f. Commercial Parking Lot
 - g. Communication tower
 - h. Convention Center
 - i. Drive-throughs
 - j. Essential services structures
 - k. Golf Course
 - l. Golf Driving Range
 - m. Hospital
 - n. Outdoor Storage
 - o. Residential care and treatment facilities
 - p. Schools
 - q. Stores, retail, over 8,000 square feet per floor
 - r. Theaters, live, and performance art centers
 - s. Wind energy system, Pole or Tower-mounted

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3. Administrative Special Land Use Permits. Applications for Special Land Use permits for the following uses shall be reviewed by the Zoning Administrator according to the procedures and standards contained in this chapter:
 - a. Accessory Dwelling Units (ADU)
 - b. Adult Foster Care Small Group Home
 - c. Auto Wash (self-service or automatic)
 - d. Bars, Taverns, Microbreweries (Accessory) and Brewpubs
 - e. Communication Antennas
 - f. Funeral Homes
 - g. Group Day Care Homes, including Adult
 - h. Kennels
 - i. Mini-or Self Storage
 - j. Outdoor Retail/Display and Sales
 - k. Parking Area, private and public
 - l. Pet Boarding Facilities
 - m. Places of Worship
 - n. Restaurants with Open Front Window
 - o. Small Manufacturing Establishments
 - p. Veterinary Clinic/Hospital

Sec. 16.03. General Standards for Approval

Each application for a special land use shall be reviewed for the purpose of determining that the proposed use meets all of the following standards:

1. The use shall be designed, constructed, operated and maintained so as to be harmonious and compatible in appearance with the intended character of vicinity.
2. The use shall not be hazardous nor disturbing to existing or planned uses in the vicinity.
3. The use shall be served adequately by existing or proposed public infrastructure and services, including but not limited to, streets and highways, police and fire protection, refuse disposal; water, wastewater, and storm sewer facilities; electrical service, and schools.
4. The use shall not create excessive additional requirements for infrastructure, facilities, and services provided at public expense.

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5. The use shall not involve any activities, processes, materials, equipment or conditions of operation that would be detrimental to any person or property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or water runoff.
6. Where possible, the use shall preserve, renovate and restore historic buildings or landmarks affected by the development. If the historic structure must be moved from the site, the relocation shall be subject to the standards of this section.
7. Elements shall relate the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
8. The use shall be consistent with the intent and purposes of the zoning district in which it is proposed.

Sec. 16.04. Special Land Use Applications

All land for which an application for a special land use permit is made shall be owned by the applicant or by a person who has consented, in writing, to the application. The parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered. The application must be signed by the applicant and by the owner or a person with the owner's written consent and must contain:

1. A site plan as described by this Zoning Ordinance;
2. A statement of present ownership of all land which is the subject of the request;
3. An application fee. This application fee shall be non-refundable.
4. Upon the request of the Planning Commission, the applicant shall provide such other information pertinent to the special land use application. Failure of the applicant to provide such requested information within a reasonable time may be grounds for denial of the application.
5. The Village Council will have Final Approval for all Special Land Use permits.
6. If the application is approved, the applicants shall pay all Register of Deeds recording fees to record the special land use permit.

Sec. 16.05. Planning Commission Procedure for Approval

The following procedures shall be followed for special land use permits to be granted by the Planning Commission and Village Council:

1. Pre-application conference. Before submitting an application, the applicant shall meet with the Zoning Administrator to review the proposed project, the Village of Mayville Code of Ordinances, and any planning documents that relate to the property.
2. Application. A special land use permit application shall be submitted to the Planning Commission for review and recommendation.
 - a. Public hearings

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- b. The Planning Commission shall hold a public hearing with such notice as it deems advisable. After review, the Planning Commission shall submit a written recommendation to the Village Council based upon the standards of this Zoning Code.
- c. A public hearing shall be held by the Planning Commission on each special land use application properly filed under this Zoning Code. Notice of the public hearing shall be given not less than fifteen days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in the Village and shall be mailed or personally delivered to:
 - 1) The owners of the property for which approval is being considered;
 - 2) All persons to whom real property is assessed within 300 feet of the boundary of the property in question; and
 - 3) At least one occupant of each dwelling unit or spatial area owned or leased by different persons within 300 feet of the boundary of the property in question. Where a single structure contains more than four dwelling units or other distinct spatial areas, notice may be given to the President or owner of the structure with a request to post the notice at the primary entrance of the structure. The occupants of all structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, the term "occupant" may be used in making notification.
- d. Notice. The notice of the Planning Commission public hearing shall contain:
 - 1) A description of the nature of the special land use request;
 - 2) A description of the property which is the subject of the special land use request, including a listing of all existing street addresses within the property where they exist; and
 - 3) The time and place of consideration of and public hearing on the special land use request; and
 - 4) When and where written comments will be received concerning the request.
- e. Decision. The Planning Commission may deny, approve or approve with conditions requests for special land use approval after a hearing and notification as provided herein, once Village Council Approval has been given. Its' decision shall be in the form of an order which shall incorporate a statement of conclusions and shall specify the basis for the decision and any conditions imposed. An order denying a special land use shall state the standards which have not been met. A decision of the Planning Commission shall be final. There shall be no appeal of the Planning Commission's decision to the Zoning Board of Appeals.
- f. Order. If the Planning Commission determines that the application is consistent with the intent of this Zoning Code as expressed in this chapter and with the other standards and requirements herein contained, it shall issue an order authorizing the

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special land use in accordance with the application and material submitted, modified as it may consider necessary to carry out the intent and standards of this Zoning Code, and containing any lawful conditions or restrictions which it may consider necessary to carry out the purposes of this Zoning Code and to protect the public health, safety and welfare. The order shall recite the findings of fact and the reasons upon which it is based.

- g. Compliance. After approval of a special land use, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the special land use or only as authorized by the provisions of this Zoning Code which would apply if the special land use order had not been issued.

Sec. 16.06. Administrative Special Land Use

The intent of Administratively approved Special Land Uses is to provide standards for certain land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the Zoning Administrator or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

1. Standards for Approval

- a. Prior to approving a conditional land use, the Zoning Administrator shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted.
- b. Properties for which application for conditional land use approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of Article 5, Division 1, Site Plan Review. Failure to obtain site plan approval will constitute denial of the approved Special Land Use.

2. Requirements and Standards of Approval

- a. The requirements to permit the Administrative Special Land Use approval shall remain unchanged.
- b. The Zoning Administrator shall make periodic investigations of the Special Land Use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Zoning Administrator to terminate the approval.

3. Validity of Administrative Special Land Use Approval

- a. In cases where actual physical construction of a substantial nature of the structures authorized by a conditional land use and site plan approval has not

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commenced within eighteen (18) months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.

- b. Upon written application filed prior to the termination of the eighteen (18) month period, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the eighteen (18) month extension.
 - c. The granting of a Special Land Use shall allow that particular use to be conforming in the zoning district, as long as the standards of this Article are maintained.
4. Zoning Administrator referral to Planning Commission. At the discretion of the Zoning Administrator, a special land use requiring administrative approval of the Planning Commission may be submitted to the Planning Commission.

Sec. 16.07. Amendments

A special land use may be amended as follows:

1. Minor amendment. Minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator without notice or hearing, provided no such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the site, significantly reduce the usable open space or significantly encroach on natural features proposed by the plan to be protected.
2. Major amendment. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the authority granting the SLU to be amended according to the procedures authorized by this chapter for approval of a SLU.
3. Unless otherwise provided by this chapter or the granting order, an order approving a special land use may be amended by the granting authority according to the procedures authorized by this chapter for approval of a special land use.

Sec. 16.08. Termination of Orders.

A special land use order shall expire two years from the date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion or, where no construction is necessary, if the use authorized has not been commenced. Upon written request stating the reasons therefor, the granting authority may extend the order for one additional year. An order may be terminated upon application by

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the owners of record of the land subject to a granting order. It shall be submitted and considered under the same process as is then established for granting or amending such order. The applicant shall demonstrate that if the order is terminated the property shall comply with all current requirements for the zoning district(s) of that property. The order may be rescinded at any time by the granting authority for a violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the property and after a hearing on the violation. Upon termination of an order, the zoning requirements shall be the current requirements for the zoning district designated for the property. Any use authorized by a special land use order shall be continuously maintained once the same is commenced, and if not so continuously maintained, the special land use permit shall expire.

Sec. 16.09. Special Land Use Permits Granted by The Planning Commission.

The Planning Commission may grant a special land use permit for the following uses in any district, except as herein qualified:

1. Amusement Parks, Carnivals, Fairgrounds, Fairs, and Other Types of Outdoor Entertainment Facilities

- a. Minimum lot size shall be ten (10) acres.
- b. Activity areas using fences, buildings, walkways, or other suitable barriers shall be clearly defined on the site plan.
- c. All buildings, structures, and parking shall be at least three hundred (300) feet from any dwelling unit, excluding any dwelling unit on the site.
- d. Access shall be provided onto a primary road.
- e. Vehicle access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred (300) feet of stacking (queuing) area shall be provided on-site for parking fee collection.
- f. The Planning Commission shall determine the sufficient amount of on-site parking.
- g. Maximum lot coverage by buildings and structures shall be twenty percent (20%).
- h. The Planning Commission may require posting of a financial performance guarantee, in an amount determined necessary by the Village, to cover any potential damage or clean-up on the site or adjacent properties.
- i. The Planning Commission may establish limits on hours of operation, time limits on the validity of the special land use approval, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
- j. Prior to issuance of a special land use approval, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential

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liability for death or injury to persons or damage to property, which may result from the conduct of the activity.

2. Automobile Gasoline Stations

- a. There shall be a minimum lot area of one (1) acre and minimum lot width of two hundred fifty (250) feet.
- b. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.
- c. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with Article 4, Division 4: Signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.
- d. Only one (1) driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.
- e. The intensity of lighting within a site shall meet the requirements of *Article 4, Division 4: Lighting Standards*.
- f. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
- g. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Village of Mayville Fire Department.
- h. Any use involving maintenance, service, or repair shall also meet the standards for automobile service establishments.
- i. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

3. Automobile Repair Establishments (Major Repair) and Automobile Service Establishments (Routine Maintenance and Minor Repair)

- a. All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a Single-Family Residential District.
- b. There shall be a minimum lot frontage on a paved road of two hundred (200) feet.

