

Zoning Ordinance

Village of Howard City, Michigan

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TABLE OF CONTENTS

<hr style="border-top: 1px dotted black;"/>		
CHAPTER 1		1
DEFINITIONS		
SECTION 1.1	CONSTRUCTION OF LANGUAGE	1
SECTION 1.2	DEFINITIONS - A	1
SECTION 1.3	DEFINITIONS - B	3
SECTION 1.4	DEFINITIONS - C	4
SECTION 1.5	DEFINITIONS - D	6
SECTION 1.6	DEFINITIONS - E	8
SECTION 1.7	DEFINITIONS - F	8
SECTION 1.8	DEFINITIONS - G	9
SECTION 1.9	DEFINITIONS - H	10
SECTION 1.10	DEFINITIONS - I	11
SECTION 1.11	DEFINITIONS - J	11
SECTION 1.12	DEFINITIONS - K	12
SECTION 1.13	DEFINITIONS - L	12
SECTION 1.14	DEFINITIONS - M	14
SECTION 1.15	DEFINITIONS - N	15
SECTION 1.16	DEFINITIONS - O	16
SECTION 1.17	DEFINITIONS - P	17
SECTION 1.18	DEFINITIONS - Q	18
SECTION 1.19	DEFINITIONS - R	18
SECTION 1.20	DEFINITIONS - S	19
SECTION 1.21	DEFINITIONS - T	21
SECTION 1.22	DEFINITIONS - V	21
SECTION 1.23	DEFINITIONS - W	22
SECTION 1.24	DEFINITIONS - Y	23
SECTION 1.25	DEFINITIONS - Z	23
<hr style="border-top: 1px dotted black;"/>		
CHAPTER 2		25
GENERAL PROVISIONS		
SECTION 2.1	NON-CONFORMING LOTS, BUILDINGS AND STRUCTURES, AND USES	25
SECTION 2.2	ACCESSORY BUILDINGS, STRUCTURES, AND USES	26
SECTION 2.3	FENCES	28
SECTION 2.4	REQUIRED ACCESS	28
SECTION 2.5	MAIN BUILDING OR USE	28
SECTION 2.6	PROJECTIONS INTO YARDS	29
SECTION 2.7	ESSENTIAL PUBLIC SERVICES	29
SECTION 2.8	BUILDING HEIGHT EXCEPTIONS	29
SECTION 2.9	REQUIRED AREA OR SPACE	29
SECTION 2.10	REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS	29
SECTION 2.11	ILLEGAL DWELLINGS	31
SECTION 2.12	CONSTRUCTION BUILDINGS AND STRUCTURES	31
SECTION 2.13	PERMITTED FRONT SETBACK REDUCTIONS	31
SECTION 2.14	KEEPING OF ANIMALS	31

