

# **VILLAGE OF HONOR ZONING ORDINANCE**

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# **ZONING ORDINANCE**

## **Village of Honor, Benzie County, Michigan**

AN ORDINANCE TO establish zoning districts and regulations governing the development and use of land within the Village of Honor, County of Benzie, State of Michigan in accordance with the provisions of Act 110, Public Act 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this Ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of the Ordinance; and to provide for conflicts with other ordinances or regulations.

### **THE VILLAGE OF HONOR, COUNTY OF BENZIE STATE OF MICHIGAN ORDAINS:**

#### **ARTICLE I PREAMBLE**

##### **Sec. 1.1 Title**

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

##### **Sec. 1.2 Purpose**

The purpose of this Ordinance is to promote the health, safety and general welfare of the inhabitants of the Village of Honor by preventing overcrowding of improvements on its lands, avoiding undue congestion of population, facilitating transportation systems, public utilities and ensuring fire safety, and thereby promoting the orderly development of the residential, commercial and recreational interests of said inhabitants by the implementation of the Village of Honor Master Plan.

##### **Sec. 1.3 Validity And Severability**

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part directly involved in the controversy in which said judgment shall have been rendered.

##### **Sec. 1.4 Conflicting Ordinances Or Regulations**

Where this Ordinance or portions thereof, impose greater restrictions upon the use of structures or land or upon height or bulk of structures, or requires larger open spaces or yards than imposed by any other Ordinances or regulations relating to the Village of Honor, the more restrictive provisions shall govern.

##### **Sec. 1.5 Repeal Of Prior Ordinance**

The Honor Village Zoning Ordinance effective February 10, 1998, and amendments thereto, is hereby repealed with the provision that a situation under the previous Zoning Ordinance does not achieve lawful, non-conforming status under this Ordinance and a lot which was not a lot of record under the previous Zoning Ordinance does not achieve the status of a new lot of record herein.

**Sec. 1.6 Computation Of Time**

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall not be counted.

**Sec. 1.7 Interpretation**

- A. Words in any gender shall be deemed to include the masculine, feminine and neuter.
- B. Words used in the present tense shall include future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. The word “building” or “structure” includes any part thereof.
- E. The word “person” includes a firm, partnership, association, trust, company or corporation, as well as an individual.
- F. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- G. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

**Sec. 1.8 Provisions Not Affected By Headings**

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

**Sec. 1.9 Amended Michigan Statutes**

Whenever any provision of this Ordinance refers to or cites a section of the Michigan Statutes and that Michigan Statute is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended Michigan Statute section or the section thereof that most nearly corresponds to the superseded section.

## ARTICLE II DEFINITIONS

### Sec. 2.1 Purpose And Interpretation

A. It is the purpose of this article to establish the definitions of the words, terms and phrases that comprise the text used in this Ordinance. Many of these words, terms and phrases have a meaning that is different than their use in everyday conversation. Illustrations of many definitions are offered to enhance understanding of the meaning of the word, term or phrase.

B. Where a question arises as to the interpretation of the text of a definition relative to an accompanying illustration, that meaning which appears to not conflict from a careful analysis of both the text and the illustration in context with the various uses of the word, term or phrase in this Ordinance, shall be the meaning ascribed to the word, term or phrase, until or unless the Zoning Board of Appeals reaches a different conclusion, or the governing body amends this ordinance.

C. See also the provisions of Section 1.7 and the formal interpretation procedure of the Zoning Board of Appeals in Section 20.4 concerning interpretations of the text of this Ordinance.

D. Some words, terms and phrases are only used in special sections of this Ordinance and so are defined there for the convenience of the reader.

### Section 2.2. Definitions

Accessory Building or Structure: A subordinate building or structure on the same lot with a principal or main building, but detached from it. When appropriate, an accessory building may only be built with or after the construction of the principal.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building. In some cases, as with certain home occupations, it may be a part of the main or principal building devoted exclusively to an accessory use.

Access Easement: A vehicular access or right-of-way to an abutting lot or lots or parcel(s) of land constructed and maintained to a standard which will provide access for safety services operating within the Village. For purposes of this Ordinance, an access easement to a single lot shall be a minimum of twenty (20) feet in width, and, for two (2) to four (4) lots, a minimum of thirty-three (33) feet in width, and for five or more lots a minimum of sixty-six (66) feet in width.

Access Lot: See, Lot, Access

Actual Construction: The commencement of new construction and the purchase of building materials of a substantial character toward erecting the subject project. The making of

preparatory plan, landscaping, removal of an existing structure, vegetation or soils, or approvals of a site plan or a building permit is not actual construction.

Act of God or Natural Disaster: Severe destruction caused by the violence of nature, as in a flood, tornado, earthquake, windstorm, ice storm, lightning strike or fire.

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building, any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another in accordance with all approved field changes.

As-Built Plans: Revised plans which are based on actual measurements of a completed building or development.

Automotive Service Station: Any area of land, including any structures thereon, used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning or servicing such motor vehicles.

Bed and Breakfast Establishment: Transient lodging accommodations located within a single-family dwelling unit and having limited food service available for guests only.

Basement: A story having more than five (5) feet of its height below finished grade at any point.

Board of Appeals: Honor Village Council or a board appointed by Council to hear appeals for variances and interpretations from the Zoning Ordinance requirements.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of area taken on a horizontal plan at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, patios and steps.

Building, Height of: The vertical distance measured from the mean point of the finished grade at the foundation to the highest point of the roof for flat roofs; to the deck line on mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Line or Setback Line: A line parallel to a street right-of-way line, shore of a lake, or stream bank, side or rear lot line established for the purpose of prohibiting the erection of a structure between such line and road right-of-way, side or rear lot line.

Business Center: A building or group of buildings on one or more parcels of land constructed as an integral land use for commercial, institutional and similar occupancy.

Campground: Any part or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units, and as otherwise defined within Michigan Public Act 368 of 1978 as amended.

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

Commercial Development: A facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

Condominium Project: A plan or project consisting of two or more condominium units established in compliance with the Condominium Act, Public Act 59 of the Public Acts of Michigan of 1978, as amended.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and protrudes twelve (12) inches above finished grade.

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

Density: The number of dwelling units residing upon, or to be developed upon, a measurement of land.

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

Dwelling, Dwelling Unit: Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more persons either permanently or transiently regardless of whether cooking facilities exist.

Dwelling, Multiple: A building, other than a single or a two (2) family dwelling, including apartment houses, co-operatives and condominiums.

Dwelling, Single Family: A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two Family: A building designed for or occupied exclusively by two (2) families living independently of each other.

Easement: A vehicular access or right-of-way to an abutting lot or lots or parcel(s) of land constructed and maintained to a standard which will provide access for safety services operating within the Village. For purposes of this Ordinance, an access easement to a single lot shall be a minimum of twenty (20) feet in width.

Effective Date of This Ordinance: Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to also include the effective date of any amendments to this Ordinance.

Erected: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premise or lot.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, main drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions.

Existing Building: A building existing or for which the foundation is in place prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A use of premises or structure actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Family:

A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Flood Plain: The area of land adjoining the channel of a river, stream, water course, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

Footprint: The ground area a structure covers.

Garage, Private: An accessory building or an accessory portion of a dwelling designed or used solely for non-commercial storage.

Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

Greenbelts or Buffer Parks: A strip or parcel of land, or easement privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

Health Department: *Benzie-Leelanau Counties Health Department*

Highway: Any public thoroughfare in the Village of Honor including Federal, State and County highways (see Road).

Home Occupation: An accessory use of professional, service or business character conducted within the primary dwelling unit by the family residents thereof, which is clearly secondary and incidental to the use of the structure for living purposes and does not change the character of the neighborhood.

Improvements: Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lagoons, slips, waterways, lakes, bays, canals, roadways, lighting, screening, drainage and other appropriate ties, with appurtenant construction.

Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety and welfare of the residents of the Village and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage.

Junk Yard: Any land or building where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled; including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes automobile wrecking yards and includes any more than fifty (50) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Land Use Permit: A Land Use Permit is required for any change in use of land or structure in accordance with the provision of this Ordinance.

Line, Street: The dividing line between a street right-of-way and a lot.

Lot or Building Site: A parcel of land, under common ownership or control, occupied or intended to be occupied by a principal building together with any accessory structures, and providing open space, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record or recorded metes and bounds parcels; shall not include any part of a public road or right-of-way, and shall have frontage on, or approved access to, a public road or street. A condominium building site shall be considered the equivalent of a “lot” for purposes of determining compliance with the applicable requirements of this Ordinance.

Lot, Access: A lot having frontage on a lake, river, or stream which does not meet the dimensional lot requirements of the zoning district in which it is located and is of insufficient lot area to accommodate the minimum dimensional requirements for a dwelling.

Lot, Corner: A lot which has at least two (2) contiguous sides abutting upon a street for their full length.

Lot, Depth Of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Front Of: The lot line which is the street line of the principal street or right-of-way providing access to a lot.

Lot, Interior: A lot other than a corner lot.

Lot Line: A line which marks the boundary of a lot.

Lot Line, Front: That line which borders the major street.

Lot line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side street is an exterior side lot line, and a lot line separating a lot from another lot, or lots is an interior lot line.

Lot of Record: A lot which was recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance or a lot described by metes and bounds, the deed or land contract, or land contract memoranda, which had been recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance.

Lot, Width Of: The width measured along the front lot line or street line.

Major Thoroughfare: Arterial or collector-distributor road.

Marina: A facility engaged in the sale, service and storage of all types of watercraft and small engine recreational vehicles and other related equipment and supplies.

Mechanical Amusement Arcades: Any place or premises occupied by or under the control of the operator of mechanical amusement devices, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For purposes of this Ordinance, a mechanical amusement arcade shall not include mechanical amusement devices located in restaurants or bars, motels or hotels and private clubs, where the devices are only available primarily to guests or patrons, nor to vending machines which dispense food, drink, tobacco or other similar items.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis, as defined in Michigan Public Act 96 of 1987, as amended.

Non-conforming Dimension: A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Non-conforming Lot: A lot lawfully existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area, width or depth requirements of the district in which the lot is located.

Non-conforming Sign: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in the Ordinance.

Non-conforming Situation: A situation that occurs when, on the effective date of this Ordinance, a lawfully created existing lot or structure or use of a lawfully-created existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located.

Non-conforming Use: A building, structure or use of land lawfully existing at the time of enactment of this Ordinance and which does not conform to the regulations of the district or zone in which it is situated.

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Patio: An open space area used for outdoor living purposes constructed of any materials which provide a hard, durable surface and which protrudes less than twelve (12) inches above the finished grade of the property.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exists.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, cable television, transportation or water.

Public Open Space: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or other artificial apparatus which are necessary to form the basis for said use.

Recreational Unit: A tent, or vehicular type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreation unit shall include “travel trailers”, “camping trailer”, “motor home”, “truck camper”, “slide-in camper”, and chassis-mount camper” as defined in Public Act 525, Michigan Public Acts of 1982.

Road: A public or private thoroughfare, easement or right-of-way for the ingress, egress and regress of motor vehicles, which affords the principal means of access to abutting property.

Road, Private: Any non-public road serving two ( ) or more dwellings or principal uses (See Easement).

Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public road commission or department of transportation, which meets the minimum construction standards of said Road Commission or Department of Transportation.

Roadside Stand: A “roadside stand” is a structure for the display and sale of agricultural products, without space for customers within the structure itself.

Sign Regulation Definitions:

A. Banner: A sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.

B. Billboard Highway Advertising Sign: An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.

C. Business Center Sign: A sign which gives direction, name, and identification to a business center and which does not contain any additional information regarding individual stores, businesses, institutions, organizations, located within the planned complex or contiguous stores.

D. Directional Sign: An on or off premises sign which sets forth no advertising display, but is used to direct visitors or customers to a particular land use.

E. Entrance Way Sign: A sign that designates the street entrance way to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution, from a public right-of-way.

F. Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.

G. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

H. Ground or Pole Sign: A free standing sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

I. Highway Advertising Sign: See Billboard

J. Home Occupation Sign: A non-illuminated sign announcing a home occupation or professional service.

K. Identification Sign: A sign containing the name of a business operating on the premises where located, the type of business, owner, or resident, and/or the street address and sets forth no other advertisement display.

Sign: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For purpose of removal, signs shall also include all sign structures.

Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings, mobile homes, signs and sign boards, towers, poles, antennae, swimming pools, decks, fences four (4) feet in height or more or other like objects but not including fences up to four (4) feet in height, uncovered steps, docks, access steps required to negotiate changes in site elevation, and sidewalks, drives, paved areas and patios which protrude less than twelve (12) inches above the finished site grade.

Traveled Surface of Roadway: For the purpose of establishing setbacks, it is that portion of the roadway surface whose principal function is to provide for the passage of motor vehicles as they traverse the roadway, excluding the shoulder of the road which is principally used for the emergency stopping or parking of motor vehicles or for the passage of pedestrians and bicycles.

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

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 that is commonly referred to as a bog, swamp, or marsh.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building, unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a side line.

Sec. 2.2      Words Not Defined Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary. Zoning classification interpretations shall be consistent with the Standard Industrial Classification (SIC) Manual.

**ARTICLE III**  
**GENERAL PROVISIONS**

Sec. 3.1        Scope

Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, constructed, re-constructed, altered or used for purposes other than in conformity with the provisions of this Ordinance.

Sec. 3.2        Accessory Use Without A Principal Use

No construction of an accessory use structure shall be permitted without the foundation for a principal use structure first being in place. However, an accessory structure may be constructed on a separate lot(s) provided the separate lot(s) is immediately adjacent to the lot on which the principal use structure is located and both lots are, and will remain, under common ownership.

Sec. 3.3        Accessory Building As Dwelling

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

Sec. 3.4        Accessory Structure Setbacks

Accessory structures shall meet the same setback requirements as a principal structure.

Sec. 3.5        Accessory Structures Maximum Size

The total ground level gross square footage of all accessory structures shall not exceed the first floor gross square footage of the principal residence on such lot or parcel exclusive of attached accessory structures.