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- c. All maintenance and repair work shall be conducted completely within an enclosed building.
- d. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.
- e. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the Planning Commission.
- f. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Village of Mayville Fire Department.
- g. Any use with gasoline sales shall also meet the standards for automobile gasoline stations.

4. Bed and Breakfast Inns/Airbnb

- a. Parking areas shall be located off-street and shall not be located in any required front yard.
- b. No bed and breakfast inn shall be located closer than three hundred (300) feet to another bed and breakfast inn.
- c. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the inn.
- d. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and such operator shall live on the premises while the establishment is active. In the case of multiple ownership, at least one owner shall occupy the premises while the establishment is active.
- e. No guest of the bed and breakfast inn shall be permitted to reside on the premises for more than thirty (30) consecutive days.
- f. Any dwelling or structure proposed as a bed and breakfast inn must possess some historical or architectural significance that makes it a unique location for such an establishment. The exterior appearance of the bed and breakfast shall not be changed from its single-family or historic character.
- g. No more than five (5) rooms shall be available for rent at any time.

5. Commercial Parking Lots

- a. A commercial parking lot may be permitted as an expansion of an existing parking lot or new construction that is abutting a principal permitted or special land use.

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- b. The applicant must demonstrate that there is an on-site parking shortage that cannot be economically resolved without expanding onto an abutting lot.
- c. All access to the lot shall be provided from the commercial property and/or the street on which the commercial use fronts; not onto a residential (local) street.

6. Communication Towers

The intent of this section is to ensure communication towers are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Communication towers are permitted if all of the following requirements are met:

- a. The communication tower is located in an appropriate district and properties owned by governmental agencies.
- b. The communication tower complies with all applicable FCC and FAA regulations and all applicable building codes.
- c. The tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the tower's intended purpose, but in no case shall the tower exceed 50 feet above the height restrictions of the district. Height is measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- d. Communication towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. Guidewires and accessory buildings must satisfy the minimum zoning district setback requirements. The Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- e. The design of the buildings and structures related to communication towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- f. The tower shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- g. Cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- h. Existing mature trees and natural landforms on the site are preserved to the maximum extent possible.
- i. The communications tower and operating equipment shall comply with the general standards for approval contained in this section. Any tower that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Village of Mayville.

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Failure to remove an abandoned tower within said 90 days may be removed by the Village of Mayville at the owner's expense.

7. Convention Centers

- a. The building is limited to 30,000 square feet;
- b. Thirty five percent (35%) of the building facade shall be windows or other street level activity;
- c. A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

8. Drive-through Window Facilities for Banks, Restaurants or Other Permitted Uses

- a. Sufficient stacking capacity in accordance with *Article 4, Division 1: Off-Street Parking and Loading Standards*, for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
- b. A bypass lane shall be provided around the stacking spaces.
- c. In addition to parking space requirements, at least three (3) parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
- d. Only one (1) ingress/egress driveway shall be permitted on any single street. If the use is located on a corner lot access to the drive-through facility shall be only from the street which carries the least amount of daily traffic at the time the application is approved, except that such access from any other street may be shared with an adjoining property.
- e. The Planning Commission may require direct vehicular access connections with adjacent commercial developments where feasible.
- f. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
- g. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
- h. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- i. The drive-through shall be accessed from an alley, not a street. However, a single lane driveway may exit onto a street if such driveway existed and was utilized prior to July 1, 2017, and it can be clearly demonstrated that alley egress for the drive-through is not practical.

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- j. The drive-through shall be limited to two service lanes.
- k. The building associated with the drive-through shall be streetward of the approach lanes to screen the vehicle service lanes.

9. Essential Services Structures

- a. The structure and use are reasonably necessary for the public convenience or welfare and, where applicable, a certificate of public convenience and necessity has been obtained from the appropriate regulating agency.
- b. Noise, lights, glare and odor will not disturb the surrounding land uses or members of the public.
- c. Fencing or other adequate security is constructed to adequately protect the public.
- d. If potential adverse effects have been identified, alternative sites have been examined and the proposed site is reasonably necessary to provide the essential service to residents and visitors of the Village.
- e. Evidence of the appropriate franchise, license or other required governmental permission is demonstrated.
- f. Setbacks of the district shall apply unless varied by the Planning Commission for good cause.

10. Golf Courses

- a. Minimum size for properties involved for the use shall be forty (40) acres.
- b. The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy-five (75) feet from all property and street lines.
- c. Accessory buildings, structures, and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way as determined by the Planning Commission.
- d. Operational hours for maintenance vehicles, course maintenance, and/or irrigation may be restricted by the Planning Commission to protect nearby Residential Districts.

11. Golf Driving Ranges and Miniature Golf Courses

- a. All traffic ingress and egress shall be from a major traffic route in the Village of Mayville Master Plan, or as a local or collector street on the Village's Act 51 map.
- b. Whenever any such use abuts a Residential District, a transition buffer area at least one hundred (100) feet in width shall be provided between all operations, buildings,

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and structures, including fences, and the residential property. Landscaping, berms, and structural screens of a type approved by the Planning Commission may be placed within the buffer strip.

- c. All buildings, uses, operations, and structures, including fences, shall be located a minimum of one hundred (100) feet from any public right-of-way. This yard shall be landscaped as determined by the Planning Commission.

12. Hospitals

- a. Minimum site area shall be ten (10) acres.
- b. The proposed site shall have at least one (1) property line abutting a “major street” or identified as a major traffic route in the Village of Mayville Master Plan.
- c. The front, side, and rear yard minimum setbacks shall be fifty (50) feet.
- d. Parking setbacks shall be forty (40) feet in the front yard, twenty (20) feet for side and rear yards.
- e. Whenever any such use abuts a Residential District, a transition buffer area of at least one hundred (100) feet in width shall be provided. Walls, fences, or landscaping may be required as part of this buffer area as determined by the Planning Commission.
- f. Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping with a minimum height of six (6) feet.
- g. Auxiliary uses, such as a pharmacy, gift shop, cafeteria, day care, and similar customary hospital related uses shall be allowed.
- h. Parking for professional and outpatient buildings, or sections of a hospital building, shall be calculated as separate uses as noted in *Article 4, Division 1, Off-Street Parking and Loading Requirements*. Only one-half (1/2) of the total number of parking spaces within gated or restricted physician parking lots shall be included for required parking calculations.

13. Outdoor Storage

- a. A special land use approval may be granted for outdoor display, sales, or storage on the same property as an approved mini-storage use, marina, or other principal use deemed compatible by the Planning Commission.
- b. Stored vehicles or goods on a site without a building, shall meet the setback requirements of the zoning district. If a building is located on the site, no outdoor storage shall be permitted in any required yard of buildings for the district in which the commercial outdoor storage use is located.

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- c. If retail activity is associated with the use, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.
- d. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials is prohibited.
- e. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles, implements, and recreational vehicles may exceed the height of the screen provided that they are set back from the screen a distance equal to their height.
- f. All outdoor storage areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
- g. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.
- h. Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas in accordance with *Article 4, Division 5: Lighting Standards*.

14. Residential Care and Treatment Facilities

- a. The use is located in an appropriate district.
- b. The facility shall be located on an arterial or collector street as shown on the Zoning Map if such facility has more than 12 residents.
- c. Off-street parking is provided as required by this Zoning Code, except that the Planning Commission may vary the number of parking spaces required.
- d. The design of the structure is approved by the Fire Chief prior to the issuance of the special land use permit and at least annually thereafter to maintain the permit.
- e. The structure is not used as a medical clinic or for outpatient treatment.
- f. The structure is not used primarily for office, administrative or regular meetings if located in a multiple family dwelling district, although occasional meetings may be allowed upon approval of the Planning Commission.
- g. All necessary licenses are obtained and maintained.
- h. The operators of the facility maintain a list of all persons residing at the facility and record their length of stay. State licensed residential facilities (e.g., adult foster care homes) with under seven residents are considered by State law to be single family residences, and State law preempts this Code. MCL 125.583(b); MSA 5.2933(2).

15. Schools (private and public), Colleges, Universities

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- a. The use is located in an appropriate district.
 - 1) A master site and facilities plan are submitted to and approved by the Planning Commission showing: Existing facilities and planned facilities for the ensuing five years.
 - 2) Adequate street crossing facilities, pedestrian routes, and projected number of pedestrians.
 - 3) Sufficient areas for motor vehicle and bus circulation routes, together with areas for pick up and drop off of students.
 - 4) If childcare use is provided, the facilities for such use shall be designated in the plan, together with the childcare hours of operation.
 - 5) The building and parking area shall not exceed 70 percent of the lot area.
 - 6) A traffic study must be submitted to the Planning Commission.

16. Stores, Retail, Over 8,000 Square Feet Per Floor

- a. The building is limited to 30,000 square feet.
- b. Thirty five percent of the building facade shall be windows or other street level activity.
- c. A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

17. Theaters, Live, and Performance art Centers

- a. The use must have existed prior to 2017.
- b. Minor additions are allowed provided the addition is for barrier free access, fire safety or space that will not increase the seating capacity of the facility.
- c. Additions are architecturally compatible with the existing structure and the character of the neighborhood.
- d. The applicant submits a parking plan that demonstrates there is sufficient parking within 500 feet to meet the theater's parking demand.
- e. On-site exterior lighting is directed to minimize impacts on adjacent residential areas.
- f. Performances are not allowed between the hours of 12:00 midnight and 8:00 a.m.

18. Wind Energy System, Pole or Tower-Mounted Structures

The intent of this section is to ensure that free-standing wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized.