SECTION 2.15	WATER AND SANITARY SEWER SERVICE	31
SECTION 2.16	CORNER LOTS	32
SECTION 2.17	REQUIRED GREENBELTS/BUFFERS	32
SECTION 2.18	HOME OCCUPATIONS	32
SECTION 2.19	WIRELESS COMMUNICATIONS TOWERS	33
SECTION 2.20	PRIVATE STREETS	33
SECTION 2.21	LOT WIDTH-TO-DEPTH-RATIO.....	38
.....		
CHAPTER 3	.....	39
ZONING DISTRICTS - GENERAL		
SECTION 3.1	DISTRICTS ESTABLISHED	39
SECTION 3.2	DISTRICT BOUNDARIES	39
SECTION 3.3	ZONING OF ANNEXED AREAS	40
SECTION 3.4	ZONING OF VACATED AREAS	40
.....		
CHAPTER 4	.....	41
AG/OS AGRICULTURAL/OPEN SPACE DISTRICT		
SECTION 4.1	INTENT	41
SECTION 4.2	PERMITTED USES	41
SECTION 4.3	SPECIAL LAND USES	41
SECTION 4.4	SITE DEVELOPMENT REQUIREMENTS	41
.....		
CHAPTER 5	.....	43
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT		
SECTION 5.1	INTENT	43
SECTION 5.2	PERMITTED USES	43
SECTION 5.3	SPECIAL LAND USES	43
SECTION 5.4	SITE DEVELOPMENT REQUIREMENTS	43
.....		
CHAPTER 6	.....	44
R-2 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT		
SECTION 6.1	INTENT	44
SECTION 6.2	PERMITTED USES	44
SECTION 6.3	SPECIAL LAND USES	44
SECTION 6.4	SITE DEVELOPMENT REQUIREMENTS	44
.....		
CHAPTER 7	.....	45
RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT		
SECTION 7.1	INTENT	45
SECTION 7.2	PERMITTED USES	45
SECTION 7.3	SPECIAL LAND USES	45
SECTION 7.4	SITE DEVELOPMENT REQUIREMENTS	45
.....		
CHAPTER 8	.....	46
RM-2 MANUFACTURED HOME PARK DISTRICT		
SECTION 8.1	INTENT	46
SECTION 8.2	PERMITTED USES	46
SECTION 8.3	SPECIAL LAND USES	46
SECTION 8.4	SITE DEVELOPMENT REQUIREMENTS	46
SECTION 8.5	LICENSED MANUFACTURED HOME PARKS	46

CHAPTER 9	48
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT	
SECTION 9.1 INTENT	48
SECTION 9.2 PERMITTED USES	48
SECTION 9.3 SPECIAL LAND USES	48
SECTION 9.4 SITE DEVELOPMENT REQUIREMENTS	48
CHAPTER 10	50
C-2 HIGHWAY COMMERCIAL DISTRICT	
SECTION 10.1 INTENT.....	50
SECTION 10.2 PERMITTED USES	50
SECTION 10.3 SPECIAL LAND USES	50
SECTION 10.4 SITE DEVELOPMENT REQUIREMENTS	50
CHAPTER 11	51
I INDUSTRIAL DISTRICT	
SECTION 11.1 INTENT.....	51
SECTION 11.2 PERMITTED USES	51
SECTION 11.3 SPECIAL LAND USES	51
SECTION 11.4 SITE DEVELOPMENT REQUIREMENTS	52
CHAPTER 12	53
PUD PLANNED UNIT DEVELOPMENT DISTRICT	
SECTION 12.1 INTENT	53
SECTION 12.2 QUALIFYING CONDITIONS	53
SECTION 12.3 PERMITTED USES	53
SECTION 12.4 OPTIONAL PRE-APPLICATION CONFERENCE	53
SECTION 12.5 PUD APPLICATION AND PRELIMINARY DEVELOPMENT PLAN.....	54
SECTION 12.6 NOTICE AND PUBLIC HEARING FOR PUD	54
SECTION 12.7 PLANNING COMMISSION RECOMMENDATION	55
SECTION 12.8 VILLAGE COUNCIL ACTION	55
SECTION 12.9 FINAL DEVELOPMENT PLAN APPLICATION	55
SECTION 12.10 PLANNING COMMISSION REVIEW OF FINAL PLAN.....	56
SECTION 12.11 STANDARDS FOR APPROVAL	56
SECTION 12.12 PUD AGREEMENT	56
SECTION 12.13 CHANGES TO AN APPROVED PUD	56
SECTION 12.14 TIME LIMIT FOR APPROVED PUD DISTRICT	57
CHAPTER 13	58
DISTRICT REGULATIONS	
SECTION 13.1 SCHEDULE OF REGULATIONS	58
SECTION 13.2 FOOTNOTES TO DISTRICT REGULATIONS.....	59
CHAPTER 14	60
SITE DEVELOPMENT REQUIREMENTS	
SECTION 14.1 SITE PLAN REVIEW	60
SECTION 14.2 OFF-STREET PARKING AND LOADING	64
SECTION 14.3 SIGNS	68