Sec. 3.6        Damaged Buildings

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within six (6) months from the date of the occurrence of the damage or the effective date of this Ordinance.

Sec. 3.7        Dwelling Lots On Premises

Every dwelling, cottage, cabin, or mobile home erected outside of a mobile home park shall be located on a lot or premise, and no more than one (1) such building or structure shall be erected on such lot or premise.

Sec. 3.8        Fences, Walls And Screens

Within the limits of a minimum front yard, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than four (4) feet. No stockade or other type of solid fence shall be allowed in the front yard area. No fence or wall located within a side or rear yard shall exceed six (6) feet in height.

Sec. 3.9        Garden/Tool Sheds

Private Garden/Tool Sheds that are not permanently affixed to the ground (set on skids or blocks) which are 200 square feet or less do not require a Land Use permit.

Sec. 3.10 Greenbelt Buffer

Prior to the commencement of construction of any structure or building of a commercial or industrial nature where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt shall be a minimum width of twenty (20) feet; shall be completed within six (6) months from the date of final inspection; shall thereafter be maintained with permanent plant materials indigenous to this area; at least four (4) feet in height if evergreens, ten (10) feet in height if deciduous and supplemented with interspaced shrubbery at least two (2) feet in height so a sight screening effect can be expected within three (3) years.

Sec. 3.11 Hazardous Liquid Containment

A. Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all “hazardous wastes” as defined by Act 64 of 1979 that are in liquid form.

B. Secondary containment structures shall include structures such as but not limited to dikes and berms surrounding transfer and storage areas, enclosed structures, and interior storage rooms with sills and no floor drains.

C. All secondary containment structures shall be at least large enough to hold the capacity of the largest drum or tank in the transfer or storage area.

D. No floor drains shall be permitted in any areas involving the transfer or disposal of hazardous liquids unless all hazardous liquids are collected and properly treated or disposed of offsite.

Sec. 3.12 Lot And Yard Area Requirements

A. Lot Areas and Widths – On a lot of record, the Zoning Administrator is authorized to waive the minimum lot size, width, and width at the building line requirements, provided that the intended structure is in full compliance with all other requirements of this Ordinance.

B. Front and Rear Yards – On any lot of record where the front and rear yard setbacks reduce the buildable area to less than twenty-five (25) feet, the Zoning Administrator is authorized to reduce both the front yard and the rear yard setback requirements by up to 10 (10) percent of the depth of the lot to accommodate a requested buildable area. If the rear yard abuts a stream, emphasis shall be given to the protection of the stream. The front yard setback shall be reduced up to the full ten (10) percent first before the rear yard setback is reduced.

C. Existing Structures – Where a structure already exists on a parcel and it is nearer a front or a rear lot line than the setback required for that district, the Zoning Administrator is authorized to issue a Land Use Permit to expand said structure or erect an accessory

building, provided such addition or new construction is not located nearer a front or rear lot line than the existing structure and will not cause a significant health or safety hazard.

D. Side Yards – On any lot of record where the side yard setback requirements reduce the buildable width to less than twenty-five (25) feet, the Zoning Administrator is authorized to reduce the side yard setback requirements by up to ten (10) percent of the lot width; however, no interior side yard shall be reduced by more than three (3) feet and no exterior side yard shall be reduced by more than six (6) feet.

Sec. 3.13 Minimum Dwelling Dimensions

A single family dwelling, including a mobile home, shall have a minimum width of twenty (20) feet over fifty (50) percent of the entire structure length.

Sec. 3.14 Minimum Dwelling Floor Area

The minimum gross living area of a dwelling and the minimum size for the footprint of the living portion of a structure shall be seven hundred twenty (720) square feet.

Sec. 3.15 Non-Commercial Storage Buildings

Non-Commercial storage buildings or other accessory structures shall not be allowed without the presence of a principal use in the R-1 or R-2 Districts.

Sec. 3.16 Use Of Open Space

A. No open yard surrounding a dwelling, or structure used for dwelling purposes, may be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second hand building materials or other discarded, disused or rubbish-like materials or structures.

B. The location, parking or storage of recreational vehicles shall be allowed on a lot used for a dwelling, provided; wherever possible, such location, parking, or storage is not in the front yard nor in the setback areas required for structures in the side and rear yards.

C. Use of tents or recreational units shall be limited to the following:

1. Residential Districts only;
2. Shall be used for sleeping places only, and no fees may be charged;
3. May be hooked up to electric only;
4. Unit must be self-contained;
5. The number of tents or recreational units in each residential district shall be limited to two.

D. No outdoor storage or parking of vehicles or trucks, over one (1) ton rated capacity, or similar heavy equipment or construction equipment, shall be permitted in a yard or on a lot located in R-1 or R-2 Districts, other than for the temporary parking of trucks and equipment engaged in construction on the site or being bused for temporary pickup or delivery purposes.

Sec. 3.17 Visibility At Intersection

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade on any corner lot or parcel within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines.

Sec. 3.18      Vacated Streets

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation.

Sec. 3.19      Yard Sales

Yard sales or garage sales may be permitted; provided such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any thirty (30) day period. And, provided further, that such sales are conducted only on a lot upon which a principal use is located

**Sec. 3.20      Prohibited Uses**

**Due to the small size of the Village of Honor, established land use patterns, soil conditions and the character of the community, it is hereby determined that there is no place within the Village where such uses as junk yards, used auto parts, sanitary landfills, industrial and wholesale operations, mobile home parks, campgrounds, RV parks, kennels or other uses which have a tendency to generate high traffic, high density, and excessive noise, can be located without creating serious problems of incompatibility with surrounding land uses and such uses are, therefore, prohibited in all zoning districts.**

**ARTICLE IV**  
**ZONING DISTRICT AND ZONING MAP**

Sec. 4.1            Districts Established

For the purpose of this Ordinance, the Village of Honor is hereby divided into the following Zoning Districts:

- R-1     Waterfront Residential
- R-2     Single Family Residential
- R-3     Mixed Use
- C-1     Village Center Commercial
- C-2     General Commercial
- C-3     Commercial Resort

Sec. 4.2            Zoning Districts Map

The boundaries of the district are hereby defined and established as shown on a map entitled “Zoning District Map of Honor, Michigan” which accompanies this Ordinance and which map, with all explanatory matter thereon is hereby made a part of this Ordinance.

Sec. 4.3            Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, boundaries indicated as approximately following streets, highways, lot lines, section lines, or shorelines of streams shall be construed to be following said lines or boundaries.

**ARTICLE V**  
**WATERFRONT RESIDENTIAL DISTRICT (R-1)**

It is the intent of the R-1 District to establish and preserve quiet single family home neighborhoods free from other uses except those which are both compatible with and convenient to the residents of such a district. And to protect the Platte River and surrounding wetlands.

Sec. 5.1        Permitted Principal Uses:

A. Single Family Dwelling

Sec. 5.2        Permitted Accessory Uses:

- A. Private Garage
- B. Green House
- C. Lawn Shed
- D. Patios, Decks and Gazebos
- E. Personal Gardens

Sec. 5.3        Permitted Conditional Uses:

A. Swimming Pools (Sec. 12.3)

Sec. 5.4        Special Land Uses:

A. Bed and Breakfast (Sec. 13.3)

Sec. 5.5        Lot and Building Requirements:

All buildings and structures in this District shall be located on a lot having a minimum width of not less than forty (40) feet and contain not less than six thousand (6,000) square feet in area. However, this shall not prevent the use of a lot of lesser size, providing it was a lot of record prior to the adoption of this Ordinance, and that all other requirements of this Ordinance can be met.

Any structure or part thereof shall have a minimum front yard setback of twenty (20) feet from the **front property line (road or access side)**; a minimum side yard setback of five (5) feet; a minimum rear yard (river or wetland side) setback of **thirty-five (35) feet**; a maximum structure height of thirty (30) feet maximum ground coverage of fifty percent (50%); and a minimum landscaped open space of thirty percent (30%).

**ARTICLE VI**  
**SINGLE FAMILY RESIDENTIAL (R-2)**

It is the intent of the R-2 District to establish and preserve quiet single and two family home neighborhoods free from other uses except those which are both compatible with and convenient to the residents of such a district.

Sec. 6.1        Permitted Principal Uses:  
A. Single Family Dwelling  
B. Two Family Dwelling

Sec. 6.2        Permitted Accessory Uses:  
A. Private Garage  
B. Private Green House  
C. Lawn Shed  
D. Patios, Decks and Gazebos  
E. Personal Recreational Facility  
F. Personal Gardens

Sec. 6.3        Permitted Conditional Uses:  
A. Home Occupations (Sec. 12.2)  
B. Swimming Pool (Sec.12.3)  
C. Model Home (Sec.12.4)  
D. Personal Storage (Sec12.6.)

Sec. 6.4        Permitted Special Land Uses:  
A. Institutional Structures (Sec. 13.6)  
    1. Religious Institutions  
    2. Educational and Social Institutions  
    3. Public Buildings  
B. Bed and Breakfast (Sec.13.3)

Sec. 6.5        Lot and Building Requirements:  
All buildings and structures in this district shall be located on a lot having a minimum width of not less than forty (40) feet and contain not less than six thousand (6,000) square feet in area. However, this shall not prevent the use of a lot of lesser size, providing it was a lot of record prior to the adoption of this Ordinance, and that all other requirements of this Ordinance can be met (See Sec. 3.2).  
Any structures or part thereof shall have a minimum front yard setback of twenty (20) from the front property line; a minimum side yard setback of five (5) feet; a minimum rear set back of twenty (20) feet and maximum structure height of thirty (30) feet; maximum ground coverage of fifty (50%) percent and a minimum landscaped open space of thirty (30%) percent.

**ARTICLE VII**  
**MIXED USE DISTRICT (R-3)**

It is the intent of the R-3 District to allow for a transition district between the residential and commercial districts. This district will allow for a variety of residential uses plus low impact commercial uses that will be compatible with each other.

Sec. 7.1      Permitted Principal Uses:

- C. Single Family Dwellings
- D. Two Family Dwellings
- E. Professional Offices
- F. Human Care Facilities: Salons, Spas, and Daycare
- G. Small In-home shops, not more than 50% of first floor square footage

Sec. 7.2      Permitted Accessory Uses:

- A. Accessory buildings, structures or uses customarily incidental to the permitted use (unless specified as a conditional or special land use)

Sec. 7.3      Permitted Conditional Uses:

- E. Home Occupations (Sec. 12.2)
- F. Swimming Pool (Sec.12.3)
- G. Model Home (Sec.12.4)
- H. Patios, decks, and gazebos

Sec. 7.4      Permitted Special Land Uses:

- C. Institutional Structures (Sec. 13.6)
  - 4. Religious Institutions
  - 5. Educational and Social Institutions
  - 6. Public Buildings
- D. Bed and Breakfast (Sec.13.3)
- E. Commercial Storage
- F. Personal Storage over one hundred (100)square feet
- G. Animal Care Facilities

Sec. 7.5      Lot and Building Requirements:

All buildings and structures in this district shall be located on a lot having a minimum width of not less than sixty-six (66) feet and contain not less than nine thousand (9,000) square feet in area. However, this shall not prevent the use of a lot of lesser size, provided said lot was a legal non-conforming lot prior to this Ordinance and that all other requirements of this Ordinance can be met. The maximum allowable structure height in this district shall be thirty (30) feet.

Any structures or part thereof shall have a minimum front yard setback of twenty (20) feet from the front and rear property lines; a minimum side set back of twenty (20) feet. There shall be a maximum ground coverage of fifty (50%) percent and a minimum landscaped open space of thirty (30%) percent.

All commercial uses in this District shall be sound insulated so that noise created by the use shall be no greater than normal conversation at the property line. All commercial uses in this District shall provide parking in the rear of the structure in accordance with Article XVI.

**ARTICLE VIII**  
**VILLAGE CENTER COMMERCIAL (C-1)**

It is the intent of this district to preserve the historical character of the Village of Honor downtown area while encouraging varied commercial uses that are pedestrian friendly and allow for the construction of living quarters above or behind the commercial use.

Sec. 8.1      Permitted Principal Uses:

- A. Financial Institutions
- B. Retail Sales Facilities
- C. Eating and Drinking Places
- D. Professional/Business Offices
  - 1. Doctor's Office
  - 2. Dental Office
  - 3. Attorney's Office
  - 4. Accountant's Office
  - 5. Other Similar Type Offices (excluding Animal Related Services)
- E. Public Buildings
- F. Personal Care Facilities
  - 1. Hair and Body Care
  - 2. Massage Facility
- G. Living Quarters Above or Behind the Primary Use

Sec. 8.2      Permitted Accessory Uses:

- A. Accessory buildings, structures or uses customarily incidental to the permitted use

Sec. 8.3      Permitted Special Land Uses:

- A. Religious Institutions
- B. Educational and Social Institutions
- C. Low impact Commercial Planned Development

Sec. 8.4      Lot and Building Requirements

All buildings and structures in this District shall be located on a lot having a minimum width of not less than 50 feet and contain not less than 6,000 square feet in area. However, this shall not prevent the use of a lot of less than these requirements provided said lot was a legal non-conforming lot prior to this Ordinance and that all other requirements of this Ordinance can be met. The maximum allowable structure height in this district shall be thirty (30) feet.

**ARTICLE IX**  
**GENERAL COMMERCIAL (C-2)**

- Sec. 9.1                    Permitted Principal Use:
- A. Building Materials Dealers
  - B. Construction Trades Showrooms
  - C. Retail Sales
  - D. Financial Institutions
  - E. Eating and Drinking Places

- Sec. 9.1                    Permitted Accessory Uses:
- A. Accessory buildings, structures or uses customarily incidental to the permitted use
  - B. Living quarters/apartments above or behind the primary use

- Sec. 9.3                    Permitted Special Land Uses:
- A. Automotive, Watercraft and RV Service and Repair Installation (includes gas station)
  - B. Light Manufacturing/Warehousing/Commercial Storage
  - C. Shopping Centers
  - D. Amusement Arcades
  - E. New and Used Auto, Motorcycle, RV and Boat Dealers
  - F. Sexually Oriented Business
  - G. Animal Care Facilities
  - H. Human Care Facilities

Sec. 9.4                    Lot and Building Requirements

All buildings and structures in this District shall be located on a lot having a minimum width of not less than one hundred fifty (150) feet and contain not less than thirty thousand (30,000) square feet in area. However, this shall not prevent the use of a lot of less than these requirements provided said lot was a legal non-conforming lot prior to this Ordinance. The Maximum Height of any structure in this District shall be thirty (30) feet.