- a. Free-standing wind energy systems are permitted if all the following requirements are met:

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- 1) The free-standing wind energy system is located in an appropriate district and properties owned by governmental agencies.
- 2) Guide wires are only permitted to be used on a case by case basis.
- 3) The free-standing wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
- 4) The pole or tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height restrictions of the district.
- 5) Wind energy systems must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- 6) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- 7) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- 8) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- 9) Existing mature trees and natural landforms on the site are preserved to the maximum extent possible.
- 10) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Village. Failure to remove an abandoned wind energy system within said 90 days may be removed by the Village at the owner's expense.
- 11) The wind energy system will meet the standards set in the Village of Mayville Code of Ordinances, Noise Control. A wind energy system emits a pure tone and would be subject to a reduction of five DBA.

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- b. Wind energy system, building-mounted structures. The intent of this section is to ensure that building-mounted wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Building-mounted wind energy systems may exceed the 20 feet above the height limitation of the district if all of the following requirements are met:
- 1) Height exceptions to what is allowed by right will not be allowed.
 - 2) A taller building-mounted wind energy system may be proposed and may be approved on a case by case basis.
 - 3) Guide wires are only permitted to be used on a case by case basis.
 - 4) The building-mounted wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
 - 5) A building-mounted wind energy system is no higher than 20 feet above the height of the roof deck in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height of the roof.
 - 6) The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
 - 7) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - 8) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
 - 9) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
 - 10) Existing mature trees and natural landforms on the site are preserved to the maximum extent possible.

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- 11) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Village. Failure to remove an abandoned wind energy system within said 90 days may be removed by the Village of Mayville at the owner's expense.
- 12) The wind energy system will meet the standards set in the Village of Mayville Code of Ordinances, Noise Control. A wind energy system emits a pure tone and would be subject to a reduction of five DBA.

Sec. 16.10. Administrative Special Land Use Permits.

Administratively approved Special Land Uses, because of their unique character and potential impacts on adjacent properties and the Village, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.

The following are Special Land Uses with specific site and/or use standards may be approved administratively, which are described:

1. Accessory Dwelling Unit

- a. Purpose. Accessory dwelling units are allowed in certain situations to:
 - 1) Create new housing units while respecting the look and scale of single-dwelling development;
 - 2) Support more efficient use of existing housing stock and infrastructure;
 - 3) Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
 - 4) Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
 - 5) Provide accessible housing for seniors and persons with disabilities.
- b. Definition. An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

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- 1) Garden cottages are detached structures. Examples include converted garages or new construction.
 - 2) Suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- c. Eligibility. An ADU may be added to a house on any residentially zoned lot.
 - d. Utilities. Utilities for ADU must be connected to the house on the parcel and may not have a separate meter or be billed separately.
 - e. Number. One ADU is permitted per residentially zoned lot.
 - f. Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
 - g. Density. ADUs are exempt from the residential density standards of this code.
 - h. Approval. Applications for ADUs must meet the following criteria.
 - 1) The applicant must demonstrate that the ADU complies with all development and design standards of this section.
 - 2) The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes.
 - i. Occupancy and Use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
 - j. Design. Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.
 - k. All ADUs (accessory suites and garden cottages) must meet the following requirements:
 - 1) Size. An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less.
 - 2) Parking. No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
 - 3) Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
 - 4) Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.

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- 5) Windows. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
 - 6) Eaves. If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.
- l. Accessory suites must meet the following additional requirements:
- 1) Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - 2) Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.
- m. Garden cottages must meet the following additional requirements:
- 1) Height. The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.
 - 2) Setbacks. Garden cottages must be located at least six (6) feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.
 - 3) Building coverage. The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.
 - 4) Yard setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as a garden cottage unless the building complies with setback exemptions (i.e. for garages, properties abutting alley) available elsewhere in the code.
- n. Exemptions. Garden cottages are eligible for either of the following exemptions:
- 1) Design compatibility. Exceptions may be granted for garden cottages that are under 500 square feet and under 18' average height, or meet Community Design Standards, defined elsewhere in the code.
 - 2) Alteration. If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards above.

2. Adult Foster Care Small Group

Adult foster care small group subject to the following specific requirements:

- a. All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
- b. The adult foster care licensee shall be a member of the household and an occupant of the residence.
- c. The lot is not located within 500 feet of another lot devoted to such use.
- d. The use is not allowed in an apartment
- e. No additional parking is required for the Adult Foster Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, two parking spaces shall be provided on premise.

3. Automobile Washes, Automatic or Self-service

- a. Only one (1) ingress/egress driveway shall be permitted on any single street.
- b. Where adjoining residentially zoned or used property, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The Zoning Administrator or Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.
- c. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
- d. Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least fifty (50) feet from any Residential District. Such areas shall be screened with obscuring landscaping as determined by the Zoning Administrator or Planning Commission.
- e. Adequate stacking space shall be provided in accordance with the requirements of Article 4, Division 1: Off-Street Parking and Loading Standards. Stacking spaces shall not be permitted in the public right-of-way.

3. Automobile or Vehicle Dealerships

- a. Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.
- b. All parking, display, and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.
- c. A use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.

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- d. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site for or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten (10) footcandles and 0.5 footcandles is permitted for vehicle storage areas.
- e. Flags, banners, streamers, and inflatables shall not be permitted unless approved by the Zoning Administrator or Planning Commission.

4. Bars, Taverns, Lounges, Microbreweries (Accessory), and Brewpubs

- a. The principal building shall be setback at least one hundred (100) feet from a Residential District (does not apply in the CBD or HDD).
- b. Noise shall not be a nuisance outside of the building, in accordance with *Sec. 8.24., Performance Standards*, and other Village ordinances.
- c. Outdoor seating may be provided.

5. Communication Antennas

The intent of this section is to ensure that communication antennas are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Co-location of communication antennas are permitted, subject to the following:

- a. Communications antennas and cabinets housing operating equipment are not permitted for residential buildings or structures. When associated with a building, the antenna(s) and cabinet(s) housing operating equipment shall be located inside the building.
- b. The antenna(s) is no taller than 8 feet above a building or structure.
- c. The antenna(s) shall be screened, located or designed in a manner which minimizes views from adjacent properties and street level views or blends with the architecture so as not to be noticed.
- d. Cabinets housing operating equipment located on a building roof shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Zoning Administrator as visually compatible with the building.
- e. Cabinets housing operations equipment not located in a building or on a building roof shall be architecturally screened from adjacent properties and street level views.
- f. All necessary licenses shall be obtained and maintained.
- g. The antenna(s) and operating equipment shall comply with the general standards for approval contained in this Division.

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6. Funeral Homes and Mortuary Establishments

- a. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
- b. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

7. Group Day Care Homes, Including Adult Day Care, as defined by MCL 722.111 et seq,

- a. All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
- b. The lot is not located within 500 feet of another lot devoted to such use.
- c. A fenced outside recreation area shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed street ward of the principal structure unless specifically allowed by the Planning Commission for unique circumstances.
- d. The use is not allowed in an apartment.
- e. The use is limited to an established and recognized work or shift period and shall not be operated on a 24-hour basis unless approved by the Planning Commission.
- f. No additional parking is required for the Group Day Care Home provided on street parking is allowed adjacent to the property. If on-street parking is not allowed, two parking spaces shall be provided on premise.
- g. As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.

8. Kennels

- a. For kennels housing dogs, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one-third ($1/3$) acre for each one (1) additional dog.
- b. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located closer than one hundred fifty (150) feet to any lot line and two hundred (200) feet from any road right-of-way.
- c. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
- d. All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains.

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- e. Kennel may be permitted as an accessory use to a veterinary office, clinic, or hospital. Such accessory use shall be subject only to the special land use standards of the veterinary use.

9. Mini- or Self Storage Warehouses

- a. Minimum lot size shall be three (3) acres.
- b. Minimum building and parking setbacks shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet from any residential district and twenty-five (25) feet from any nonresidential zoning district.
- c. The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by Zoning Administrator or Planning Commission.
- d. The storage units shall be screened from all abutting properties through the use of landscaping and/or walls.
- e. Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the Zoning Administrator or Planning Commission. All roofs must be pitched.
- f. No storage unit doors shall face a public right-of way. Walls, fences, and landscaping as determined by the Zoning Administrator or Planning Commission may be utilized to obscure views of doors from the public right-of-way.
- g. All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with *Section 16.10.10, Outdoor Retail Display and Sales*.
- h. Buildings shall be limited to storage only.

10. Outdoor Retail Display and Sales

- a. Unless accessory to an approved retail business, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.
- b. Shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building façade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
- c. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's façade, whichever is less.
- d. Displays shall not interfere with fire lanes.

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- e. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.
- f. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall not be displayed.
- g. A sketch plan indicating the location and dimensions of the outdoor display must be submitted and approved by the Village prior to any outdoor display. Any outdoor display shall at all times comply with the sketch plan or site plan approved by the Village.

11. Parking area

(Private, if public parking is available within 500 feet of an allowed use, subject to the following standards):

- a. No buildings may be removed or demolished to provide the private parking area.
- b. Access shall be from an alley or adjacent property only, not from a public street.
- c. All requirements of the Circulation and Parking ordinance are met.
- d. All requirements of the Screening requirements for parking areas, and the Landscape development internal to a parking area are met.
- e. Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Commission.

12. Pet Boarding Facilities

- a. Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.
- b. The lot shall be at least two (2) acres in size.
- c. Up to 5% of the floor area may be used for accessory retail sales.
- d. Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.
- e. An outdoor play area is allowed with the following restrictions:
 - 1) Any outdoor play area shall not be any closer than one-hundred fifty (150) feet from a residential zoning district.
 - 2) Any outdoor play area shall be located in the interior side yard or rear yard.
 - 3) A maximum eight (8) foot high fence enclosure is required around the play area and surface must be easy to maintain.
 - 4) All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.

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- 5) Pets shall not be permitted to remain outdoors overnight.