CHAPTER 15		78
SPECIAL LAND USES		
SECTION 15.1	APPLICATION PROCEDURES	78
SECTION 15.2	NOTIFICATION, HEARING, AND REVIEW PROCEDURES	78
SECTION 15.3	GENERAL STANDARDS FOR APPROVAL	78
SECTION 15.4	CONDITIONS OF APPROVAL	79
SECTION 15.5	APPROVAL TERM AND EXPIRATION	79
SECTION 15.6	SPECIAL LAND USE SPECIFIC DESIGN STANDARDS	79
CHAPTER 16		89
ZONING BOARD OF APPEALS		
SECTION 16.1	MEMBERSHIP	89
SECTION 16.2	MEETINGS	89
SECTION 16.3	JURISDICTION	90
SECTION 16.4	DECISIONS	91
SECTION 16.5	CONDITIONS OF APPROVAL	93
SECTION 16.6	VARIANCE PROCEDURES	93
SECTION 16.7	FEES	94
CHAPTER 17		95
ADMINISTRATION		
SECTION 17.1	ZONING ADMINISTRATOR	95
SECTION 17.2	PERMITS	95
SECTION 17.3	ENFORCEMENT	95
SECTION 17.4	AMENDMENTS	97
SECTION 17.5	FEES	97
CHAPTER 18		99
TITLE		
SECTION 18.1	TITLE	99
SECTION 18.2	INTENT	99
SECTION 18.3	SCOPE	99
SECTION 18.4	SEVERABILITY	99
SECTION 18.5	EFFECTIVE DATE	99
SECTION 18.6	REPEAL OF PRIOR ORDINANCE	100

ADULT BOOKSTORE

A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.

ADULT FOSTER CARE FACILITY

A facility which provides supervision, protection or personal care, in addition to room and board, to persons over 18 years of age. An adult foster care facility is other than a home for the aged or nursing home, licensed under Act No. 139 of the Public Acts of 1956, as amended, or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended.

Such facilities do not include residences used for the treatment of persons released from or assigned to an adult correctional facility.

ADULT FOSTER CARE FAMILY HOME

A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

ADULT LIVE ENTERTAINMENT THEATER

A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”

ADULT MOTION PICTURE THEATER

A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for observation by patrons therein.

AGRICULTURE

Raising of crops, animals and animal products, forestry, and commonly accepted agricultural operations for commercial purposes including the sale of products grown on the premises.

ALLEY

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

ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

ATTACHED DWELLING UNIT

(See Dwelling Unit, Attached)