**ARTICLE X**  
**RESORT COMMERCIAL DISTRICT (C-3)**

It is the intent of the Resort Commercial District to promote the growth of recreational uses in the Village and to provide for temporary housing to the visitors of the area.

Sec. 10.1      Permitted Special Land Uses:

- A. Hotel, Motel and Resort Cabins
- B. Marinas and Canoe Liveries

Sec. 10.2      Permitted Accessory Uses (In Conjunction with Special Land Use Only):

- A. Swimming Pools (See Sec.12.3)
- B. Basket Ball/Tennis and Shuffle Board Courts
- C. Garden Areas
- D. Convenience Shops
- E. Bait Shops
- F. Canoe and Kayak Rental Shops

Sec. 10.3      Lot and Building Requirements:

Any structure or part thereof shall have a minimum front yard setback of forty (40) feet from the front property line, or seventy- three (73) feet from the centerline of US 31, a fifty (50) foot setback from the Platte River and/or associated wetland, a maximum structure height of thirty (30) feet, maximum ground coverage of thirty (30%) percent and a minimum landscaped open space of twenty (20%) percent.

Additionally, any land change or building construction within 500 feet of the Platte River and associated wetland areas will require a Soil Erosion, Sedimentation, and Storm Water Control Permit and possibly a Michigan Dept. of Natural Resources Permit (or documentation that a DNR permit is not required).

**ARTICLE XI**  
**PERMITS, SITE PLANS, PLATS AND VIOLATIONS**

**PART 1**      **GENERAL REGULATIONS:**

Sec. 11.1      **General Regulations:**

A.      The use made of property may not be changed; no clearing, grading, excavation or fill incidental to construction may be commenced, or no structures may be constructed, erected, moved or altered to extend beyond the existing footprint except in accordance with and pursuant to one of the following permits or approvals:

1.      A Land Use Permit, with or without Conditions issued by the Zoning Administrator.
2.      A Special Land Use Permit, Condominium Project, and Planned Unit Development Permit issued by the Village Council, or Planning Commission if one exists.

B.      Applications for Land Use, Special Land Use, Condominium Project, and Planned Unit Development, shall contain a Site Plan for review and approval and all development shall be in accordance with the approved plan and all special conditions imposed by the issuing authority.

Sec. 11.2      **Who May Submit Applications:**

A.      Applicants for any permits or plat approval, will be accepted only from persons having the legal authority to take action in accordance with the permit.

B.      The Zoning Administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection (A) whenever there appears to be a reasonable basis for questioning this authority.

Sec. 11.3      **Applications To Be Complete:**

All applications for Land Use, Special Land Use, Planned Unit Development or Condominium Project Permits or plat approval must be **complete** before the permit issuing authority is required to consider the application.

Sec. 11.4      **No Occupancy Until Requirements Fulfilled:**

Issuance of a Land Use, Special Land Use, Planned Unit Development or Condominium Project Permits authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move or alter buildings or other structures. However, the intended use may not be commenced, and no building may be occupied until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of said Permit have been complied with.

Sec. 11.5 Fees:

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for Land Use, Special Land Use, Planned Unit Development and Condominium Project Permits, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the Village's fee schedule as established by resolution of the Village Council filed in the office of the Village Clerk. No part of any fee shall be refundable.

Sec. 11.6 Expiration Of Permits:

A. Land Use, Special Land Use, Planned Unit Development or Condominium Project Permits shall expire automatically, if, within one (1) year after the issuance of such permits, actual construction has not commenced or use has not commenced where no actual construction is required.

B. The permit-issuing authority may extend for a period of up to one (1) year of the date when a permit would otherwise expire if it concludes that:

1. The permit recipient has proceeded with due diligence and in good faith;
2. Conditions have not changed so substantially as to warrant a new application.

Successive extensions may be granted for periods of up to six (6) months, upon the same findings. All such extensions may be granted without resort to the formal processes. Fees required for an extension shall be according to the Village fee schedule.

Sec. 11.7 Effect Of Permit On Successors and Assigns:

Land Use, Special Land Use, Planned Unit Development and Condominium Project Permits, authorize the permittee to make use of land and structures in a particular way. Such permits are transferable to successors or assigns of the person who obtained the permit.

Sec 11.8 Modifications of Permits:

A. The Zoning Administrator may authorize insignificant deviations from permits (including plans approved by the Village Council) for Land Use, Special Land Use, Planned Unit Development and Condominium Project Permits. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

B. Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the location of buildings, the alignment of utilities and the alignment of interior roadways and parking areas. Minor changes for good cause may be authorized provided no changes shall increase the size or height of structures, reduce the

efficiency or number of public facilities serving the development, reduce usable open space, or encroach on natural features.

C. Major amendments: Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the permit issuing authority following the same procedure required for the original permit.

Sec. 11.9 Maintenance Of Common Areas:

The recipient of any permit, or their successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this Ordinance or any permit issued in accordance with its provisions. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping or shading must be replaced if they die or are destroyed.

Sec. 11.10 Staff Consultation Before Application:

To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Village staff is encouraged or required as provided in this section.

PART II APPLICATIONS AND APPROVALS

(A) LAND USE PERMITS (LUP):

Sec. 11.11 Application

Application for a Land Use Permit shall be made in writing upon a blank form furnished by the Zoning Administrator and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected enlarged, altered, or moved. There shall be submitted with all applications for Land Use Permits, a site plan lay out showing:

- A. The location, shape, area and dimensions for the parcel(s), Lot(s), or acreage;
- B. The location of the proposed construction, upon the parcel(s), lot(s), or acreage affected;
- C. The actual structure setback distances from the property lines;
- E. The dimensions, height and bulk of structures;
- F. The nature of the proposed construction, alteration, or repair, and the intended use;
- G. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses;
- H. The present use of any structure affected by the construction or alteration;
- I. The yard, open area, driveway or access by easement, and parking space dimensions, if applicable;
- J. The proposed plan and specifications of off-street parking and unloading spaces, if applicable;
- K. Any wetland or floodplain which may be on the property;

- L. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

Sec. 11.12 Permit Procedure:

- A. A completed application form for a Land Use Permit shall be submitted to the Zoning Administrator.
- B. The Zoning Administrator shall issue the Land Use Permit unless they find, after reviewing the application:
  - 1. The requested permit is not within their jurisdiction;
  - 2. The application is incomplete;
  - 3. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this Ordinance.
- C. The Zoning Administrator may waive Land Use Permit requirements for yard sheds on skids of less than two hundred (200) square feet in area.

Sec. 11.13 Temporary Uses:

- A. The Zoning Administrator is authorized to issue a Land Use Permit for the following temporary uses upon a find that a temporary use meets the criteria of Section B. below:
  - 1. Carnival, circus or fair for a period not to exceed fourteen (14) days;
  - 2. Open lot sale of Christmas trees for a period not to exceed thirty (30) days;
  - 3. Real estate sales offices in Model Homes for a maximum period of one (1) year;
  - 4. Contractor's office and contractor's sheds, in any district, for a period of one (1) year, provided that such structures be placed on the property to which it is appurtenant;
  - 5. Temporary dwelling units, for a maximum period of two (2) years, only for the purpose of constructing a building which conforms to the requirement of this Ordinance provided that the foundation and complete framing of the conforming building is completed within one (1) year and the entire conforming building is completed within (2) years.
- B. Issuance Criteria: A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following criteria is met by the proposed use:
  - 1. The proposed use is clearly of a temporary nature;
  - 2. The temporary use shall not endanger the public health, safety or welfare of the Village, or adjacent residents;
  - 3. Structures of temporary uses shall be provided, if required, with safe sanitary and effective systems for water supply and disposal of wastes, approved by the Health Department;
  - 4. The proposed use will cause no traffic congestion;
  - 5. The proposed temporary use shall meet all lot, yard setback and other requirements of this Ordinance.

PART III SPECIAL LAND USE (SLU), PLANNED UNIT DEVELOPMENT (PUD) AND CONDOMINIUM PROJECT PERMITS:

Sec. 11.14 General Requirements:

Intent and Purpose: Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on the one hand practical latitude for the investor or developer, but that will at the same time, maintain sound provisions for the protection of the health, safety, convenience, and general welfare of Village inhabitants. In order to provide controllable and reasonable flexibility, the following sections permit detailed review of certain specified types of land use activities which, because of this particular and unique characteristic, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zoning districts by the issuance of a Special Land Use (SLU), Planned Unit Development (PUD) or Condominium Project Permit.

Sec. 11.15 Permit Procedure:

An application form provided by the Zoning Administrator for a SLU, PUD or Condominium Project Permit for any land or structure use permitted under this Article shall be submitted to the Zoning Administrator and shall be accompanied by the payment of a non-refundable fee as established by the Village Council to cover the cost of processing the application

- A. Data required: Every application shall be accompanied by the following information and data:
1. The application form filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of Section 11.14
  2. Site plan in accordance with Section 11.16
  3. A written impact statement
  4. Preliminary plans and outline specifications of the proposed development
- B. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons whom real property is within 300 feet of the property and to the occupants of all structures within 300 feet regardless of whether the property or occupants are located in the zoning jurisdiction. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification.

The notice shall do all of the following:

1. Describe the nature of the requests;
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
3. State when and where the request will be considered;
4. Indicate when and where written comments will be received concerning the request;

5. Indicate where and when plans can be reviewed prior to the Meeting.

Sec. 11.16 Site Plan Requirement and Written Impact Statement:

Every site plan shall be submitted to the Zoning Administrator on one or more sheets of paper measuring not more than twenty-four (24) by (36) inches, drawn to a scale not more than fifty (50) feet to the inch. Multiple copies may be required. Variations in scale may be allowed upon request.

For all uses other than single family or two family residential or agriculture uses, the site plan shall be prepared by a licensed professional engineer, licensed professional surveyor, or licensed architect.

A written Impact Statement is required along with the site plan. Both the written impact statement and the Site Plan must include ALL of the following:

Owner(s)/Applicant(s) and Location Information:

- A. Property owner and applicant names, addresses and phone numbers;
- B. Preparer's name(s) and address(es);
- C. Name(s) and address(es) of person(s) responsible for preparation of statement;
- D. Legal description, property tax I.D. number(s), plat name, lot number(s), property lines including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat;
- E. Zoning classification of site and surrounding properties;
- F. Scale, north arrow, date and location map;
- G. A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.

Natural Features/Setbacks/Utilities/New and Existing Structures and Uses:

- A. Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, lakes, ponds, wetlands, trees and woodlands, wildlife and other water on-site and within three hundred (300) feet. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change;
- B. Name, location and width of streets, alleys, sidewalks, drives, easements and utilities;
- C. Required setback lines, Right-of-Way (R.O.W.) lines and any variance to be requested (*a variance is a separate process*);
- D. Proposed building use, shape, dimensions, locations, floor coverage, lot coverage percentage, building height and building elevations;
- E. Existing buildings and improvements on and adjacent to the subject parcel within fifty (50) feet;
- F. Types of uses and other man-made facilities;

- G. Proposed location of walkways, landscaped areas, recreational areas, open space, screen walls and greenbelts;
- H. Required number, proposed number and location of parking spaces, maneuvering lanes, driveways, loading areas, and their dimensions and proposed points of access to the site from public streets and alleys. Minimum parking space as required in Article XVI;
- I. The number of people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic;
- J. The method to be used to serve the development with water and sanitary sewer facilities;
- K. If public sewers are not available to the site, the applicant shall submit a current approval from the Health Department or other responsible public agency indicating approval of plans for sewage treatment;
- L. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights;

Soil Erosion, Sedimentation and Storm Water Control:

- A. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established;
- B. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two (2) feet vertical. Show bench mark location and location of site retained water with calculations;
- C. Written documentation prepared by a registered civil engineer indicating that the peak rate of storm water runoff after development will not exceed the peak rate of storm water runoff occurring before development for a storm with a twenty-five (25) year frequency and twenty-four (24) duration;
- D. The type, direction and intensity of outside lighting;
- E. The “Environmental Provisions” of Article XVIII shall be met when applicable.

Additional Written Impact Assessment Requirements:

- A. Phasing of the project including ultimate development proposals;
- B. An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects;
- C. General description of deed restrictions, if any;
- D. Any other information necessary to establish compliance with the Ordinance.

Sec. 11.17 Special Land Use Permit: Requirements

The requirements and standards for Special Land Use approval are specified below. In addition, the specific standards for the various land uses and activities eligible for approval consideration are specified in Article 13 of this Ordinance.

Before approving a Special Land Use Permit application, the Issuing Authority shall apply the following standards and shall find adequate evidence that each use on the proposed location will:

- A. Be compatible with adjacent land use, the natural environment and the capacities of public services and facilities affected by the land use;
- B. Be designed to protect natural resources, the health, safety and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, and residents and landowners immediately adjacent to the proposed land use or activity;
- C. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity;
- D. Meet the intent and purpose of this Zoning Ordinance;
- E. Be requested by an applicant who may legally apply for the site plan review and has submitted all required information;
- F. Be a development, exclusive of Planned Unit Developments, which conforms to all regulations of the zoning district in which it is located;
- G. Meet the requirements for fire protection, water supply and sewage disposal or treatment;
- H. Meet the standards of other governmental agencies, where applicable, and that the approval of these agencies has been obtained or is assured;
- I. Designed that such natural resources will be preserved to a maximum feasible extent and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se;
- J. Respect floodways and flood plains on or in the vicinity of the subject property;
- K. Be constructed where soil conditions are suitable for excavation and site preparation;
- L. Not cause soil erosion, sedimentation or ground water pollution problems;
- M. Be designed to handle anticipated storm water runoff, and will not cause runoff onto neighboring property or overloading of water courses in the area;
- N. Not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties;
- O. Not disrupt air drainage systems necessary for agricultural uses;
- P. Be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control;
- Q. Be designed such that the plan provides for the proper expansion of existing infrastructure and will not create excessive additional requirements at public cost for public facilities and services;
- R. Provide for landscaping, fences or walls, if required in pursuance of the objectives of this Ordinance;
- S. Provide that parking layout will not adversely affect the flow of traffic within the site;
- T. Provide that vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient;
- U. Provide that outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties;

- V. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to the property;
- W. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes glare, odors, noise, dust, smoke, vibration, light encroachment, or waste;
- X. Provide that the proposed development is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principals of sound planning.