13. Places of Worship

- a. Buildings of greater than the maximum height allowed in *ARTICLE 2, DIVISION 9: SCHEDULE OF REGULATIONS*, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. The building height cannot exceed 35 ft.
- b. All principal and accessory buildings shall be set back a minimum of one hundred (100) feet from any single-family residential use. Parking shall be set back a minimum of fifty (50) feet from any single-family Residential use.
- c. Vehicle access to the site shall be provided from a street classified as a “major street” or collector street on the City’s Act 51 map.
- d. The Planning Commission may require an operations plan and/or parking generation studies to determine parking needs.
- e. All churches, temples, and similar places of worship or public assembly in existence at the time of adoption of this Ordinance shall be considered conforming but must meet the standards of this Ordinance for any expansions.

14. Restaurants with an Open Front Window

- a. Trash receptacles shall be provided and maintained on the property.
- b. All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area. Temporary signs indicating the whether the establishment is “opened” or “closed for the season” shall be permitted in accordance with *Article 4, Division 5: Signs*.
- c. Months and hours of operation shall be provided as part of the conditional land use application.

15. Small Manufacturing Establishment

- a. In the Central Business District and Historic Downtown District Permitted by right, subject to the following:
 - 1) Establishment occupies less than 1,500 square feet and has not more than 10 employees.
 - 2) May not include bulk storage of flammable materials.
 - 3) Storage of materials/production must be completely within a closed building.
 - 4) The emission of odor or noise must be mitigated.
 - 5) Must have an accessory retail use or another component that provides direct interaction with the public.
 - 6) Must have windows along street frontage that allow pedestrians to view manufacturing process.

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- 7) Must have a public entrance directly from the street.
- b. In the Local Commercial/Mixed Use District Permitted by right, subject to the following:
 - 1) Establishment occupies less than 3,000 square feet and has not more than 20 employees.
 - 2) May not include bulk storage of flammable materials.
 - 3) Storage of materials/production must be completely within a closed building.
 - 4) The emission of odor or noise must be mitigated.
 - 5) Must have an accessory retail use or another component that provides direct interaction with the public.
16. Veterinary Clinic/Hospitals
 - a. Such facilities shall be used only for domesticated animals. Treatment or boarding of non-domesticated, wild, exotic, or vicious animals shall not be permitted.
 - b. The principal buildings or structures shall be set back at least seventy-five (75) feet from the front property line; and at least two hundred (200) feet from any property line abutting a Residential District or use on the same side of the street, and at least seventy-five (75) feet from all other property lines.
 - c. The Zoning Administrator or Planning Commission may permit veterinary and animal grooming uses as accessory uses to retail pet supply establishments.
 - d. Parking lots shall be set back at least fifty (50) feet from a Residential District or use and shall be screened by a wall at least four (4) feet high with landscaping on the exterior side of the wall. The Zoning Administrator or Planning Commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
 - e. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel.
 - f. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
 - g. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
 - h. All waste disposal shall meet the requirements of the Health Department of the State of Michigan.

ARTICLE 5,
DIVISION 3:
CONDOMINIUM
DEVELOPMENT
STANDARDS

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 5

Division 3: Condominium Development Standards

Sec. 18.00. Purpose

The intent of this Article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

Sec. 18.01. Definitions

The definitions contained in Article 1, Division 2: Definitions, are intended to make comparison possible between the definitions of the Zoning Ordinance and the Village of Mayville Subdivision Regulations (Mayville Code of Ordinances Section 86-2 et seq.)

Sec. 18.02. Application and Authority

The following review process shall apply to all condominium projects within the Village:

1. Concurrently with notice required to be given to the Village pursuant to Section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the Village Clerk the following information with respect to the projects:
 - a. All names, address and telephone numbers of:
 - 1) The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
 - 2) All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
 - 3) The developer or proprietor of the project.
 - b. The legal description of the land including tax identification numbers.
 - c. The total acreage.
 - d. The intended use.
 - e. The number of units to be developed.
 - f. A copy of the proposed master deed.
 - g. Condominium projects shall contain all information required by the Condominium Act.
 - h. The information shall be filed with the Zoning Administrator at the time the information is filed with the Village Clerk and shall be kept current.
2. In addition to the requirements of this Article, any applicable requirements of ARTICLE 5, Division 2: Planned Unit Development Overlay Standards, ARTICLE 5, Division 1: Site Plan Review, and the Village of Mayville Subdivision Regulations, must be met.
- 3.

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Sec. 18.03. Approval of Plans

All condominium plans must be approved by the Planning Commission following the same process identified for site plan review in the Village of Mayville Zoning Ordinance. In making determination, the Planning Commission shall consult with the Zoning Administrator, Village planner, Village attorney, and the Village Engineer regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design, and layout and compliance with the Condominium Act.

Sec. 18.04. Streets and Necessary Easements

1. Condominium projects shall comply with all public and private street requirements found in the Mayville Code of Ordinances. Streets in condominium developments which connect to public streets shall dedicate the project street to the public.
2. The condominium plan shall include all necessary easements granted to the Village for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter called public structures) for the purpose providing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

Sec. 18.05. Setbacks and Boundaries

1. The setback requirements for condominium buildings shall be in accordance with the district regulations unless otherwise modified by the Planning Commission as part of planned unit development (PUD). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.
2. The relocation of boundaries as defined in Section XXXX of the Condominium Act shall conform to all setback requirements of this chapter for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.

Sec. 18.06. Common Elements

After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

Sec. 18.07. Encroachment

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

Sec. 18.08. Subdivision of Unit Sites

Subdivision of condominium unit sites is permitted with Planning Commission approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.

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Sec. 18.09. Conformance with Subdivision Regulations

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established in the Village of Mayville Subdivision Regulations.

Sec. 18.10. Residential Recreational Area

Any residential condominium comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area in accordance with Article 3, Sec. 8.32., Residential Recreational Area.

Sec. 18.11. Water and Wastewater

The condominium project shall comply with and meet all Federal, State, and County standards for a domestic water system and wastewater disposal.

Sec. 18.12. Expansion and Conversion

Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the Planning Commission.

Sec. 18.13. Master Deed

The project developer shall furnish the Zoning Administrator with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this chapter and the Village Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the Village for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the Village for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the Village Council.

Sec. 18.14. As-Built Plan and Occupancy

Submission of an as-built plan of a condominium unit is required prior to occupancy. The Zoning Administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the Village Clerk, 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 of the bond shall be determined by the Village Engineer.

Sec. 18.15. Final Bylaws, Consolidated Master Deed, and Site Plan

Upon approval of the development, a copy of the bylaws and consolidated master deed shall be furnished to the Village. The site plan shall be provided in digital format meeting the requirements of *Article 5, Division 1, Sec. 14.14., As-Built Drawings*.

Sec. 18.16. Compliance with Other Statutes and Ordinances

All condominium projects shall comply with Federal, State, and Village laws, statutes and ordinances.

Sec. 18.17. Violation and Penalty

Any violation of the terms and conditions of this article shall constitute a misdemeanor punishable, upon conviction, by a sentence of not to exceed ninety (90) days in jail or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment, in the discretion of the court.

ARTICLE 6:
ADMINISTRATIVE
PROCEDURES

DIVISION 1:
NON-CONFORMING
USES, STRUCTURES,
AND LOTS

Article 6

Division 1: Non-Conforming Uses, Structures, and Lots

Sec. 18.00. Non-Conforming Uses, Structures, and Lots, in General

1. Within the districts established by this Division, or amendments that may later be adopted, there exist lots, structures and uses of land which were lawful before this Division was enacted or amended, but which would be prohibited, regulated, restricted or otherwise unlawful under the provisions of this Division or future amendments.
2. It is the intent of this Division to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such non-conforming uses and structures are declared by this Division to be incompatible with permitted uses in the districts involved. It is further the intent of this Division that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
3. Non-conforming uses are considered to present a greater public burden than non-conforming lots and structures, therefore the intent of this chapter is to gradually eliminate non-conforming uses or decrease their non-conforming status, but to permit certain non-conforming uses to continue under certain conditions.
4. Non-conforming lots and structures are typically those established prior to the current zoning standards. The Village intends to allow continued use of these lots and structures in certain cases. Accordingly, this Division establishes regulations that govern the completion, restoration, reconstruction and expansion of non-conforming structures which do not increase the non-conforming situation.
5. To avoid undue hardship, nothing in this Division shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Division, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

Sec. 18.01. Non-Conforming Lots

1. Use of Nonconforming Lots. Any lot of record existing at the effective date of the ordinance codified in this chapter that now fails to meet the requirements for area or width, or both, that are generally applicable in the district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this title are met, such as setbacks, minimum floor area, maximum height and access requirements.

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2. Variance to Area and Dimensional Requirements. If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
3. Nonconforming Contiguous Lots Under the Same Ownership. The following regulations shall apply to nonconforming contiguous lots under the same ownership. The intent of these regulations is to ensure that development of nonconforming lots will not overbuild the lots, result in a development pattern or structures that are out of character with the surrounding neighborhood, diminish access to open space, sunlight, and views for existing residences and will be in accordance with the residential density planned for in the Village of Mayville Master Plan.
4. If two or more lots or combination of lots with contiguous frontage are or have been under single ownership are of record at the time of adoption or amendment of this title, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this chapter, except as provided in subsection (C)(4) of this section. The lots must be combined prior to receiving a building permit for any construction activity, including additions, renovations or new construction.
5. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this title.
6. Any combination, in whole or in part, of nonconforming lots of record shall result in lots that conform to the requirements of this title to the maximum extent feasible. Any altering of lot lines or combination of lots shall result in lots that conform to the requirements of this title. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain nonconforming lot of record status and will hereafter be required to comply with the lot requirements of this title.
7. Where an individual owns two or more contiguous nonconforming lots, the lots may be sold or developed as separate individual lots only where each individual lot has an area and width equal to or greater than the median area and width of all developed lots within seven hundred fifty feet. The seven-hundred-fifty-foot dimension shall be measured from the perimeter of the applicant's lots and shall include all lots or portions of lots within seven hundred fifty feet but shall only include lots that are within the same zoning district. Where there are multiple lots developed with a single dwelling, these lots shall be considered a single combined lot for calculation of median area and width. Multiple contiguous vacant lots under the same ownership shall be considered a single combined lot for calculation of median area and width. The applicant shall provide a map and calculations to certify the median lot area and width.