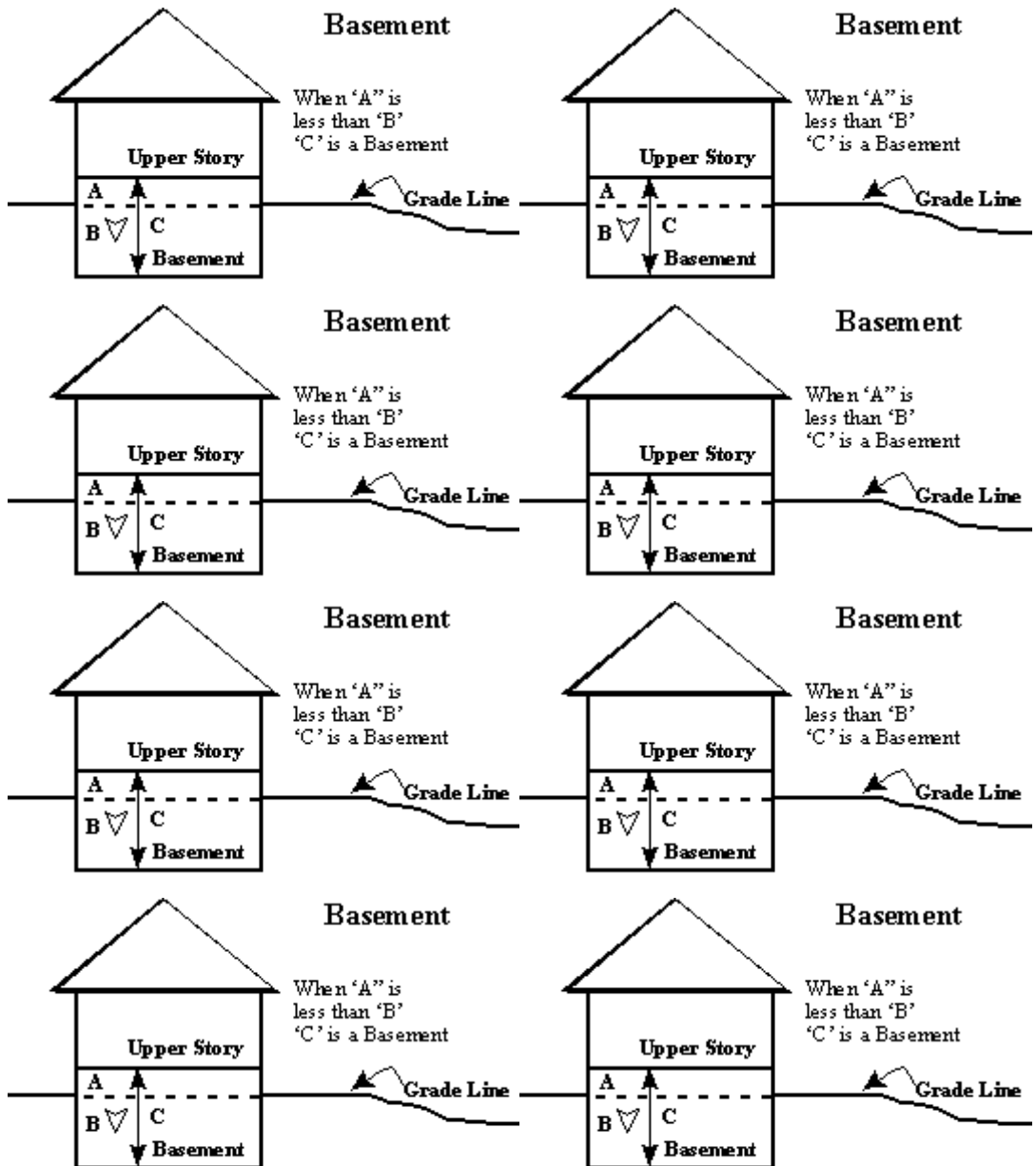
AVERAGE GRADE

(See Grade, Average)

SECTION 1.3 DEFINITIONS - B

BASEMENT

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



BED AND BREAKFAST ESTABLISHMENT

A use within a detached single family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

BERM

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

BLOCK

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

BOARD OR, ZONING BOARD OF APPEALS, OR BOARD OF APPEALS

The Zoning Board of Appeals of the Village of Howard City.

BOARDING HOUSE (OR LODGING HOUSE), RESIDENTIAL

A year round residential dwelling having one or more kitchens and used for the purpose of providing lodging, or both meals and lodging to three (3) or more persons for compensation of any kind. This does not include motels, motor hotels, tourist rooms, mobile homes or recreational vehicles, all of which are deemed to be transient and commercially oriented.

BUFFER STRIP

A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING

Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes: mobile homes, tents, sheds, garages, greenhouses, and other accessory structures. Truck trailers, truck bodies or bus bodies are not considered as buildings.

BUILDING CODE

The code or codes governing the erection and maintenance of buildings as currently in effect within the Village of Howard City.

BUILDING HEIGHT

In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average heights between the eaves and the ridge of gable, hip, and gambrel roofs. The height of an accessory building shall be determined as the distance between the peak and the ground floor of the accessory building.