Sec. 11.18 Written Decision:

Any decision made by the Village Council, Planning Commission or Zoning Board of Appeals regarding an appeal or variance or issuance or revocation of a Special Land Use, Planned Unit Development Permit, or Condominium Project permit shall be reduced to writing and served upon the applicant or appellant within fourteen (14) days of the date of decision.

PART IV HEARING PROCEDURES: APPEALS AND APPLICATIONS:

Sec.11.19 Appeals and Applications:

- A. Before making a decision on an appeal, and application for a variance, the Issuing Authority shall hold a hearing on the appeal or application;
- B. Subject to Subsection (C), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments;
- C. The Issuing Authority may place reasonable and equitable limitations on the presentation of evidence and arguments;
- D. The Issuing Authority may continue the hearing until a subsequent meeting and may keep the public presentation portion of the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published when the subsequent hearing date is set during the open session of the hearing and there is continued compliance with the Open Meetings Act (Public Act 267 of 1976, as amended).

PART V COMPLAINTS AND VIOLATIONS:

Sec. 11. 20 Complaints Regarding Violations:

Whenever the Zoning Administrator becomes aware of or receives a complaint alleging a violation of this Ordinance, the Zoning Administrator shall investigate the complaint, take whatever action is warranted and inform the complainant what actions have been or will be taken.

Sec. 11.21 Persons Liable:

The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirement of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Sec. 11.22 Procedure Violations:

If the Zoning Administrator becomes aware of or receives a complaint of an alleged violation, the process shall be as follows:

- A. Complaints shall be made in writing and signed and the complaint form shall be assigned a number;
- B. A preliminary visit shall be made at the site to identify the alleged violation;
- C. If a violation is identified, the landowner and/or contractor shall be informed, in writing, of the nature of the violation, informed of the action necessary to correct the violation and the date when the compliance is to be completed. The owner or contractor shall also be informed of their right to appeal the decision of the Zoning Administrator. This action may be taken in person or by certified mail;
- D. Where the violation is one of unlawful construction, reconstruction, or removal, a "Stop Work" notice form shall be attached to the site or delivered to the contractor or owner. The owner or owner's agent shall also be informed of their right to appeal the decision of the Zoning Administrator;
- E. The site of the alleged violation shall be re-inspected on the date when the owner or contractor was informed compliance was to be completed;
- F. If compliance has not been completed, and an appeal of the decision of the Zoning Administrator has not been filed, the Village Council shall be informed, to determine further action.

Sec. 11.23 Penalties and Remedies:

Any person, persons, firm or corporation or anyone acting on behalf of said person, persons, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than one hundred dollars (\$100) or to imprisonment in the County jail for a period of not more than ninety (90) days, or both, at the discretion of the court. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section,

Sec. 11.24 Permit Revocation:

- A. A Land Use, Special Land Use, Planned Unit Development or Condominium Project Permit may be revoked by the Issuing Authority if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirement lawfully imposed by the Issuing Authority.
- B. Before a Land Use Permit may be revoked, the owner, contractor alleged violator shall be notified of the reason for such revocation and their right to appeal the decision of the Zoning Administrator to the Village Council or Zoning Board of Appeals, if such exists.
- C. Before a Special Land Use Permit, Planned Unit Development or Condominium Project Permit may be revoked, the permit recipient shall be given a ten (10) day advance notice of intent to revoke, along with the alleged reasons for the revocation and the right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide the permittee a written statement of the decision and the reasons therefore.

- D. No person may continue to make use of land or buildings in the manner authorized by a Land Use, Special Land Use, Planned Unit Development or Condominium Project Permit after such permit has been revoked in accordance with this Section (See Sec. 11.24),

Sec. 11.25 Time Period for Judicial Review:

A person having an interest affected by a decision of the Village Council or Zoning Board of Appeals, may appeal to the Circuit Court for the County of Benzie. All such appeals shall be filed with the Benzie County Clerk, within thirty (30) calendar days after the date the written decision is signed by the President and Secretary of the Village Council or the Chairperson and Secretary of the Zoning Board of Appeals, if such exists.

**ARTICLE XII**  
**CONDITIONAL USES**

Sec. 12.1     Intent and Purposes

Some uses require certain specific exceptions or conditions.

Sec. 12.2     Home Occupations

Home Occupations may be carried on in residential districts under the following conditions:

A.     Customary Home Occupation such as, but not necessarily limited to hairdressing, millinery, dressmaking, bookkeeping and accounting, real estate and insurance sales when carried on by the occupant provided that no more than six hundred (600) square feet of area is used for said purpose, no outdoor activities are carried on in connection with such use, and traffic is no greater than that of a normal residence while having company.

B.     Professional office for occupancy by not more than one (1) physician, dentist, attorney, architect, engineer or similar recognized professional practitioner with not more than one (1) full-time equivalent employee.

Such occupations or uses are intended to provide reasonable flexibility, but a permit shall not be granted if the essential character of a lot or structure within a Residential District, in terms of use or appearance, will be changed significantly, however, a non-illuminated sign, not more than eight (8√) square feet in area, and in keeping with the neighborhood, is permitted.

Sec. 12.3     Swimming Pool

Private swimming pools shall be permitted as an accessory use, subject to the following restrictions:

A.     Private pools shall meet required yard setbacks.

B.     There shall be a distance of not less than six (6) feet between the outside pools wall and any building located on the same lot.

C.     For the protection of the general public, swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height capable of excluding children and small animals, and containing gates of a self-closing or latching type. Gates shall be capable of being securely locked when the pool is not in use.

Sec. 12.4     Model Homes

Model Homes are permitted in the Residential Districts provided:

A.     The home and landscaping is completed as if it were to be occupied,

B.     Is located so as not to create any unsafe conditions, noise, light, traffic, or other nuisance to neighboring residential uses,

C.     Is open only during normal real estate sales hours,

D.     The duration of use not exceed one (1) year, unless approved by the Village Council,

E.     One (1) sign shall be allowed, meeting the specifications as set forth in Article XV.

There shall be no banners, flags, lighting or other devices use to attract attention or set the model apart from other residential structures. No cooking or sleeping shall be permitted in the Model Home.

Sec. 12.5 Mobile Homes

It is the purpose of this Section to establish reasonable requirements for mobile homes to assure that the mobile home, when located upon the particular site, would compare favorably to other housing in such things as aesthetics, insulation, adequacy of plumbing, size of living space, protection from wind storm damage, quality of manufacture, a solid foundation under the same and obscenity of the wheels and chassis.

A mobile home must also comply with the minimum dimensional requirements established in Section 3.13 and 3.14 of this Ordinance. Mobile homes shall be permitted subject to the provisions and requirements hereafter set forth:

- A. Each mobile home shall bear a label required by Sections 3232.362 (c)(2) of the Federal Mobile Home Procedural and Enforcement Regulations,
- B. Each mobile home shall be installed pursuant to the manufacturer's setup instruction and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission,
- C. Within ten (10) days following installation, all towing mechanism shall be removed from each mobile home or concealed or disguised from view. No mobile home shall have any exposed undercarriage or chassis,
- D. Each mobile home shall have footings and a perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
- E. All construction and all plumbing, electrical apparatus and insulation, within and connected to each mobile home, shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as from time to time amended,
- F. All dwellings shall meet or exceed all applicable roof snow load and strength requirements,
- G. Exterior Finish/Light Reflection. Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, provided however, that reflection from such exterior shall not be greater than from siding coated with clean, white gloss exterior enamel.
- H. Each mobile home shall be aesthetically compatible in design and appearance with other residences, particularly with regard to foundation treatment, siding and roofing materials and perimeter walls. Compatible materials such as siding, screen walls, etc. may be added.

Sec. 12.6 Non-Commercial Storage

Non-commercial storage buildings shall not be allowed in the R-1 or R-2 Districts without the presence of a principal use.

**ARTICLE XIII**  
**SPECIAL LAND USE PERMITS: SUPPLEMENTARY USE REGULATIONS**

Sec. 13      Supplemental Regulations

This Article establishes the supplemental regulations for the issuance of Special Land Use Permits. Prior to the issuance of a Special Land Use Permit the Issuing Authority must find that in addition to the standards specified in Article XI, these specific supplemental regulations are also met.

Sec. 13.1      Amusement Arcades

Mechanical amusement arcades may be permitted subject to the following conditions:

- A.      Adequate lighting inside and outside the premises shall be provided for the safety of the patrons and the public;
- B.      All off street parking, loading and public street access requirements shall be provided as required by Article XVI of this Ordinance;
- C.      Bicycle racks shall be provided on site within twenty-five (25) feet of any arcade;
- D.      During periods when the school system is in normal session, excluding holidays and other vacations, no game arcade shall be open for business except between the hours of 10:00 a.m. and 10:00 p.m. on Sundays through Thursdays, and between the hours of 10:00 a.m. and 12 midnight Fridays and Saturdays.

Sec. 13.2      Automotive Service Installations (Includes gas stations as defined in Article II):

Intent: Facilities to serve motor vehicles are of considerable importance within the Village, where the basic mode of transportation is the automobile. It is the intent of this Section to exercise a measure of control over Automotive Service Installations which include providing maintenance and minor repairs or replacement parts to automotive equipment, such as tires, mufflers, tune ups, electrical repairs etc., and Gasoline/Diesel Service Station buildings and their sites, and to establish a basic set of standards which will minimize traffic congestion and safety hazards, including an emergency containment plan for spillage of petroleum products.

- A.      All repairs or servicing shall be conducted only within a completely enclosed Building;
- B.      Parking or storing of any vehicles shall be in accordance with an approved Site Plan;
- C.      Screening or fencing shall be as required by the Issuing Authority;
- D.      Site Development requirements:
  - 1.      The proposed site shall have at least one (1) property line on a major thoroughfare;

2. Building Setback: The Automotive Service Installation and Gasoline/Diesel Service Station building or buildings shall be setback fifty (50) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district;
3. Access Drives: No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare nor more than one (1) driveway approach from any other public street;
  - (a) Driveway approach widths shall not exceed thirty-six (36) feet measured at the property line;
  - (b) Driveways shall be located as far from street intersections as practical but no less than fifty (50) feet;
  - (c) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line;
  - (d) Any two (2) driveways giving access to a single street shall be separated by an island with a minimum dimension of twenty (20) feet;
  - (e) Exterior lighting shall be so arranged that light is deflected away from adjacent properties and shines only on the parcel being developed;
  - (f) Signs are permitted as provided in Article XV;
  - (g) Off-Street Parking as provided in Article XVI.

Sec. 13.3 Bed & Breakfast Establishments

- A. Statement of Intent: It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that:
1. The property is suitable for transient lodging facilities;
  2. Both the use and character of the lot is compatible with others in the same district;
  3. Adjacent and nearby private lands shall not be subject to increased trespass;
  4. The impact of the establishment is no greater than that of a private home with house guests.
- B. The following requirements for Bed and Breakfast Establishments together with any other applicable requirements of this Ordinance shall be complied with:
1. Off-street parking shall be provided in accordance with Article XVI of this Ordinance;
  2. One non-illuminated sign in accord with Section XV;
  3. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times;
  4. The residence shall have at least two (2) exits to the outdoors;
  5. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes;
  6. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room;
  7. Proof of evaluation of the well and septic/sewer system by the health department shall be supplied by owner/occupant when applicable;

8. The Issuing Authority shall require that a floor plan drawn to an architectural scale of not less than one-eighth inch (1/8") = one (1) foot be on file with the fire department;
9. In the event that noise generation may be disturbing to neighbors, or that the location of the establishment is an area where trespass onto adjacent properties is likely to occur, that the Issuing Authority may require that fencing and/or planting be constructed and maintained;
10. Rental of snowmobiles, ATV's or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited;
11. A Special Land Use Permit shall not be granted if the essential character of a lot or structure within the district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the Bed and Breakfast use.

Sec. 13.4 Building Material Dealers

Outdoor display of individual pieces of equipment allowed in areas so designed in the site plan as approved provided the display area has been designed and constructed as part of the overall site improvements. Display areas shall be suitably landscaped. Such landscaping shall include shrubs and trees in sufficient quantity to mitigate any adverse impact of the outdoor display.

Sec. 13.5 Hotels, Motels, Tourist Courts and Resorts

A. it is the purpose of this section to establish reasonable requirements for transient lodging facilities, exclusive of bed and breakfast establishments. It is intended that these regulations will provide for such facilities in the Village that are appropriate in scale and location as to not create undue traffic congestion, noise or other interference with the predominantly rural and residential character of the Village.

B. Qualifying Conditions:

1. Minimum Floor Area: Each guest unit shall contain not less than two hundred fifty (250) square feet of floor area;
2. Maximum Lot coverage: All buildings, including accessory buildings, shall not occupy more than thirty (30) percent of the next area within property lines;
3. Minimum Yard Dimensions: All buildings shall meet all setback requirements;
4. Maximum Building Height: The maximum building height shall be two (2) stories, but not to exceed thirty (30) feet;
5. Site Screening: The site may be enclosed by open structure wood or wire fences along any yard line, but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicles. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent property;
6. Lighting: No lighting shall have a source of illumination or light lenses visible outside the property line of the parcel or lot, and shall in no way impair safe movement of traffic on any street or highway;

7. Accessory Uses: Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker or proprietors' residence shall be permitted provided that these uses are located on the same site as the principle use to which they are accessory. Appropriate permits shall have been obtained from regulating agencies;
8. Well and Sewer Systems: Proof of acceptability of the well and sewage system by the health department shall be supplied by owner when applicable;
9. A floor plan drawn to a scale of not less than 1/8" = 1 inch shall be on file with the appropriate fire department.