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Sec. 18.02. Non-Conforming Uses

Where, at the effective date of this Article or amendment thereto, lawful use of land exists that is made no longer permissible under the provisions of this Article as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following limitations:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article.
2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article.
3. A non-conforming use shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use.
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - b. The property, buildings, or grounds have fallen into disrepair.
 - c. Signs or other indications of the daily use of the non-conforming use have been removed.
 - d. Removal of equipment or fixtures which are necessary for the operation of the non-conforming use.
 - e. Other actions, which in the opinion of the Village President, constitute an intention on the part of the property owner or lessee to abandon the non-conforming use.
4. Those alleged non-conforming uses which cannot be proved to have been legally existing prior to the effective date of this section shall be declared illegal and shall be discontinued following the effective date of this section.

Sec. 18.03. Non-Conforming Structures

1. Where, at the effective date of this ordinance section or amendment thereto, a lawful structure exists that could not be built under the provisions of this section by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:
2. No such structure may be enlarged or altered in a way which increases its nonconformity within the provisions of this chapter.
3. Any additions or modifications to such structure should bring the structure into greater conformity with the architectural and site standards applicable to the addition or modification.
4. Any addition greater than 25% of the gross floor area of the principal building shall require the entire addition to fully meet the setback and build to standards.

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5. Any addition less than 25% of the gross floor area of the principal building is required to meet the architectural and site standards but may be granted flexibility by the Village President with bringing the building into greater conformity with the setback and build to standards.
6. Should such structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
7. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
8. Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later reestablished or increased.

Sec. 18.04. Expansion of a Non-Conforming Residential Building

1. A non-conforming residential building may be expanded into a required side or rear yard in a manner that does not comply with the setback standards with approval from the Village President. The Village President shall utilize the following standards:
 - a. The expansion does not involve an additional story to the residential building.
 - b. The expansion does not extend closer to the lot line than any existing, non-conforming part of the structure.
 - c. The addition does not extend beyond the predominant existing building line along the same block.
 - d. The addition retains compliance with all other setback, lot coverage, and height requirements.
 - e. The addition will meet all minimum building code requirements.
 - f. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
 - g. The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.
 - h. The expansion of a residential building with a non-conforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the Zoning Board of Appeals (ZBA).

Sec. 18.05. Continuance of Non-Conforming Uses of Structures and Land

Where, at the effective date of this ordinance or amendment thereto, lawful use of a structure, or of a structure and land in combination, exists that is made no longer permissible under the provisions of this chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following limitations:

VILLAGE OF MAYVILLE ZONING ORDINANCE

1. No existing structure devoted to a use not permitted by this chapter in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a structure which were arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such structure.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the ZBA, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate in the district than the existing non-conforming use; in permitting such change, the ZBA may require appropriate conditions and safeguards in accord with the purpose and intent of this ordinance.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located; structures occupied by seasonal uses shall be excepted from this provision. These provisions may be waived, as determined by the Village President, upon substantiation that there is intent to continue the nonconformity.
6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Sec. 18.06. Non-conforming Sites

1. The intent of this Section is to permit improvements and minor modifications to sites containing uses and building(s) which do not meet all of the various site improvement related regulations of this Zoning Ordinance, including provisions such as landscaping, signage, building materials and architecture, paving and other non-safety site related items. The purpose is to allow gradual compliance with these and other site related requirements, for the entire site, for sites that predate the Ordinance requirements.
2. Site improvements or expansions on nonconforming sites may be permitted by the Village President or the Planning Commission during special land use, conditional land use, site plan review, without a complete upgrade of all site elements under the following conditions. The Village may require a performance guarantee to ensure that

VILLAGE OF MAYVILLE ZONING ORDINANCE

all improvements permitted under this Section will be made in accordance with the approved plan.

3. There are reasonable site improvements proposed to the overall site in relation to the scale and construction cost of the proposed building improvements or expansion.
4. Safety-related site issues, or those regulated by State and Federal laws, are met.
5. Driveways that do not conform with the access management requirements of this Ordinance shall be eliminated to the extent practical, provided that the minimum reasonable access shall be maintained, as determined by the standards of *Article 4, Division 2: Access Management and Driveway Standards*, and as approved by the Planning Commission.
6. Landscaping shall be required to conform to the requirements of *Article 4, Division 3: Landscape Standards and Tree Replacement*; exceptions will be permitted only where the existing site conditions prevent full compliance.
7. All signs must conform with *Article 4, Division 4: Signs*. Existing pole signs shall be replaced with monument signs. Some size allowances may be granted where site conditions warrant such consideration.
8. All lighting, including pole and building mounted, must conform with *Article 4, Division 5: Lighting Standards*.
9. The improvements or minor expansions shall not increase any existing nonconformity with the site requirements.
10. A site plan shall be submitted and reviewed in accordance with *Article 5, Division 1: Site Plan Review*.

Sec. 18.07. Repairs and Maintenance

1. On any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty percent (50%) of the estimated value of the structure, as determined by the most recent assessment of the market value of the structure for purposes of taxation, provided that the cubic content of the structures as it existed at the time of enactment or amendment of this chapter shall not be increased.
2. Nothing in this Division shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Sec. 18.08. Change of Tenancy or Ownership

A change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises shall not alter the non-conforming status of a non-conforming building, structure, use, or lot, provided there is no change in the nature or character of such non-conforming uses.

ARTICLE 6,
DIVISION 2:
ADMINISTRATION

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 6

Division 2: Administration

Sec. 20.0 Responsibilities of Government Boards and Officials in Zoning Administration

1. The administration of this zoning ordinance is the joint responsibility of the Zoning Administrator, Building Inspector, Planning Commission, Zoning Board of Appeals and Village Council.
2. Zoning Administrator. The Mayville Village Council shall appoint a Zoning Administrator to carry out the day to day administration and enforcement of this ordinance. The Zoning Administrator's duties shall include the following items and other tasks as assigned by the Village Council:
 - a. Issue Zoning Permits - The Zoning Administrator shall be responsible for review and approval of zoning permits. The administrator shall keep a copy of all applications received and a record of action taken on them. He shall provide any applicant denied a permit the reasons for the denial in writing.
 - b. Inspections - The Zoning Administrator shall be empowered to make inspections of building or premises as required to enforce this ordinance.
 - c. Application - The Zoning Administrator shall be responsible for taking applications for zoning ordinance text amendments, rezoning, special use permits, variances, appeals or ordinance interpretation. He will also undertake whatever investigation of the requests required by the planning commission or zoning board of appeals prior to the presentation of the request.
 - d. Records - The Zoning Administrator shall be responsible for keeping records of all nonconforming uses as of the effective date of this ordinance. As well as records of all special use permits issued, zoning amendments adopted, variances granted, interpretations made, appeals granted, and zoning permits issued.
 - e. Complaints - The Zoning Administrator shall respond in writing to all complaints regarding violations of the zoning ordinance within five (5) business days, if possible. A record of the complaint and the findings of the investigation shall be maintained. The Zoning Administrator shall report on the status of current complaints at the monthly planning commission meeting.
3. Building Inspector. The Village of Mayville Building Inspector or designee shall be responsible for the following items in administration of the Village Zoning Ordinance:
 - a. Building Permit - The building inspector shall be responsible for the issuance of building permits as required in this ordinance.
 - b. Certificate of Occupancy - The building inspector shall ensure that all construction inspected by him meets the requirements of the zoning permit issued for the job before issuing a certificate of occupancy.

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- c. Permit to Raze Building - No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in such amount according to a schedule as determined by the Village Council. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector or the Village Council may from time to time prescribe including filing of excavations and proper termination of utility connections.
4. Planning Commission. The Village of Mayville Planning Commission shall be responsible for the following items in administration of the Village Zoning Ordinance:
 - a. Amendment to Zoning Ordinance Text or Map - The Planning Commission shall conduct a public hearing on requests to amend the Zoning Map, rezoning, or the Zoning Ordinance text or on other matters as requested by the Village Council. The public hearing will be held as required in Sec.22.01. Following the public hearing the Planning Commission will submit their recommendations on the request, including their reasons, to the Village Council, in the form of a written report. The Planning Commission may initiate an amendment to the Zoning Ordinance Map or text.
 - b. Special Land Use Permits - The Planning Commission shall conduct a public hearing on requests for Special Land Use permits, following the requirements in Article 5 Division 4, Planning Commission Procedure for Approval.
 - c. Site Plans - The Planning Commission shall review all site plans submitted to it following the requirements in Site Plan Review, public hearing, and approve or deny the Site Plan stating its reasons for doing so.
5. Village Council. The Mayville Village Council shall be responsible for the following items in administration of the zoning ordinance:
 - a. Zoning Ordinance Text and Map Amendments - The Village Council shall be responsible for approving or rejecting all requests for amendments to the zoning ordinance text or map after receiving a recommendation from the Planning Commission. Fees - The Village Council shall be responsible for setting all fees for hearing and permits required under this ordinance.
 - b. Special Land Use permits - Following a public hearing and recommendation by the Planning Commission, the Village Council shall approve, approve with conditions or deny the application, stating their reasons for doing so.
 - c. Planned Unit Developments - Following a public hearing and recommendation by the Planning Commission, the Village Council shall approve, approve with conditions or deny the application, stating their reasons for doing so.