Sec. 13.6 Institutional Structures

The Issuing Authority may authorize the construction, maintenance and operation. Such institutional uses are limited to the following:

- A. Religious Institutions: Churches or similar places of worship, convents, parsonages and parish houses and other housing for clergy;
- B. Educational and Social Institutions: Public and private schools, auditoriums and other places of assembly, and centers for social activities;
- C. Public Buildings: Publicly owned and operated buildings and public utility buildings and structures;
- D. Human Care Institutions: Hospitals, sanitariums, nursing or convalescent homes and homes for the aged;
- E. Animal Care Institutions: Veterinarian offices, laboratories and boarding facilities for large and small animals;

Such institutions shall meet the following requirements:

1. Be designed to be compatible and appropriate in scale and character with existing or planned surrounding developments;
2. Have entrance and exit drives directly onto a village, county, state or federal highway or street;
3. Lighting: No lighting shall have a source of illumination or light lenses visible outside the property line of the parcel or lot, and shall in no way impair safe movement of traffic on any street or highway;
4. Structures of other than residential scale shall observe a one hundred (100) foot setback from residential uses.

Sec. 13.7 Marinas and Canoe Liveries

- A. All sites shall be located on a major thoroughfare and all ingress and egress to the site shall be from said thoroughfare;
- B. All points of entrance or exit for motor vehicles shall be located no closer than one hundred fifty (150) feet from the intersection of any two (2) streets or highways;

C. Whenever any use permitted herein abuts property within any Residential District, a buffer strip shall be provided between all operations and structures, and the residential property. Plant materials, grass and structural screens or fences of an approved type shall be placed within said transition strip.

Sec. 13.8 New and Used Auto, MC, RV and Boat Dealers

A. Outdoor display of individual pieces of equipment may be allowed in areas so designed in the site plan as approved provided the display area is designed and constructed as part of the overall site improvements. Display areas shall be suitably landscaped; the landscaping shall include shrubs and trees in sufficient quantity to mitigate any adverse impact of the outdoor display;

B. Servicing and repairs shall be conducted only within a totally enclosed building.

Sec.13.9 Sexually Oriented Businesses (SOBS)

A. Preamble:

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them; and, have serious objectionable characteristics, particularly when they are located in close proximity to each other.

It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral regulations which address the adverse secondary effects of sexually oriented businesses.

The Village recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities within the Village.

B. Intent and Purpose:

It is the purpose of this Ordinance to regulate sexually oriented businesses and related activities to promote and ensure the health, safety, and general welfare of the citizens of the Village and to establish reasonable and uniform regulations to prevent the deleterious effects of sexually oriented businesses within the Village. The provisions of this Ordinance do not have the purpose of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent of this Ordinance to condone or legitimize the distribution of obscene materials.

C. Definitions

As used in this Article, the following terms shall have the indicated meanings:

1. ADULT BOOK OR VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, films, computer software or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein.
2. ADULT ENTERTAINMENT ESTABLISHMENT: A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances presented for the enjoyment of the audience which has paid or promised to pay an admission fee and which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
3. ADULT MINI-THEATER: A commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown which are characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas”.
4. ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” as defined herein.
5. ADULT NOVELTY BUSINESS: A business that has a substantial or significant portion of its activity in the sale of devices which stimulate human genitals or devices designed for sexual stimulation.
6. NUDITY or STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if complete and opaquely covered.
7. PERMIT: A special Land Use Permit for the operation of a sexually oriented business and issued pursuant to the provisions of this Ordinance.
8. PERMITTEE: A person in whose name a permit to operate a sexually oriented business has been issued as well as the individual listed as an applicant on the application for a permit.
9. PERSON: An Individual, proprietorship, partnership, limited liability company, corporation, association, or other legal entity.

10. SEXUALLY ORIENTED BUSINESS: An adult book or video store, adult motion picture theater, adult mini-theater, adult novelty business or adult entertainment establishment.

11. SPECIFIED ANATOMICAL AREAS Include:

(a) Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;

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

12. SPECIFIED SEXUAL ACTIVITIES Include:

(a) Acts of human masturbation, sexual intercourse, or sodomy;

(b) Fondling or other erotic touching of human genitals, public regions, buttocks or female breasts;

(c) Human genitals in a state of sexual stimulation or arousal.

13. SUBSTANTIAL OR SIGNIFICANT PORTION: A business will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:

(a) Thirty-five percent (35%) or more of the stock, materials, or services provided describes or relates to specified sexual activities, specified anatomical areas, or both.

(b) Thirty-five percent (35%) or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both.

(c) The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

14. TRANSFER OF OWNERSHIP OR CONTROL: of a sexually oriented business means and includes any of the following:

(a) The sale, lease, or sublease of the business;

(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means;

(c) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

D. Permit Required:

1. It shall be unlawful for a person to operate a sexually oriented business without a valid permit issued by the Issuing Authority, being the Honor Village Council.

2. An application for a permit must be made on a form provided by the Village of Honor. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

3. An application for a permit shall be made and delivered to the Zoning Administrator by the intended operator of the establishment. The intended operator shall be required to give the following information on the application form:

(a) The name and street address (and mailing address, if different) and driver's license number of the intended operator if he/she has such a driver's license.

(b) The name and street address (and mailing address if different) of the owner(s) if different.

(c) The name under which the establishment is to be operated and a general description of the services to be provided.

(d) The telephone number of the establishment or, if unavailable, the operator's.

(e) The address, tax parcel number and legal description, of the tract of land on which the establishment is to be located.

4. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit from the Village.

5. The application shall be accompanied by the following:

(a) Payment of the application fee in full;

(b) Proof of current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed, land contract, or other instrument of conveyance;

(c) If the persons identified as the fee owner(s) of the tract of land in Item 2 above, are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the ownership or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the purpose of the operation of the establishment.

6. The application shall contain a statement under oath that:

(a) The applicant has personal knowledge of the information contained in the application and the information contained therein and furnished therewith is true and correct; and

(b) The applicant has read the provisions of this article.

E. Issuance of Permit:

1. The Issuing Authority shall approve the issuance of a permit to an applicant within sixty (60) days after receipt of an application unless one or more of the following is found to be true:

(a) An applicant is under eighteen (18) years of age;

(b) An applicant is overdue in his payment of fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business;

(c) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form;

(d) An applicant has been denied a permit by the Village to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;

(e) The premise to be used for the sexually oriented business has not been approved by the health department for the use intended, if applicable;

(f) The permit fee, as established by the Honor Village Council, as not been paid;

(g) An applicant has been convicted of any of the following criminal offenses in any jurisdiction:

- Prostitution, procuring a prostitute, or solicitation of a prostitute;
- Sale, distribution or display of obscene material;

- Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
- Possession, sale or distribution of child pornography;
- Public lewdness;
- Indecent exposure;
- Indecent conduct with a child;
- Sexual assault or rape, incest or sexual solicitation of a child.

(h)The applicant shall certify, as part of the application, that he/she/it has not been convicted of any one or more of the foregoing criminal offenses.

2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

3. The Zoning Administrator, at the direction of the Issuing Authority, may also take all steps necessary to revoke a permit if it is determined that a permittee gave false or misleading information in the material submitted during the application process.

F. Inspection:

An applicant or permittee shall allow the Village Zoning Administrator or representatives of the County Code Enforcement Office to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.

G. Action to Revoke Permit:

The Zoning Administrator shall take enforcement action, including the commencement of suit seeking revocation of a permit, if any of the following occurs:

1. A permittee gave false or materially misleading information in the application process;
2. A permittee has been convicted of using and/or allowing the use of controlled substances within the establishment;
3. A permittee has been convicted of prostitution or other activity fostering, promoting or otherwise facilitating prostitution, within the establishment or elsewhere;
4. A permittee or employee of the sexually oriented business has been convicted of any crime of a sexual nature or involving sexual conduct or the solicitation thereof within the establishment or elsewhere;
5. A permittee has been convicted of knowingly allowing a person under eighteen (18) years of age to enter the establishment;

6. There has been a transfer of ownership or control of an establishment without the prior consent of the Zoning Administrator, as required herein.

H. Transfer of Permit:

A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application. The permittee must complete the application.

I. Location Restrictions:

1. A sexually oriented business may not be operated within seven hundred fifty (750) feet of:

- (a) A church, synagogue or regular place of religious worship;
- (b) A public or private school;
- (c) Another sexually oriented business,
- (d) A licensed day care center.

2. A sexually oriented business may not be operated within three hundred (300) feet of:

- (a) A boundary of any residential zoned district or any residential structure;
- (b) A public park.

3. A sexually oriented business may not be operated in the same building, structure, or portion thereof containing another sexually oriented business.

4. For the purpose of this Article, measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day-care center.

5. For purposes of Subsection D of this section, the distance between any two sexually oriented business uses shall be made from the closest exterior wall of the structure in which each business is located.

6. A sexually oriented business may only be operated in a commercial (C-2) zoning district as designated in the Village Zoning Ordinance.

J. Regulations Pertaining to Adult Entertainment Establishments:

1. A person who operates or causes to be operated an adult entertainment establishment which presents live entertainment for the enjoyment of an audience which has paid or promised to pay an admission fee and which depicts specified sexual activities or displays specified anatomical areas, shall comply with the following requirements.

(a) Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures (indicating the type of illumination intensity of each such fixture) and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty (30) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. Unless it is for a new commercial structure to be built, a professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator.

(d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection 5 remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection 1 of this section.

(g) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.

(h) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(i) The premises shall meet all barrier free requirements and building code requirements imposed by the County Building and Inspections Department.

(j) Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.

(k) When live performers are involved in the sexually oriented business, privacy dressing rooms are to be provided, and an aisle between the performance area and the dressing room shall be kept clear and unobstructed so the performers can pass through without contact with patrons.

(l) Parking layouts shall not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

(m) All off street parking areas shall be sufficient for all vehicles patronizing the establishment, shall be illuminated during all hours of operation with down shining lighting, and shall be open to view from the adjacent street.

(n) Grounds maintenance shall include routine clearing of rubbish and trash from the grounds, and hauling away of same at least once-per-week.

(o) No person shall reside in or permit any person to reside in the premises of an adult oriented business.

(p) All performers shall be salaried by the operators/owners of the sexually oriented business.

(q) No person shall become the lessee or sub-lessee of any property for the purpose of using said property for a sexually oriented business without the express written permission of the owner of the property.

(r) The maximum number of persons, including, patrons, performers and operators, allowed in a structure at any one time shall be as established by the current Building Officials and Code Administration, Inc. (BOCA) Code, however, the number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed one person for each fifteen

(s) square feet of public net floor space, exclusive of restrooms, dance floor, administrative areas, hallways, etc.

K. Exterior Portions of Sexually Oriented Business:

1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
2. It shall be unlawful for the owner or operator for a sexually oriented business to allow the exterior portion of the sexually oriented business to have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner, and may contain only the name of the enterprise.
3. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only the name of the enterprise.

L. Persons Younger Than Eighteen Prohibited From Entry, Attendant Required:

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
2. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business's regular business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
  - (a) A valid operator's, commercial operator's, or chauffeur's license; or
  - (b) A valid personal identification certificate reflecting that such person is eighteen (18) years of age or older.

M. Exemption:

It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of Michigan, a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

N. Notices:

1. Any notice required or permitted to be given by the Village or other agency under this Ordinance to any applicant, operator or owner of an establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application that has been received by the Village, or any notice of address change that has been received by the Village. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Village shall cause it or a replica thereof to be posted at the principal entrance to the establishment.
2. Any notice required or permitted to be given to the Village by any person under this Ordinance shall not be deemed given until and unless it is received in the principal office of the Village.
3. It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Village, in writing, of any change of residence or mailing address.

O. Non-Conforming Uses:

Any business lawfully operating on the effective date of this Ordinance that is in violation of the location or structural configuration requirements of this Ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. If two or more sexually oriented businesses are within seven hundred fifty (750) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business (es) is non-conforming.

A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a church, synagogue, or regular place of religious worship, or public or private school, within seven hundred fifty (750) feet, or the location of a boundary of any residential zoned district or any residential structure, a licensed day care center or a public park, within five hundred (500) feet. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

P. Injunction:

A person who operates or causes to be operated a sexually oriented business without a valid permit or otherwise violates this Ordinance shall be subject to a suit for injunctive relief and/or revocation of the sexually oriented business permit, as well as fines or other penalties as provided by this Zoning Ordinance.

Q. Variations and Limitation of Reapplication:

Relief from any requirement of this Ordinance may be granted by the Village Council or Appeal Board. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

No application for a waiver of a spacing requirement or other Village Council or Appeal Board approval for a Regulated Use which has been denied wholly or in part, or granted with conditions shall be resubmitted for a period of one (1) year from the date of said order, except on the grounds of new evidence not previously available or proof of changed conditions.

R. Expansion and Discontinuance:

1. Once established, a sexually oriented business may not be expanded in any manner without first applying for and receiving the approval of the Issuing Authority.
2. If the regulated use is voluntarily discontinued, the use may not be re-established without first applying for and receiving the approval of the Issuing Authority.
3. Nothing herein shall prevent the reconstruction, repairing, or rebuilding and continued use of any building or structure under the regulation of this Ordinance, which is damaged by fire, collapse, explosion, or any other involuntary cause.

Sec. 13.10 Shopping Centers:

A. The owner or owners of a tract of land which comprises five (5) acres or more may request site plan approval for a Planned Shopping Center. Such request shall also be accompanied by the following evidence and supporting data, without which an application shall not be accepted.