Sec. 20.01. Permits and Certificates

1. Building Permit(s). No person shall hereafter begin the construction, alteration, or repair of any building or other structure or the moving into or change the use within

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any building or structure within the Village before first having obtained a building permit therefore from the Building Inspector as hereinafter provided. Fees for building permits shall be in accordance with a schedule established by Village Council:

- a. Application for any such permit shall state the name and address of the owner and contractor, the address of description of the premises, statement of intended use, and a statement of the value of the improvements. It shall be accompanied by a plot plan and such plans and specifications as Building Inspector shall consider to be necessary to determine that the requirements of this Ordinance and of any other applicable laws or ordinances for which he is responsible for enforcement will be complied with.
 - b. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance, and the Building Inspector is without authority to alter or vary the terms of this Ordinance in carrying out his duties, and any permit so issued is void and of no effect.
 - c. A building permit shall become void unless construction commences within ninety (90) days of the issuance thereof, and unless construction is completed within twelve (12) months from the date of issuance thereof except as otherwise provided in this ordinance. A building permit may be extended for an additional period by the Building Inspector, provided the applicant demonstrates that, his failure to complete construction within said twelve (12) month period was due to special circumstances beyond his control and that an extension is necessary to complete such construction.
2. Zoning Compliance Permit. A zoning compliance permit is required when a new building is built or moved onto a piece of property, an existing building is expanded, property changes use, or any work is performed on a nonconforming use or structure. The permit shall include the following information:
- a. Location, shape and dimensions, of the parcel, with location of easements and center line of road.
 - b. The location, dimensions, and height of existing and proposed buildings.
 - c. The existing and intended uses.
 - d. The proposed number of bedrooms, dwelling units, employees and anticipated number of customers if applicable.
 - e. Existing and proposed front, side and rear yard setbacks and parking areas.
 - f. The purpose of the permit is to ensure that all construction is performed in compliance with this ordinance.
3. Certificate of Occupancy.
- a. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been signed by the building inspector and zoning administrator stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.

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- b. Upon completion of the improvement covered by the building permit, the building inspector shall reveal that the improvement has been completed in substantial conformity with the site plans, shall issue a certificate of occupancy.
- c. No change shall be made in the use of land or in the use of any building or part hereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the building inspector, and no such permit shall be issued to make such change unless it is in conformity with the provisions of the ordinance.

Sec. 20.02. Enforcement

- 1. Responsibility. The Mayville Village Zoning Administrator, or any other officer of the Village so designated, shall enforce the provisions of this Ordinance.
- 2. Violations and Penalties. Violations of any provisions of the Village of Mayville Zoning Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be violations of the provisions of this Ordinance, and which are observed by or communicated to a Village official or employee, shall be reported to the Zoning Administrator.
- 3. Inspection of Violation. The Zoning Administrator shall inspect each alleged violation which he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this ordinance.
- 4. Correction. All violations shall be corrected within a reasonable time determined by the Zoning Administrator, but not to exceed 15 days.
- 5. Enforcement Action. A violation not corrected within the 15-day period shall be reported to the Enforcement Officer, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Enforcement Officer, any legal action which is deemed necessary to restore compliance with all terms and conditions of this ordinance is hereby authorized.
- 6. Penalties. Every person whether as principal, agent, servant, employee, or otherwise, including the owners of any building, structure, or premise, or part thereof, where any violation of this ordinance shall exist or shall be created, or who shall violate or refuse to comply with any of the provisions of this ordinance, shall be responsible for a civil infraction, as defined by Michigan law and subject to a civil fine as follows:
 - a. First violation within a 1-year period - \$250
 - b. Second violation within a 1-year period - \$400
 - c. Third or subsequent violations within a 1-year period - \$500
- 7. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist constitutes a separate violation.

ARTICLE 6,
DIVISION 3:
ZONING
BOARD OF
APPEALS

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 6

Division 3: Zoning Board of Appeals

Sec. 21.00. Creation, Membership, Term of Office

1. Creation and Membership - There is hereby created a Zoning Board of Appeals consisting of five (5) members. Members shall be appointed by the Village Council to serve for a period of three (3) years except the first appointments made hereby; two (2) members shall be appointed for one (1) year, two (2) members for two (2) years, and one (1) member for three (3) years. Thereafter, all appointments shall be made for three (3) years.
2. Alternate Members.
 - a. The Village Council shall also appoint two (2) alternate members for the same terms as regular members of the Zoning Board of Appeals. The first member so appointed shall serve for a term of two (2) years and the second alternate member shall serve for a term of three (3) years. Thereafter, all appointments shall be made for three (3) years.
 - b. The alternate members shall be called on a rotating basis to set as regular members of the Zoning Board of Appeals in the absence of a regular member.
 - c. Upon notification of the planned absence of a regular Zoning Board of Appeals member, an alternate member shall be designated to attend the meeting in place of the regular member.
 - d. If another regular member should also be absent, the other alternate shall be designated to sit in that regular member's place.
 - e. If only one alternate member is needed for a meeting, the next time an alternate member is needed, the other alternate shall first be designated to serve. Alternate members shall have the same voting rights as regular members of the Zoning Board of Appeals.
 - f. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such circumstance, the alternate member shall serve in that case until a final decision has been made.
3. Qualifications - All regular and alternate members of the Zoning Board of Appeals shall be residents of the Village.

Sec. 21.01. Powers and Duties

1. The Zoning Board of Appeals shall act upon the following questions as they arise in the administration of this ordinance:
 - a. The interpretation of the zoning map and zoning ordinance text.

VILLAGE OF MAYVILLE ZONING ORDINANCE

- b. Appeals from a requirement, decision, or determination made by an administrative official charged with the enforcement of this ordinance.
- c. Requests for variance in the dimensional requirements of this ordinance including height, setback building size, lot coverage, lot width, and lot size as well as street parking and loading requirements and sign regulations.
- d. Expansion or change in a nonconforming use, structure or lot.
- e. The Zoning Board of Appeals shall have the authority to review, reverse, revise, or modify any decision made by or condition imposed by the Planning Commission or Zoning Administrator.
- f. The Zoning Board of Appeals does not have the authority to decide or reverse any action taken by the Mayville Village Council.

Sec. 21.02. Compensation

- 1. Each member shall receive a reasonable sum as determined by the Village Council for their services in attending each regular or special meeting of said Board; sums to pay said compensation and the expenses of the Board shall be provided annually in advance by the Village Council.

Sec. 21.03. Meetings – Record

- 1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may specify in rules of procedure. The Chairman, or in his/her absence, the acting Chairman, may to the extent permitted by law, administer oaths and compel the attendance of witnesses. All meetings must comply with the “Open Meetings Act”, P.A. 267 of 1976, as amended. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Village Clerk and which shall be a public record.

Sec. 21.04. Procedure

- 1. A variance requires approval of 2/3 of the members of the Zoning Board of Appeals.
- 2. The public hearing shall be advertised by at least one (1) publication in a newspaper of general circulation in the village not less than 15 days before the date of the hearing. Notice shall be given to the owners of the property that is the subject of the request, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to all occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery services not less than 15 days before the date of the request will be considered. In the case of occupants of a structure where the identity of each occupant is unknown, it shall be sufficient to address the notice to “occupants” without specifically naming each occupant. Said notice shall indicate the following:

VILLAGE OF MAYVILLE ZONING ORDINANCE

- a. Describe the nature of the request.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such address currently exists within the property. If there are not street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.
3. Upon the day for the hearing of any application or appeal, the Board may adjourn the hearing in order to obtain additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified, and persons already heard need not be notified of the time of resumption of the hearing if it is set before adjournment.
4. At the hearing, any party may be heard in person or by agent or attorney.
5. The Board may reverse or affirm wholly or partly the administrative decision; or may modify the order, requirement, decision or determination at issue, and to that end shall have all the powers of the officer from whom the appeal was taken. The Board may issue or direct the issuance of a permit.
6. Each appeal or application for variance shall be accompanied by a filing fee to be determined by the Village Council which shall be deposited by the Zoning Administrator with the Village Treasurer.

Sec. 21.05. Stay of Proceedings

1. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted to the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Administrator on due cause shown.

Sec. 21.06. Time to and Notice of Appeal - Transmission of Records

1. Appeals of administrative actions shall be taken to the Zoning Board of Appeals within 21 days of the date of such actions by the filing of a notice of appeal with the Zoning Administrator.
2. The Zoning Board of Appeals shall take final action of an appeal within 90 days of the date of filing. The Zoning Administrator shall transmit to the Board all the papers constituting the record of the action being appealed.

Sec. 21.07. Conditions

VILLAGE OF MAYVILLE ZONING ORDINANCE

1. Reasonable conditions may be imposed with any affirmative decision by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resource and energy, to insure compatibility with adjacent desirable manner. Conditions imposed shall meet all of the following requirements:
 - a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Sec. 21.08. Standards for Variances

1. No variance of the provisions or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds, from reasonable evidence, that all of the following facts and conditions exist:
 - a. To issue a variance authorizing the *use of a building or land* for a use not normally permitted within that zoning district, the applicant must demonstrate unnecessary hardship by showing that:
 - 1) the property cannot be put to a reasonable use under the requirements of the district that the parcel is located;
 - 2) the problem is due to unique circumstances peculiar to the property and not to general neighborhood conditions;
 - 3) the proposed use would not alter the essential character of the area;
 - 4) the problem is not self-created; and
 - 5) issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.
 - b. To issue a variance that modifies the *dimensional requirements* of this ordinance, such as setbacks, minimum lot size or maximum building height, the applicant must demonstrate practical difficulty by showing that:
 - 1) the standard for which the variance is being granted would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;

VILLAGE OF MAYVILLE ZONING ORDINANCE

- 2) the variance would do substantial justice to the applicant as well as to other property owners in the district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others
- 3) the problem is due to circumstances unique to the parcel
- 4) the problem is not self-created; and
- 5) issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice is done.

ARTICLE 6,
DIVISION 4:
REZONING,
ORDINANCE
AMENDMENTS,
AND MASTER
PLAN
AMENDMENTS

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 6

Division 4: Rezoning, Ordinance Amendments, and Master Plan Amendments

Sec. 22.01. Initiation of Rezoning, Zoning Ordinance Text, and Master Plan Amendments

1. In accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the Village Council of the Village of Mayville may from time to time amend, or change by ordinance, the number, shape or area of districts established on the Zoning Map or the regulations set forth in the Ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Village Planning Commission for approval, disapproval or suggestions and said Planning Commission shall have been allowed a reasonable time, not less than sixty (60) days, for consideration and report.
2. An amendment to the zoning district boundaries contained on the official Zoning Map (rezoning) may be initiated by the Village Council, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment.
3. Amendments to the text of this Ordinance may be initiated by the Village Council, the Planning Commission, or by petition of one (1) or more residents or property owners of the Village.
4. All proposed amendments to the official zoning map or the provisions of this Ordinance shall be referred to the Planning Commission for public hearing and recommendation to the Village Council, prior to consideration thereof by the Village Council.
5. The Planning Commission may amend the future land use designations shown on the Village of Mayville Master Plan. An amendment may be initiated by the Planning Commission or by petition of one (1) or more residents or property owners of the Village.