1. A market analysis by a recognized, reputable market analyst setting forth conclusively economic justifications and needs for the establishment of a center of the type and size proposed by the applicant;
2. A traffic survey prepared by qualified experts indicating the effects of the proposed shopping center on adjacent streets and also indicating the anticipated points of origin, direction, and amount of traffic flow to and from the proposed center;
3. A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space;
4. A statement of financial responsibility to ensure construction of the Planned Shopping Center in accordance with the site plan and the requirement of this Section.

B. Site Development Requirements: All permitted activities shall be conducted entirely within wholly enclosed permeant building(s), except of noted in the following:

1. The parking of customer' and employee's automobiles;
2. The loading and unloading of commercial vehicles which must take place directly into or out of a building;

3. Temporary exhibitions and special quasi-civic events, provided they are conducted in spaces designated for such possible purposes on the final plans submitted with the application for a building permit, and provided further that they may not be operated for a profit;

4. Recreational facilities, incidental to the center's principal operations, normally conducted out-of-doors, provided there may be no admission charge;

5. Gasoline service stations, provided that they conform to the site development requirements of Sec.13.4;

6. Outdoor eating or other supplemental sales areas provided they are approved by the Issuing Authority.

C. Parking areas and circulation: All automobile parking areas and interior circulation for motor vehicles shall be designed in accordance with the following requirements:

1. Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area;

2. Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent;

3. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up of traffic into any external street under conditions of anticipated maximum center-destined traffic;

4. All areas accessible to vehicles or pedestrians shall be illuminated.

D. Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare, and all access points to an external street or streets shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center.

E. Surface improvements: All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable, and dustless surface and shall be so graded and provided with adequate drainage facilities that all collected surface water is properly handled.

F. Structure Location: No structure with the exception of permitted signs, fences, walls and light standards, shall be located closer to any property line of the center than a distance equal to twice its height.

G. All signs within the center shall conform to the provisions of Article XV.

H. Lighting: All outdoor lighting shall be accomplished in such a manner that no illumination sources are visible outside the shopping center property lines,

I. Transition Strips: All planned shopping centers when located adjacent to a residential district, shall be buffered with a vegetative strip.

Sec. 13.11 Light Manufacturing, Warehousing, Commercial Storage:

A. Enclosed buildings: Activities shall be carried on in completely enclosed building(s). Storage may be permitted out-of-doors, provided that within one hundred (100) feet of any residential use, all storage shall be in completely enclosed buildings. All outdoor storage shall

be effectively screened by a solid uniformly finished wall or fence with solid entrance and exit gates, such fence or wall shall be at least six (6) feet in height. Such storage shall not be deemed to include the parking of licensed motor vehicles under one (1) ton rated capacity.

B. Noise emanating from a use shall not exceed the level of ordinary conversation at the boundaries of the lot. Noise may equal but shall not exceed average street traffic noise.

C. Uses in this district shall conform to the following standards:

- (a) Emit no obnoxious, toxic, or corrosive fumes or gases which are harmful to the public health, safety or general welfare, except for those produced by internal combustion engines under designed operating conditions;
- (b) Emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel;
- (c) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing;
- (d) Produce no heat or glare humanly perceptible at or beyond the lot boundaries;
- (e) Discharge no radioactive materials that exceed quantities established by the U.S. Board of Standards;
- (f) Does not include in the manufacturing process any production or storage of any material designed for use as an explosive, nor in the use of any such material in production

**ARTICLE XIV**  
**PLANNED UNIT DEVELOPMENT**

Sec. 14.1     Intent

It is the purpose of this section to permit the Village flexibility in the regulation of land development and to encourage innovation and variety in land use and design of projects sufficient size to be considered self-contained to the extent the project is physically and visually separated from other land uses in the immediate vicinity, is not an integral part of other already developed or committed land uses, if directly accessible from a public road and will not have any unreasonable adverse economic, social, or environmental impact on surrounding land uses. PUDs may not be located anywhere in the Village except in the R-2 Zoning District upon the issuance of a planned unit development permit. The following objectives shall be considered in reviewing any application for a PUD Permit:

- A.     To permit flexibility in the regulation of land development;
- B.     To encourage innovation in land use and variety in design, layout and type of structures;
- C.     To achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities;
- D.     To encourage useful open space; to provide housing, employment and shopping opportunities particularly suited to the needs of the Village;
- E.     To encourage the innovative reuse and improvement of existing sites and buildings.

Sec. 14.2     Dimensional and Use Regulations

In acting upon the application, the Issuing Authority may alter and establish lot size limits, required facilities, buffers, open space areas, density limits, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, miscellaneous regulations and density and intensity limits where such regulations or changes are consistent with the intent of this article and the standards set forth herein.

The Issuing Authority may also authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this Ordinance and the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the Permit.

Sec. 14.3     Eligibility

A PUD is intended to accommodate developments:

- A.     With mixed or varied uses;
- B.     Sites with unusual topography or unique setting within the community; or
- C.     On land which exhibits difficult and costly development problems.

Approval will not be granted when the PUD is sought primarily to avoid the imposition of standards and requirement of existing zoning classifications, rather than to achieve the objectives of this Ordinance. Additionally, no PUD shall be approved unless it is demonstrated that the land use and development meets the following standards:

- A.     The benefits of the development are not achievable under any single zoning classification;

- B. The site shall be self-contained;
- C. The use and development is warranted by the provision of additional amenities which would not otherwise be provided in a conventional development;
- D. The development consolidates and maximizes usable open space;
- E. Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment;
- F. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation to and within the development shall be provided;
- G. Existing important natural, historical and architectural features within the development shall be preserved.

Sec. 14.4 Planned Unit Development Applications

- A. All land for which application is made must be owned or under control of the applicant and the parcel must be capable of being planned and developed as one integral land use unit. Non-contiguous parcels may be considered. The application must be signed by all applicants.
- B. The applicant shall also provide the following information:
  1. A plan identifying the location and type of vegetation;
  2. Developer intent and objectives (physical, social and environmental);
  3. A description of all exterior building materials;
  4. Population profile for the development;
  5. Proposed financing;
  6. Impact of development on local streets, natural environmental features;
  7. Market and economic feasibility;
  8. Such other information pertinent to the development or use;
  9. Proposed phases of the development.

Failure of the applicant to provide such requested information in a timely manner may be grounds for denial of the application.

Sec. 14.5 PUD Procedure

- A. A PUD application shall be submitted to the Zoning Administrator for review and recommendation.
- B. After review, the Zoning Administrator shall submit a written recommendation to the Issuing Authority. A public hearing shall be held by the Issuing Authority for each PUD request properly filed under the terms of this Ordinance. Due notice of the public hearing shall be given.

The notice shall do all of the following:

1. Describe the nature of the request;
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses with the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
3. State when and where the request will be considered;

4. Indicate when and where written comments will be received concerning the request;
  5. Indicate where and when plans can be reviewed prior to the meeting.
- C. The issuing Authority may deny, approve, or approve with conditions a request for a PUD. The decision on a PUD under consideration shall be incorporated in a statement containing the conclusions which specified the basis for the decision and any condition imposed.
- D. PUD Decision: If the Issuing Authority determines that the application is consistent with the intent and qualifying conditions of this Article, it shall enter an order authorizing development and use in accordance with the application and material submitted, modified as the Issuing Authority may consider necessary to carry out the purpose of this Ordinance and to protect the public health, safety and welfare. The order shall recite the finding of fact and the reasons upon which it is based.
- E. Conditions Imposed on a PUD Approval shall meet the following requirements:
1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being, of this who will use the land use of activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
  2. Be related to the valid exercise of the police power and purposed which are affected by the proposed use or activity;
  3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the Zoning Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- F. PUD Effect: After approval of a PUD, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the PUD.
- G. Phased PUD's: PUDs may be constructed in phases provided the first phase must stand on its own without the construction of subsequent phases.
- H. Amendment: An order approving a PUD may be amended according to the provisions of Section 11.8.
- I. Cancellation: THE PUD Order shall expire one (1) year from the date of final approval if the applicant has not commenced actual construction. The Issuing Authority shall have the right to extend an order for one (1) additional year. An order may be canceled by written agreement executed by the owner of the land to which it pertains. The PUD order may be rescinded at any time by the issuing Authority for violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupants of the PUD area and after a hearing on the violation. Upon cancellation, the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.
- I. Ordinance Amendment: A PUD approval shall not be considered on Ordinance amendment.

Sec. 14.6 Conservation Easements: All PUDs with designated open space; historical, unique, or significant habitats, and public outdoor recreational areas shall have a mechanism approved by the Issuing Authority to ensure that the resource or use is preserved in perpetuity, such as a conservation easement or deed restriction.

- A. Deed restrictions shall be filed with the County Register of Deeds, shall run with the land, and shall be enforceable by both the property owners(s) and the Village;
- B. Conservation easements shall be conveyed to an approved agency or organization and shall be enforced by the holder for public benefit. The conservation easement shall state the permitted and restricted activities to be approved in perpetuity by the easement holder and shall contain the following information:
  - 1. A completed conservation easement agreement that is signed by the easement grantor and holder;
  - 2. An appraisal, signed and notarized by a licensed appraiser, that identifies each restrictive and permissive regulation of the easement and the effect the regulation will have on the value of the property in relation to the property's value prior to the granting of an easement;

A copy of the site plan, as required within this section, that shows the location, extent and type of areas included in the conservation easement.

**ARTICLE XV**  
**SIGNS**

Sec. 15.1     Purpose

The purpose of this Article is to regulate commercial and noncommercial outdoor signs in a manner which:

- A.     Recognizes the mass communications needs of both businesses and other parties;
- B.     Protects property values and neighborhood character;
- C.     Creates a more attractive business climate; promotes pedestrian and traffic safety by reducing sign distractions, obstructions and other hazards;
- D.     Promotes pleasing community environmental aesthetics.

Compliance with this Ordinance does not relieve the applicant of the responsibility for compliance with other county, state or federal sign regulations nor does the issuance of a land use permit grant permission to the applicant to place signs on any property, including road rights-of-way other than property owned or otherwise legally under the control of the applicant. The issuance of a land use permit only assures the applicant that the sign meets the requirements of the Village of Honor Zoning Ordinance.

Sec. 15.2     Permit Required

Except as otherwise provided in Section 15.3 and 15.4, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered unless a Land Use Permit has been issued in accordance with the provisions of this Ordinance. Mere repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.

- A.     One (1) sign not exceeding eight (8) square feet in sign face area that is customarily associated with residential use and that is not of a commercial nature, such as signs giving property identification, names or numbers of names of occupants, signs such as 4-H Clubs group memberships;
- B.     Signs posted on private property relating to private parking or warning the public against trespassing or danger from animals;
- C.     Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification, and informational signs, including historical markers, traffic, direction, and regulatory signs;
- D.     Office signs of a non-commercial nature erected by public utilities;
- E.     Flags, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising service;
- F.     Integral decorative or architectural features of a building or work of art, so long as such features or works do not contain letters, trademarks, moving parts or lights;
- G.     Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter;
- H.     Information signs not exceeding one (1) square foot in sign face;
- I.     A total of two (2) banners, one (1) banner and one (1) commercial advertising flag, or two (2) commercial advertising flags, each such banner or commercial advertising flag

not to exceed twenty-four (24) square feet in sign face, used to attract attention to a community activity or event;

- J. Street name signs, located in accord with Road Commission standards at street intersections, not to exceed one (1) square foot in sign face.

#### Sec. 15.4 Temporary Signs: Permit Exemptions

The following temporary signs, related to temporary land uses, are permitted without a land use permit. However, such signs shall conform to the requirements set forth herein as well as all other applicable requirements of this Article.

- A. Real Estate Signs: Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent; not more than one such sign shall be erected per site, shall not exceed six (6) square feet in sign face area, and shall be removed within ten (10) days after sale, lease or rental:
- B. Construction Site Identification Signs: Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including but not limited to, sale or leasing information; not more than one such sign, not exceeding 4 feet by 8 feet in sign face area, shall be erected per site; in the place of the one large sign up to four (4) individual smaller signs may be erected on the site, upon the condition that each such smaller sign shall not exceed four (4) square feet in sign face area
- C. Political Signs; Signs erected in connection with elections or political campaigns:
  - 1. Such signs shall be removed within three (3) days following the election or conclusion of the campaign;
  - 2. No such sign shall exceed four (4) square feet in sign face area.
- D. Special Temporary Event Signs: One sign not exceeding twenty-four (24) square feet in sign face indicating a special temporary event such as carnival, circus, festival or similar event placed on the lot where the activity is to take place. Such signs shall not be set in place sooner than two (2) weeks before the event and must be removed not later than three (3) days after the event.
- E. Seasonal Commodity Signs:
  - 1. Seasonal commodity signs shall not have a total sign face greater than thirty-two (32) square feet;
  - 2. Such signs shall not be set in place until one (1) week before the beginning of the harvest season.
- F. Yard Sale Signs or Other Similar Temporary Activity Signs not covered in the foregoing categories, as long as such signs meet the following restrictions:
  - 1. Not more than one (1) sign may be located on any lot;
  - 2. No such sign may exceed four (4) square feet in surface area;
  - 3. Such signs shall be erected not more than three (3) days prior to the event and shall be removed immediately following the event.

Other temporary signs, not listed in subsections A through F, shall be regarded and treated in all respects as permanent signs.

#### Sec. 15.5 Determining the Number of Signs

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

A two-sided or multi-sided sign shall be regarded as one (1) so long as:

- A. With respect to a V-type sign, the two (2) sides are at no point separated by a distance that exceeds five (5) feet;
- B. With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.

**Sec. 15.6**      Computation of Sign Area:

If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.

**Sec. 15.7**      Signage Size Limits

- A. In addition to the sign-face limits stated above, the following limits also apply:
  - 1. Commercial: Single Business – One pole or ground sign not to exceed forty (40) square feet of single sign face, plus one hundred (100) square feet of wall sign including marquee and projecting, and two (2) three (3) square foot directional signs;
  - 2. Commercial: Multiple Business – One pole or ground sign not to exceed forty (40) square feet of single sign face, plus one hundred (100) square feet of single sign face, plus one hundred (100) square feet of wall sign including marquee and projecting, and two, three (3) square-foot directional signs;
  - 3. Institutional: One pole or ground sign not to exceed thirty-two (32) square feet of single sign face, plus twenty (20) square feet of wall sign including marquee and projecting, and two, three (3) square-foot directional signs;
  - 4. Agriculture: One pole or ground sign, not to exceed twenty (20) square feet of single sign face, plus one hundred (100) square feet of all signage including marquee and projecting and two, three (3) square-foot directional signs;
  - 5. Lots in excess of one hundred (100) feet in width shall be allowed two-tenths (0.2) of one (1) square foot of additional sign face for each one (1) foot of lot width in excess of one hundred (100) feet to a maximum of three hundred (300) feet of total width, for a maximum of eight (80) square feet of sign face.

Should there be reasonable doubt as to whether a commercial development is a single lot multiple business or a business center, only the standards for one (1) development classification may be applied to any single development.

**Sec. 15.8**      Gasoline Service Stations

Automobile gasoline service stations, including any business selling gasoline, in addition to the principal signs may attach two (2) other signs, not exceeding fifteen (15) square feet in display area, per side, to the column(s) of the pylon sign, advertising the price of gasoline.

Directional signs or lettering displayed over individual entrances or service bays, shall be permitted, provided they consist only of the words “washing, ‘lubrication”, “repairs” or “mechanic on duty” or similar words directly relating to motor-vehicle services offered on the premises. Not more than one (1) such sign, per bay, shall be permitted and each sign shall not exceed four (4) square feet in total display area.

Sec. 15.9 Off Premise Highway Signs

Off Premise Highway Advertising are those signs and sign structures which are defined and regulated by the Michigan Department of Transportation pursuant to the Highway Advertising Act of 1972, Public Act 106 of 1972, as amended. An off-premise highway advertising sign is also defined as one which advertises a business, product or profession which is not located on the premises of the sign and are prohibited in the Village.

Sec. 15.10 Prohibited Signs

The following signs shall not be allowed in any District:

1. Signs that are not consistent with the standards of this Ordinance;
2. Signs which are not clean or in good repair;
3. Signs that are not securely affixed to a substantial structure;
4. Signs that resemble any official traffic sign or appear to attempt to direct the movement of traffic, or are located where they interfere with motorists’ view of intersections or driveways;
5. Revolving, moving, or flashings signs, pennants, banners, streamers, and airborne devices;
6. Signs other than utility company signs attached to utility poles;
7. Portable signs;
8. Off-premises highway advertising signs.

Sec. 15.11 Sign Setbacks and Height Requirements

A. Setbacks: Except in the C-1 District, for the purpose of establishing sign setback requirements from an abutting roadway, the below listed type of sign shall be setback from the traveled surface of the roadway as follows:

	<u>Sign</u>	
Construction Site		32 feet
Entrance Way		27 feet
Free Standing		32 feet
Historical Marker		32 feet
Home Occupation		32 feet
Identification		32 feet
Informational		42 feet
Real Estate		22 feet
Seasonal Commodity		22 feet

B. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall *not* apply to

displays, including lighting, erected in connection with the observation of holidays *on the roofs of residential structures*.

C. No wall sign attached to a building may project more than twelve (12) inches from the building wall.

D. Regarding ground and pole signs, whenever possible, a ground sign shall be used, not to exceed eight (8) feet in height, however, when for safety reasons a line of sight below the sign is needed, a pole sign, not to exceed twenty (20) feet may be permitted.

Sec. 15.12 Sign Illumination

A. Unless otherwise prohibited by this Ordinance signs may be illuminated if such illumination is in accordance with this section.

B. No sign within one-hundred and fifty (150) feet of a residential zone may be illuminated between hours of midnight and 6 a.m.

C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

D. Except as herein provided, illuminated signs are permissible in the residential zoning districts.

E. Subject to Subsection G, illuminated tubing strings of lights that outline property lines, as areas, roof lines, doors, windows, or similar areas are prohibited.

F. Subject to Subsection G, no sign may contain or be illuminated by flashing or intermittent lights of changing degrees of intensity except signs indicating the time, date or weather conditions and except highway gas stations price signs which may have LED illumination and may change information ONLY as the price of fuel changes.

G. Subsections E and F do not apply to temporary signs erected in connection with the observance of holidays.

Sec. 15.13 Non-Conforming Signs

A. Subject to the remaining restrictions of the Section, non-conforming signs that were otherwise lawful on the effective date of this Ordinance may be continued.

B. No person may engage in any activity that causes increase in the extent of non-conformity of a non-conforming sign. Without limiting the generality of the foregoing, the non-conforming sign may **not** be enlarged or altered in such a manner as to increase the non-conforming condition. Illumination may not be added to any non-conforming sign.

C. A non-conforming sign may not be moved except to bring the sign into complete conformity with the Ordinance.

D. If a non-conforming sign is destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance.

E. The message of a non-conforming sign may be changed so long as this does not create any new non-conformities (for example: by creating an off-premises sign).

F. Subject to the other provisions of this section, non-conforming signs may be repaired and renovated.

G. If a non-conforming sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty

(30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

H. If a non-conforming sign remains blank for a continuous period of one hundred eighty (180) days, that sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment be altered to comply with this article *or be removed* by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this section, a sign is “blank” if:

1. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or being offered or conducted;
2. The advertising message it displays becomes illegible in whole or substantial part;
3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign, has been removed.

**ARTICLE XVI**  
**PARKING AND LOADING REGULATIONS**

Sec. 16.1     Requirements

There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use as specific in this Article is based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day:

A.     Required off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve.

B.     Location of off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

C.     Joint use of off-street parking areas may be provided collectively by two (2) or more buildings or uses, provided the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately.

In the instance of dual function of off-street parking space where operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Village Council may grant an exception.

D.     Fractional Spaces: When units of measurement determine the number of required parking spaces result in fractional spaces, (1) parking space shall be required.

E.     In cases of uses not specifically mentioned, the requirements of off-street parking spaces shall be in accord with the use which the Zoning Administrator considers is similar in type.

F.     Use of off-street parking areas shall prohibit commercial repair work, storage of merchandise, or servicing or selling of motor vehicles.

Sec. 16.2     Parking Space Requirements

Barber, Beauty Salons	One per chair plus one per employee
Business Offices	One per 200 sq. ft.
Churches, Synagogues, etc.	One per three (3) seats
Clinic, Doctor or Dentist Offices	Four per Doctor/ Physician Assistant/Nurse Practitioner and one per employee
Commercial Storage Units	One per unit

Convalescent Homes	Four times occupancy
Furniture, Appliance, Hardware Showrooms and Repair Shops	One per 800 sq. ft.
Gasoline Service Station	One per bay, plus one per employee. If a convenience store is included 1 per 100 sq. ft. of store building
Hotels, Motels, Bed and Breakfasts	1 per unit, plus 1 space per employee (at the highest shift)
Laundromat	One per two machines
Residential (including single and two family dwellings, apartments, townhouses and mobile homes)	Two per dwelling unit.
Restaurants, Bars, Banks	One per 100 sq. ft.
Shopping Centers	One per 100 sq. ft.
Village Center and Mixed Use	One per dwelling unit, one per employee (at highest shift), one per 800 sq. ft. working space
Warehouse: 1 space per employee	

Sec. 16.3 Parking Site Requirements

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

A. No parking lot shall be constructed until a permit therefore is issued by the Zoning Administrator.

B. Before such permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing the location, capacity, size, site, design, surfacing, marking, lighting, drainage curb cuts, entrances, exits and any other detailed features essential to the design and construction of the proposed parking facility.

1. Plans for the layout of off-street parking facilities shall be in accord with the following requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
1 to 29 (Parallel Parking)	12 Ft.	8 Ft.	23 Ft.
30 to 53	12 Ft.	8 Ft. 6 Inches	20 Ft.
54 to 74	15 Ft.	8 Ft.	20 Ft.

		6 Inches	
75 and Up	20 Ft.	9 Ft.	20 Ft.

2. All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

3. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot laying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

4. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.

5. All off-street parking areas abutting residential districts shall be provided with an obscuring fence no less than four feet (4') in height. Such fences shall be constructed of materials approved by the permit issuing authority and shall be durable, weather resistant and easily maintained.

6. Except for single-family and two-family residential lots, all parking areas, including parking spaces, maneuvering lanes and access drives shall be provided with a durable, smooth and dustless surface, and shall be graded and drained to dispose of all collected surface water.

7. Except for single-family residential lots, all parking areas with a capacity of four (4) or more vehicles shall provide adequate lighting throughout the hours where the parking area is in operation. All lighting shall be installed as to be down shining, confined and directed into the parking area only.

8. A no-building buffer strip not less than ten (10) feet wide shall be required on the perimeter of all parking lots. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

Sec. 16.4 Loading and Unloading Requirements

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated public streets. Such space shall be provided as follows:

A. Loading space required under this Section shall be provided as areas additional to the off-street parking space required in Section 16.3 of this Article and shall not be considered as supplying off-street parking space.

B. There shall be provided adequate space for standing and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.

**ARTICLE XVII**  
**NON-CONFORMING USES AND STRUCTURES**

Sec. 17.1     Intent

While it is the intent of this Ordinance to prevent the establishment of new non-conforming situations within the Village, reality dictates that compatible non-conforming uses and structures which were lawfully established prior to the adoption of this Ordinance, that do not and are likely not to significantly depress the value of nearby property and which do not pose a threat to public health, safety and welfare of the Village, be allowed to continue under the following conditions:

Sec. 17.2     Limitations On Expanding Non-Conforming Situations

Any dimensional non-conforming structure or structure devoted to a non-conforming use may be expanded vertically, provided the addition does not extend outside the existing footprint of the structure, and all other requirements of this Ordinance are met.

Sec. 17.3     Involuntary Destruction

Any dimensional non-conforming structure or any structure devoted to a non-conforming use which is involuntarily destroyed may be restored or reconstructed, provided the same footprint is used and rebuilding is commenced within one (1) year and completed within the time period the permits are valid.

Sec. 17.4     Voluntary Discontinuance

A.     The owner's intent to no longer continue use of the non-conforming uses shall be established by a preponderance of the following points of evidence:

1.     Utilities have been disconnected;
2.     If there were signs, the signs have been removed or have fallen into disrepair;
3.     Fixtures within and outside the building have been removed;
4.     The property has fallen into disrepair or is considered "blighted";
5.     U.S. Mail delivery has been terminated or mail is forwarded to another address;
6.     The classification of the property for tax purposes has been changed to reflect another use;
7.     Other similar changes to the non-conforming building or use.

B.     Action to determine if a non-conforming use was intended to be discontinued by the Owner may be delayed if any of the following is ongoing:

1.     Property held in Probate;
2.     Insurance settlement in dispute;
3.     Criminal Investigation.

Sec. 17.5     Restriction of Change

Whenever a non-conforming use has been changed to a use which is in greater conformity with the provision of the district in which it is located and has remained as such for one (1) year, such use shall not thereafter be changed back to the former non-conforming use or to a use less in conformity with the provisions of this Ordinance.

Sec. 17.6      Voluntary Demolition

On a Lot of Record, when a dimensional non-conforming structure is voluntarily demolished for purposes of rebuilding another structure on the premises, all setback requirements for the zoning district shall be met, whenever possible, however, if all such setbacks cannot be met, the provisions of Sec. 3.12 may be applied.

**ARTICLE XVIII**  
**ENVIRONMENTAL PROVISIONS**

Sec. 18.1     Intent

It is the intent of these regulations to identify and guard those areas of the Village that are environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the Village are directly linked and related to the natural environment of the area, it is recognized by this Article that to maintain Sensitive Areas in their natural condition for the benefit of mankind, it is necessary to protect such areas from degradation.

Sec. 18.2     Regulation of Environmentally Sensitive Areas

All uses allowable in zoning districts of the Ordinance shall comply with the standards set forth in this section regulating the development of environmentally sensitive areas. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district and shall be considered as a separate portion application.

Sec. 18.3     Environmentally Sensitive Areas

The protection of areas of environmental concern, such as wetlands, high risk erosion, floodplains or steep slope areas, must be considered in conjunction.

- A.     Wetlands are defined by degree of soil wetness, generally including those soils classified by the Goemere-Anderson Wetlands Act (PA 203 of 1979) as being able to support aquatic vegetation regardless of whether it has standing water or not. No activity shall be permitted unless a Wetlands Permit has been obtained by the applicant from the Michigan Department of Environmental Quality (MDEQ).
- B.     Sensitive Riverine Areas are defined as areas on each side of streams that could be subject to flooding or erosions (PA346 of 1972).
- C.     Flood Plain Areas are low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA).
- D.     Steep Slopes exist when the proposed building site has slopes in excess of fifteen percent (15%), questionable soil stability or evidence of erosion, the Zoning Administrator shall require the applicant to obtain a site analysis from a certified professional.

Sec. 18.4     Retaining Wall Permit

No riverbank retaining wall shall be erected without first having obtained a permit from the Michigan Department of Environmental Quality (MDEQ) Bureau of Water and Land Management.

Sec. 18.5     Removal of Vegetative Cover

The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:

- A. The removal of more than forty (40) percent of trees that are six (6) inches or more in diameter, measured four (4) feet above ground, shall not be permitted;
- B. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities and to preserve desirable screening;
- C. All trees intended to remain standing and undamaged shall be clearly marked on the proposed site plan;
- D. In order to protect the trees and the roots of the trees, all structures and roads shall be set back at least ten (10) feet from the trees identified on the site plan to be left standing or undamaged;
- E. Wherever feasible, groups or clumps of trees shall be preserved to encourage survival of the root zone;
- F. Exceptions to the requirement of this subsection are as follows:
  - 1. Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm;
  - 2. Actions made necessary by an emergency such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease or other disaster, in order to prevent injury or damage to persons or property or to restore order;
  - 3. Tree trimming, removal, or transplanting performed by or on behalf of any governmental agencies;
  - 4. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees;
  - 5. Removal or trimming of dead, diseased, or damaged trees where the damage resulted from an accident or nonhuman cause.