Sec. 22.02. Application Procedure

1. An amendment to the official Zoning Map, this Ordinance or the Master Plan, except those initiated by the Village Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Village, including an application fee, which shall be established from time to time by resolution of the Village Council.
2. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application:
 - a. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

VILLAGE OF MAYVILLE ZONING ORDINANCE

- b. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
 - c. The existing and proposed zoning district designation of the subject property.
 - d. A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
 - e. A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
 - f. A written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.
 - g. A traffic impact analysis shall be provided if any use permitted in the requested zoning district could generate 100 or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from Village staff and consultant.
 - h. A written description of how the requested rezoning meets Section 22.07., Criteria for Amendment of the Official Zoning Map (Rezoning).
- 3. In the case of an amendment to the official zoning map (rezoning), the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
 - 4. In the case of an amendment to the Master Plan or this Ordinance, other than an amendment to the official zoning map, a general description of the purpose and intent of the proposed amendment shall accompany the application form.

Sec. 22.02. Public Hearing

- 1. The public hearing shall be advertised by at least one (1) publication in a newspaper of general circulation in the village not less than fifteen (15) days before the date of the hearing.
- 2. Notice shall be given to the owners of the property that is the subject of the request, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction.
- 3. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or

VILLAGE OF MAYVILLE ZONING ORDINANCE

other public or private delivery service not less than 15 days before the date the request will be considered.

4. In the case of occupants of a structure where the identity of each occupant is unknown, it shall be sufficient to address the notice to “occupants” without specifically naming each occupant.
5. Said notice shall indicate the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
6. Following receipt of the findings and recommendation of the Planning Commission, the Village Council shall consider the proposed amendment. The Village Council may conduct additional public hearings on the matter, in which case they shall follow the notice requirements established. Following their review, the Council may deny the request or enact an amendment to the Zoning Ordinance. The Village Council shall have sixty (60) days to accept, deny, or modify the request from the time of the public hearing.
7. In the case of an amendment to the text of this Ordinance, the Village Council may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment.
8. In the case of an amendment to the official zoning map (rezoning), the Village Council shall approve or deny the amendment, which may be based on consideration of the criteria contained in *Section 22.06., Criteria for Amendment of the Official Zoning Map (Rezoning)*, below.
9. No petition for rezoning, zoning ordinance text amendment that has been denied by the Village Council or Planning Commission (Master Plan amendment) shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of

Pre-Application review
with Village and
Planning Commission
(optional)

Submittal of
application, and fee to
the Village

Review by Village and
Consultants

Placement on Planning
Commission agenda

Planning Commission
Public Hearing, review
and final action for
Master Plan
Amendment

Village Council Public
Hearing, review, and
final action on
Rezoning and Zoning
Text Amendment

VILLAGE OF MAYVILLE ZONING ORDINANCE

the reasons noted for the denial found to be valid by the Planning Commission.

Sec. 22.05. Protest

1. If a protest petition opposing a proposed zoning amendment is presented to the Village Council before final action on that request and is signed by the owners of twenty (20) percent or more of the land included in such change, or by the owners of twenty (20) percent or more of the land included within an area extending outward 100 feet from any point on the boundary of the land included in the change, such amendment shall not be passed except by the favorable vote of five (5) members of the Village Council of the Village of Mayville.

Sec. 22.06. Master Plan Amendment Procedure

1. Upon initiation of a master plan amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission in accordance with *Section 22.02. Public Hearing*, and in accordance with the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), and Michigan Public Act 285 of 1931, as amended.
2. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and amend the Master Plan. The Village Planning Commission is the authoritative body for this document and has final decision on the Master Plan.

Sec. 22.07. Criteria for Amendment of the Official Zoning Map (Rezoning)

1. In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall, and the Village Council may, consider the following criteria in making its findings, recommendations, and decision:
 - a. Consistency with the goals, policies and Future Land Use Map of the Village of Mayville Master Plan, including any subarea or corridor studies. If conditions have changed since the Village of Mayville Master Plan was adopted, the consistency with recent development trends in the area.
 - b. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
 - c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
 - d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

VILLAGE OF MAYVILLE ZONING ORDINANCE

- e. The capacity of Village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Village.
- f. The apparent demand for the types of uses permitted in the requested zoning district in the Village in relation to the amount of land in the Village currently zoned to accommodate the demand.
- g. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Sec. 22.08. Amendments Required to Conform to Court Decree

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Village Council and published, without necessity of a public hearing or referral thereof to any other commission or agency.

Sec. 22.09. Conditional Rezoning

1. Conditional Rezoning. An applicant for a rezoning may voluntarily offer a Conditional Rezoning along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit a Conditional Rezoning shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and this Section.
 - a. A Conditional Rezoning shall be a written agreement executed by the applicant and the Village, shall be in recordable form and shall be recorded with the Tuscola County Register of Deeds after execution.
 - b. A Conditional Rezoning may include limitations on the uses permitted on the property in question, specify lower or varying density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features than would otherwise be provided in this Ordinance.
 - c. A Conditional Rezoning may not authorize uses or developments of greater intensity or density, or which are not permitted in a proposed zoning district; nor may a Conditional Rezoning permit variations from height, area, setback or similar dimensional requirements that are less restrictive than a proposed zoning district.
2. A Conditional Rezoning shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. A Conditional Rezoning may include conditions related to the use and development of the property that are necessary to:

VILLAGE OF MAYVILLE ZONING ORDINANCE

- a. Serve the intended use of the property such as improvements, extension, widening, or realignment of streets, utilities, or other infrastructure serving the site.
 - b. Minimize the impact of the development on surrounding properties and the Village overall.
 - c. Preserve natural features and open space beyond what is normally required.
3. Content of Agreement. In addition to any limitations on use or development of the property or preservation of property features or improvements as described above, a Conditional Rezoning shall also include the following:
 - a. An acknowledgement that the Conditional Rezoning was proposed voluntarily by the applicant.
 - b. An agreement and understanding that the property shall not be developed or used in any manner that is not consistent with a Conditional Rezoning.
 - c. An agreement and understanding that the approval of a rezoning and a Conditional Rezoning shall be binding upon and inure to the benefit of the property owner and the Village, and their respective heirs, successors, assigns, receivers or transferees.
 - d. An agreement and understanding that, if a rezoning with a Conditional Rezoning becomes void for any reason including, but not limited to, reasons identified in this Section, then no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
 - e. An agreement and understanding that no part of a Conditional Rezoning shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
 - f. A legal description of the land to which the agreement pertains.
 - g. Any other provisions as are agreed upon by the parties.
4. Process. A Conditional Rezoning shall be reviewed concurrently with a petition for rezoning following the process in *Section 22.01., Application Procedure* and the following:
 - a. A Conditional Rezoning may be submitted prior to or following the Planning Commission public hearing. If the agreement is submitted following the Planning Commission public hearing, it must be reviewed by Planning Commission and a second public hearing shall be held prior to the Planning Commission making its recommendation on the rezoning and Conditional Rezoning to the Village Council. A Conditional Rezoning shall be reviewed by the Village Attorney to determine that it conforms with the requirements of this Section, this Ordinance, and the

VILLAGE OF MAYVILLE ZONING ORDINANCE

Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and that the Conditional Rezoning is in a form acceptable for recording with the Tuscola County Register of Deeds.

- b. Following a public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the Village Council based upon the criteria listed in *Section 22.06., Criteria for Amendment of the Official Zoning Map (Rezoning)*. In addition, following a public hearing to consider a Conditional Rezoning, the Planning Commission shall consider and address in written findings whether a proposed Conditional Rezoning:
 - 1) Is consistent with the intent of this Article.
 - 2) Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - 3) Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood.
 - 4) Leads to a better development than would have been likely if the property had been rezoned without a Conditional Rezoning, or if the property were left to develop under the existing zoning classification.
 - 5) Is clearly in the public interest.
- c. If a Conditional Rezoning has been offered by the applicant and recommended for approval by the Planning Commission, the Village Council may approve a Conditional Rezoning as a condition to the rezoning if it meets all requirements of subsection 4 (b) above.
 - 1) The Conditional Rezoning shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.
 - 2) If a rezoning and Conditional Rezoning are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Conditional Rezoning. The Zoning Map shall specify the new district, plus a small letter “a” to indicate that the property is subject to a Conditional Rezoning (i.e., “CBD, a”). The Village Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
 - 3) An approved Conditional Rezoning shall be recorded with the Tuscola County Register of Deeds.
 - 4) Any uses proposed as part of a Conditional Rezoning that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of *Article 5, Division 3: Special Land Uses* and *Article 5, Division 1: Site Plan Review*.

VILLAGE OF MAYVILLE ZONING ORDINANCE

- 5) All other requirements of this Ordinance or any other Village ordinances shall apply to the property to which a Conditional Rezoning applies.
- d. Expiration
 - 1) Unless extended by the Village Council for good cause, a rezoning and Conditional Rezoning shall expire two (2) years after adoption of the rezoning and Conditional Rezoning, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the Village commences within the two (2) year period and proceeds diligently to completion.
 - 2) In the event that substantial construction on the approved development has not commenced within the aforementioned two (2) years, or if construction and development does not proceed diligently to completion thereafter, a Conditional Rezoning and rezoning shall be void and of no effect.
 - 3) Should a Conditional Rezoning become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Village is taken to bring the property into compliance with this Ordinance, the Village may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
 - 4) Notwithstanding the above, if the property owner applies in writing for an extension of a rezoning and a Conditional Rezoning at least thirty (30) days prior to the expiration date, the Village Council may, in its sole discretion, grant an extension of up to one (1) year. Future extensions may be granted, although the number of previous extensions granted to a particular rezoning and Conditional Rezoning shall be considered by the Village Council.
 - e. Reversion of Zoning. If a rezoning and Conditional Rezoning become void as outlined above, then the zoning classification of the property shall revert back to its previous zoning classification. The reversion process shall be initiated by the Village Council by requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests, including the notice and hearing as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006), and this Ordinance. No building or other permit shall be issued or valid during the process described in this subsection.
 - f. Continuation. Provided that all development and/or use of the property in question is in compliance with a Conditional Rezoning, a use or development authorized there

VILLAGE OF MAYVILLE ZONING ORDINANCE

under may continue indefinitely, provided that all terms of a Conditional Rezoning continue to be adhered to.

g. Amendment

- 1) During an initial two (2) year period, or during any extension granted by the Village as permitted above, the Village shall not add to or alter a Conditional Rezoning, even with the landowner's consent.
- 2) A Conditional Rezoning may be amended after the expiration of an initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Conditional Rezoning.

- h. Violation of Agreement. Failure to comply with a Conditional Rezoning at any time after approval will constitute a breach of the agreement and also a violation of this Ordinance and further use of the property may be subject to legal remedies available to the Village. Any violation of a Conditional Rezoning that is not cured within thirty (30) days after written notice of the violation is given shall permit the Village Council, in its sole discretion, to declare a Conditional Rezoning void and of no effect.
- i. Subsequent Rezoning of Land. Nothing in a Conditional Rezoning, nor any statement or other provision, shall prohibit the Village from later rezoning all or any portion of the property that is the subject of a Conditional Rezoning to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).
- j. Failure to Offer Conditions. The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this Ordinance.



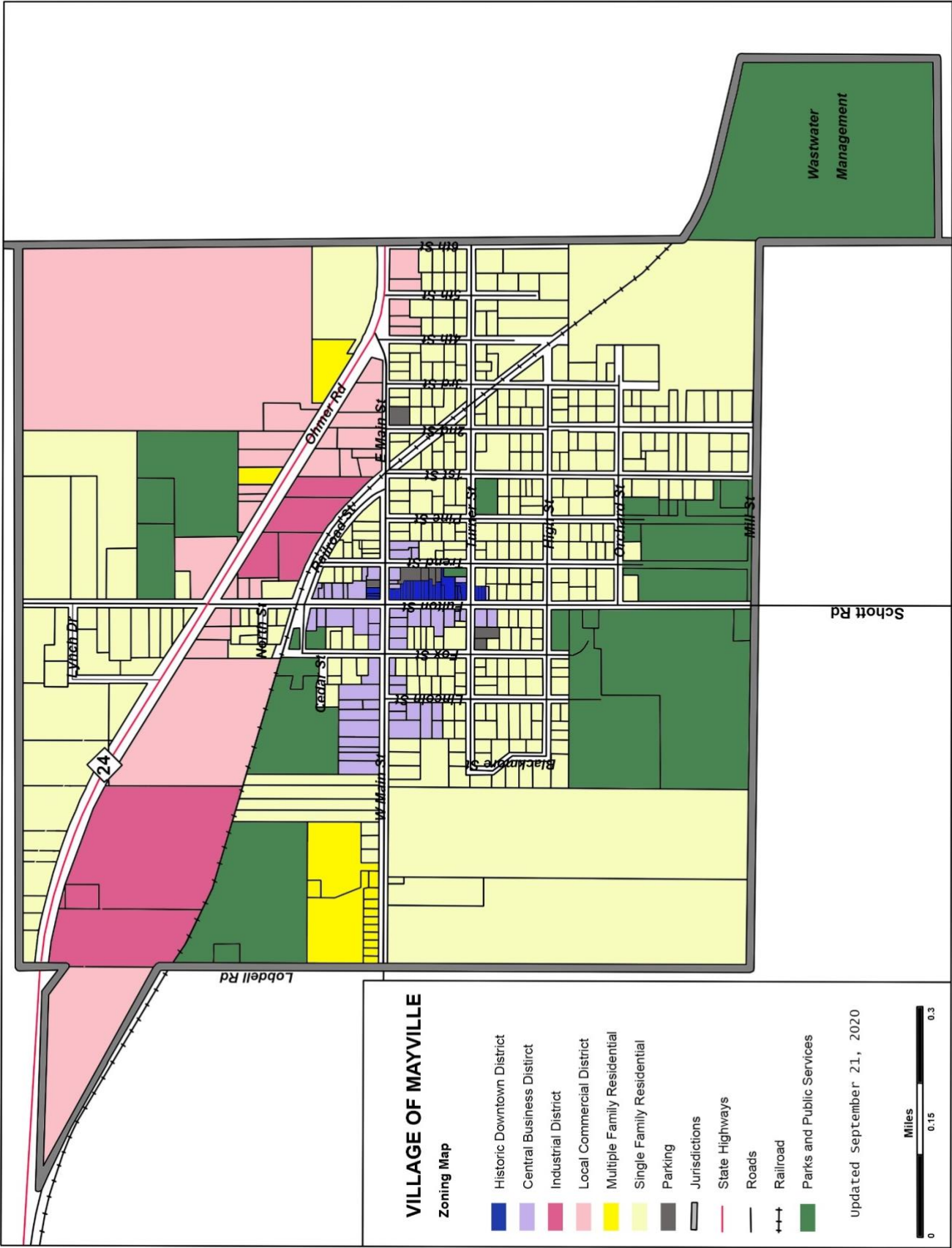
ARTICLE 7 MAPS

VILLAGE OF MAYVILLE ZONING ORDINANCE

Article 7
Maps

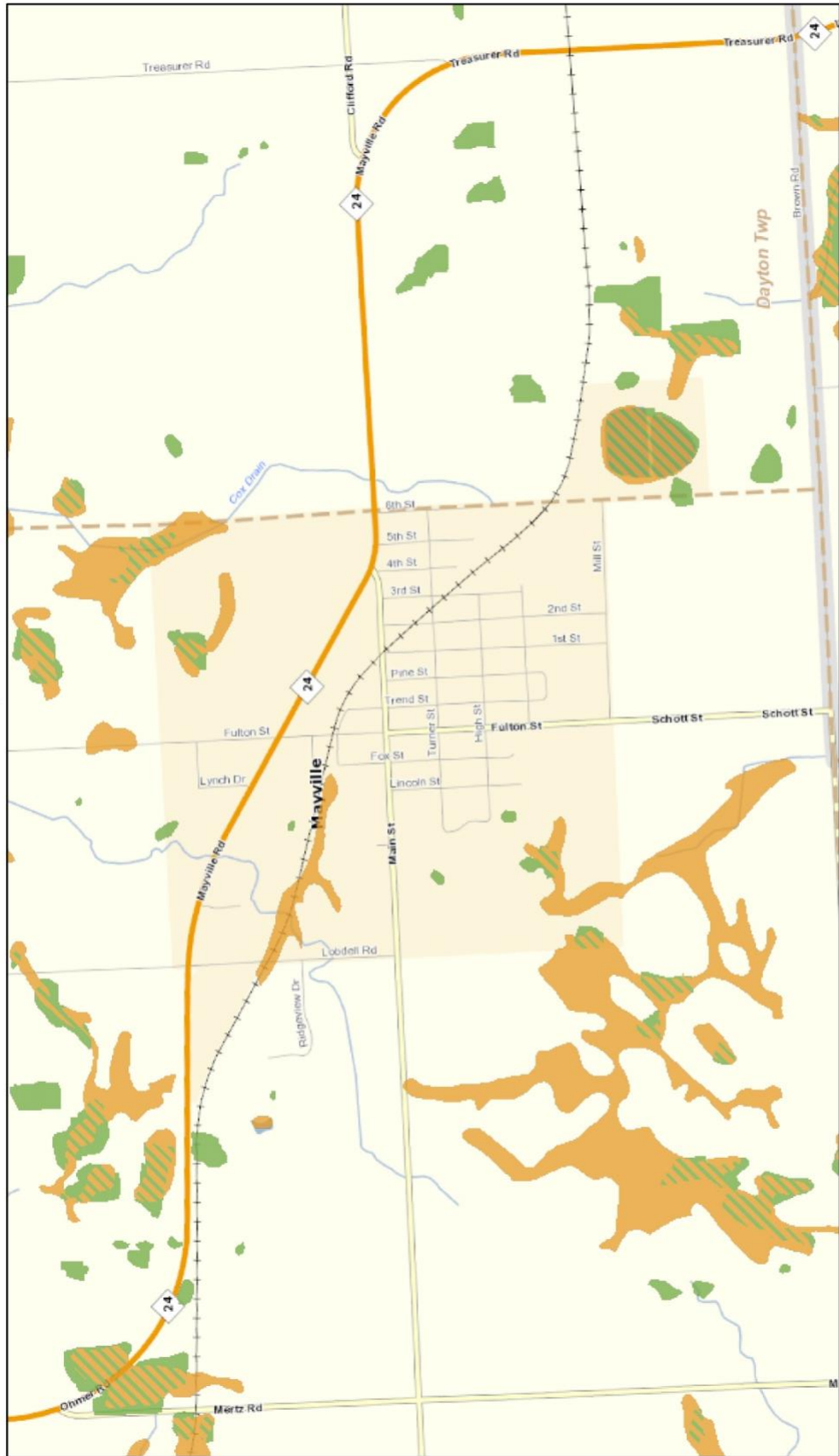
Zoning Map	P276
Wetlands Map	P277

VILLAGE OF MAYVILLE ZONING ORDINANCE



VILLAGE OF MAYVILLE ZONING ORDINANCE

Wetlands Map Viewer



October 8, 2020
Part 303 Final Wetlands Inventory

**Village of Mayville
Wetlands Map Oct 8, 2020**

1:18,909
0 0.15 0.3 0.5 0.6 mi
0 0.25 0.5 1 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Disclaimer: This map is not intended to be used to determine the specific

Wetlands as identified on NWI and MIRIS maps
Soil areas which include wetland soils
Wetlands as identified on NWI and MIRIS maps and soil areas which include wetland soils