Sec. 18.6 Storm Water Retention/Detention

A. When any land in the Village is developed or altered in any way which affects storm water runoff, the owner shall detain such storm water from run-off onto adjacent properties, including roads and other rights-of-way, in such a manner which shall result in the maximum amount of storm water run-off not exceeding that which existed prior to the development or improvement of the property, and in accord with the requirements of the Soil Erosion/Sedimentation Control Act, PA 347 of 1972, as amended.

B. Special attention shall be given to proper site drainage so that run-off of storm water will not adversely affect neighboring properties or the surface water quality of the area lakes and streams. Storm water control mechanisms such as retention/detention basins, vegetative buffers, swales and infiltration trenches, shall be required to ensure that the peak rate of storm water run-off after development does not exceed the rate prior to development (for a storm with a twenty-five (25) year frequency and twenty-four (24) hour duration).

C. All developments shall be designed, constructed and maintained to protect the water quality of the area lakes and streams.

**ARTICLE XIX**  
**WIRELESS COMMUNICATION TOWERS**

Sec. 19.1 Purpose

The purpose of this Article is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the Article are to:

- A. Protect other land uses, especially residential uses, from potential adverse impacts of towers and antennas;
- B. Minimize the total number of towers throughout the community;
- C. Strongly encourage the joint use of new and existing tower sites as a primary option;
- D. Encourage users of towers and antennas to locate them, to the extent possible, to preserve the fragile aesthetics of the tourism based economy of the Village;
- E. Encourage users of towers and antennas to configure them in a way to minimize adverse visual impact through careful design, siting, landscaping and innovative camouflaging techniques;
- F. Enhance the ability of the providers of telecommunication services to provide such services quickly, effectively and efficiently;
- G. Consider the public health and safety of communication towers;
- H. Avoid potential damage to adjacent properties from tower failure.

Sec. 19.2 Definitions

As used in this Ordinance, the following terms shall have the meanings set forth below:

- A. Alternative Tower Structure means man-made trees, clock towers, water towers, bell steeples, light poles a similar alternative – design mounting structures that, camouflage or conceal the presence of antennas or tower.
- B. Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and use in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.
- C. Backhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

D. FAA means the Federal Aviation Administration.

E. FCC means the Federal Communications Commission.

F. Height means, when referring to a tower (or other structure), the distance 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.

G. Pre-existing Towers and Pre-existing Antennas means any tower or antenna for which a permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

H. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The terms includes the structure and any support thereto.

### Sec.19.3 General Requirements

A. Towers and antennas may be considered either a principal or accessory use. Whenever possible:

1. Antennas shall be placed on existing structures;
2. Shall be limited to the lowest possible height which still allows reasonable coverage of an area;
3. Shall be a neutral color and shall not be lighted unless otherwise required by the FAA or FCC.

B. Towers shall comply with engineering standards for structural integrity.

C. Towers shall not be considered "Essential Services" or public or private utilities, but shall instead be regulated by this Article, and Article IX of this Ordinance.

D. Towers shall be permitted in any zoning district except a residential district.

E. No signs or advertising shall be allowed on a tower.

F. Antennas and metal towers shall be grounded for protection against direct strike by lightning.

G. Towers shall be set back from any adjoining lot line a distance of a least equal to the height of the tower.

H. No new tower shall be permitted unless the applicant demonstrates, to a reasonable satisfaction, that no existing tower or structure is available because of engineering requirements of structural strength, height, or electromagnetic interference.

I. Towers shall be enclosed by security fencing not less than six (6) feet in height and be equipped with an anti-climbing devise.

J. Tower facilities shall be landscaped with a buffer strip of plant materials at least ten (10) feet wide and of sufficient height to effectively screen off the compound. If evergreens are utilized that will attain a height of eight (8) feet or more at maturity, they must be at least three (3) feet in height when planted.

#### Sec.19.4      Uses

A. Towers less than fifty (50) feet in height, owned and operated by a federally licensed amateur radio station operator, or used exclusively for receive only antennas are exempt from this Ordinance.

B. Antennas located on public property under lease or license with the Village shall be exempt from a permit under this Ordinance.

C. The Zoning Administrator may issue a Land Use Permit for a tower or antenna, after an administrative review:

1. For an antenna to be attached to an existing structure, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure;
2. For the replacement of a tower by a monopole;
3. For one extension of a tower, not to exceed thirty (30) feet, to facilitate the co-location of an additional antenna.

D. All other tower and antenna applications shall be processed by the Village Council, or Planning Commission, if one exists, following the prescribed procedure for a Special Land Use Permit in accordance with Article XIII.

E. If any application for a tower or antenna is not processed within sixty (60) days from the date the completed application is received, either by approval or denial, the application shall be deemed to be approved.

#### Sec. 19.5      Inventory of Existing Sites

Each applicant for a tower and/or antenna permit shall provide the Zoning Administrator with an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the Village, or within one (1) mile of the Village limits, including specific information about the location, height, design, occupancy and capacity of each tower. The Zoning Administrator may share such information with other applicants, however, the Zoning Administrator is not, by sharing such information, in any way representing that such sites are available or suitable.

#### Sec. 19.6 Buildings and Equipment Storage

The cabinet or storage structure shall contain no more than two hundred (200) square feet of gross floor area, or be more than ten (10) feet in height. Where antennas are co-located on a single tower, the size of the structure may be increased by fifty (50) percent of basic size for each additional antenna.

#### Sec. 19.7 Removal of Abandoned Towers and Antennas

- A. Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed by the owner within ninety days after notice from the Village.
- B. Failure of the owner to remove the abandoned tower or antenna within the said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense.
- C. Any tower or antenna damaged or destroyed may be repaired or rebuilt without having to first obtain administrative approval or a Special Land Use Permit, provided the type, height and location is the same as the original tower or antenna.

**ARTICLE XX**  
**ADMINISTRATION AND POLICIES**

**PART I    ZONING ADMINISTRATION**

Sec. 20.1    The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Village Council and shall serve at its pleasure. He/she shall receive such compensation as the Village Council may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of the Village. He/she shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other office or body.

Sec. 20.2    It shall be the duty of the Zoning Administrator to:

- A.    Be thoroughly versed in the provisions of the Village of Honor Zoning Ordinance;
- B.    Receive applications for land use permits and issue or deny the same;
- C.    Receive and transmit all applications set forth in Article XI of the Ordinance;
- D.    Inspect sites, buildings or structures as necessary to ensure compliance with permits and provisions of the Zoning Ordinance;
- E.    Investigate alleged Ordinance violations;
- F.    Serve appearance tickets as authorized under Section 3 herein; appear in court or other judicial proceedings to assist in the prosecution of ordinance violators
- G.    Undertake such other ordinance enforcing duties as may be delegated by the Village Council;
- H.    Make recommendations to the Village Council regarding zoning changes which would improve the content and enforcement of the Zoning Ordinance;
- I.    Act as staff to the Village Planning Commission;
- J.    Submit reports to the Village Council as necessary and report in person to Village Council meetings upon request.

Sec. 20.3    Appearance Tickets: The Zoning Administrator is hereby authorized to issue and serve appearance tickets with respect to all misdemeanor violations of the Honor Village Zoning Ordinance, as amended, and may issue and serve upon a person an appearance ticket if he or she has reasonable cause to believe that the person has committed an offense.

Sec. 20.4    Zoning Board of Appeals (ZBA):

- A.    The Village Council may act as a ZBA and may establish rules to govern its procedures as ZBA.
- B.    A ZBA of the Village (if appointed) shall be composed of 3 members.
  - 1.    One (1) member of the ZBA may be a member of the Planning Commission, unless the legislative body of the Village acts as the ZBA under subsection A.
  - 2.    The remaining members of the ZBA shall be selected from the electors residing within the Village of Honor. The members selected shall be representative of the population distribution and the various interests present in the Village of Honor.

3. The legislative body may appoint up to two (2) alternate members. An Alternate member may be called to act as a regular ZBA member if:
    - (a) A member of the ZBA is going to be absent for 1 or more meetings,
    - (b) If a member has abstained for reason of conflict of interest. In this case the alternate will serve until a decision is made.
  4. A member of the ZBA may be removed by the legislative body for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which a member has a conflict of interest. An alternate member shall serve in the case until a decision has been reached. An alternate member serving on the ZBA shall have all of the voting rights as a regular member.
  5. Terms of Office shall be as follows in less the legislative body serves as the ZBA:
    - (a) 3 years, except in the case of the first appointment of the Board, in which 1/3 will be for 1 year, 1/3 for 2 years and 1/3 for 3 years.
    - (b) A successor shall be appointed no later than one (1) month prior to the expiration of a member's term.
  6. A vacancy on the ZBA shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
  7. The ZBA shall not conduct business unless a majority of the regular members are present (quorum).
  8. A member of the ZBA who is also a member of legislative body or Planning Commission shall not participate or vote on the same matter that the member voted on as a ZBA member. However, the member may consider and vote on other unrelated matters involving the property.
- C. Meetings: Meetings of the ZBA shall be held at the call of the chairperson and at other times as the ZBA in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. The ZBA shall maintain records of its proceedings which will be filed with the Clerk of the Village of Honor.
- D. Powers, Concurring Vote of Majority of Members:
1. The ZBA shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures as a ZBA.
  2. The ZBA shall also hear and decide on matters referred to the ZBA or upon which the ZBA is required to pass under a zoning ordinance adopted under this act.
  3. It shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by the Zoning Administrator or body charged with enforcement of a zoning ordinance adopted under this act.
  4. For Special Land Use and Planned Unit Development decisions, an appeal may be taken to the ZBA only if provided for in the Zoning Ordinance.

5. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision or determination of the Zoning Administrator.

E. ZBA Procedures:

1. An appeal to the ZBA may be taken by a person aggrieved or the Zoning Administrator, or by an officer, department, board, or bureau of this state or the local unit of government.

2. A variance in the zoning ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54 and as provided under PA 110 of 2006, MCL. The ZBA shall state the grounds of any determination made by the board.

3. An appeal under this section within 14 days of the receipt of the signed Decision and Order or by filing with the Zoning Administrator an application for a ZBA determination, a copy of the denied land use permit, or site plan showing the dimensional variance requested.

(a) The Zoning Administrator shall immediately transmit the application of all the papers constituting the record upon which the action appealed from was taken.

4. An appeal to the ZBA stays all proceedings in furtherance of the action appealed. However, if the Zoning Administrator certifies to the ZBA after the Appeal has been transmitted, that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the ZBA or the circuit court of Benzie County.

5. Following receipt of a written request for a variance, the ZBA shall set a reasonable time for the hearing of the request and serve notice 15 days in advance.

6. If the ZBA receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the ZBA shall conduct a public hearing on the request. Notice shall be given 15 days in advance.

7. At the hearing, a party may appear personally or by agent or attorney. The ZBA may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit.

8. If there are practical difficulties for non-use variances or unnecessary hardship for use variances in the way of carrying out the strict letter of the zoning ordinance, the ZBA may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured and substantial justice done. The ordinance shall establish procedures for the review and standards for approval of all types of variances. The ZBA may impose conditions as otherwise allowed by the ordinance.

9. The ZBA shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to the dimensional requirements of the zoning ordinance or to any other non-use related standard in the ordinance in the Village.

10. The decision of the ZBA shall be final. A party aggrieved by the decision may appeal to the Benzie County Circuit Court.

F. Circuit Court Review, Duties

Any person aggrieved by a decision of the ZBA may appeal to the Benzie County Circuit Court. The court shall review the record and decision to ensure that the decision meets all of the following requirements:

1. Complies with the constitution and laws of the state;
2. Is based upon proper procedure;
3. Is supported by competent, material and substantial evidence on the record;
4. Represents the reasonable exercise of discretion granted by law to the ZBA,

If the court finds the record inadequate to make the decision required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on condition that the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

An appeal from a decision of the ZBA shall be filed within whichever of the following deadlines comes first:

1. Thirty days after the ZBA issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA;
2. Twenty-one (21) days after the ZBA approves the minutes of its decision;
3. The court may affirm, reverse, or modify the decision of the ZBA. The court may make other orders as justice requires.

**ARTICLE XXI**  
**AMENDMENTS**

Sec. 21.1      Initiating Amendments

The Village Council, may from time to time, amend, supplement, or revise district boundaries in the same manner provided in PA 110 of 2006 for the enactment of the original Ordinance.

Sec. 21.2      Amendment Procedure

- A. All provisions of this Article shall be subject to the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006 as the same may be from time to time amended.
  
- B. Each petition for amendment initiated by one (1) or more owners of property shall be submitted to the Zoning Administrator who shall refer it for recommended action to the Village Council in accordance with PA 110 of 2006, as amended.

**ARTICLE XXII  
TABLE OF DIMENSIONAL REQUIREMENTS**

**ZONING DISTRICT, LOT SIZE AND DIMENSIONS, SETBACKS**

	Lot Size	Lot Width	Front Setback	Side Setbacks	Rear Setbacks	Maximum Height	Max Lot Coverage	Minimum Landscaped Open Space
R-1 Waterfront Residential *	6,000	40'	20'	5'	35'*	30'	50%	30%
R-2 Single Family Residential	6,000	40'	20'	5'	20'	30'	50%	30%
R-3 Mixed Use	9,000	66'	20'	10'	20'	30'	50%	30%
C-1 Village Center Commercial	6,000	50'	-0-	-0-	-0-	30'		
C-2 General Commercial**	18,000'	150'	40'	**25'		30'		
C-3 Commercial Resort** *	15,000'	150'	40'	**25'	35'	30'	30%	20%

\*Setback from river or protected wetland or drain

\*\*73' from centerline of road, unless MDOT requirements are stricter