BUILDING LINE

A line parallel to the street line formed by the face of the building or touching that part of a building closest to the street. For the purposes of this Ordinance, a minimum building line is the same as the front setback. (See also Chapter 13, District Regulations, and Section 2.8 Projections into Yards)

BUILDING SITE

This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

SECTION 1.4 DEFINITIONS - C

CAMPGROUND

A use on a parcel or tract of land licensed by the State under the control of a person in which 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 three (3) or more recreational units which include trailers as defined by this Ordinance.

CHILD CARE CENTER OR DAY CARE CENTER

A facility, other than a private residence, licensed by the Michigan Department of Social Services, receiving one (1) or more children for care for periods of less than twenty-four (24) hours per day, and where the parents or legal guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a Vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

CHURCH

A building, the primary use of which is the regular assembly of persons for religious worship or services, together with accessory uses, such as Vacation Bible School, instruction, counseling, recreation, social events, and periodic humanitarian activities together with traditional accessory uses

CITY OR VILLAGE ZONING ACT

Act 207 of the Michigan Public Acts of 1921, as amended.

CLUB

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

COMMERCIAL STORAGE WAREHOUSE

A building or buildings used primarily as a commercial business for the storage of goods and materials.

COMMON OPEN SPACE

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

CONVALESCENT OR NURSING HOME

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care. This definition includes assisted living facilities which provide room, board, and supervised personal care.

CORNER LOT

See Lot, Corner.

COUNCIL, OR VILLAGE COUNCIL

The Village Council of the Village of Howard City.

CUL-DE-SAC

A dead-end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street allowing for vehicle turnaround.

SECTION 1.5 DEFINITIONS - D

DAY CARE CENTER

See Family Day Care Home or Group Day Care Home.

DENSITY

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

DESIGNATED AGENT

A person, firm, or corporation acting on behalf of, representing, or caring for the property on behalf of the owner.

DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks and other uses.

DRIVE-THROUGH RESTAURANT

A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

DWELLING UNIT

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

DWELLING UNIT, BOARDING

A rooming dwelling where meals are served.

DWELLING UNIT, EFFICIENCY

A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets and the like.

DWELLING UNIT, LODGING

A rooming dwelling.

DWELLING, MULTIPLE-FAMILY

A building or portion thereof, used or designed for use as an apartment for more than two (2) families living independently of each other. This definition does not include mobile homes, single-family attached or two-family dwellings.

DWELLING UNIT, ROOMING

A building containing one (1) or two (2) dwelling units that is approved for use by three (3) or more persons, not meeting the definition of family, per dwelling unit.

DWELLING UNIT, SINGLE FAMILY ATTACHED

A group of three (3) or more single family dwelling units which are joined to one another by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this Ordinance, dwellings such as a semi-attached, rowhouse, patio-house and townhouse shall be deemed a single family attached dwelling.

DWELLING UNIT, SINGLE FAMILY DETACHED

A dwelling unit exclusively for use by one (1) family, which is entirely surrounded by open space or yards on the same lot.

DWELLING UNIT, TOURIST

A building containing less than six (6) guest rooms intended or designed primarily for, or used for the accommodations of transients, whether rented or hired out to be occupied or are occupied for sleeping purposes by guests, whether rent is paid in money or goods, and does not include any hospital, jail, sanitarium, orphanage, prison, detention home, or institution in which human beings are housed and detained under legal restraint.

DWELLING, TWO-FAMILY

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

SECTION 1.6 **DEFINITIONS - E**

EASEMENT

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

ERECTED

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission, or distribution system, collection, communication, supply, or disposal system (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith), but not including buildings and storage yards, which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare. The term "Essential Public Services" shall not include wireless communication towers, unless located on public property, and used as part of a municipal emergency communications network.

EXCAVATION

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

SECTION 1.7 **DEFINITIONS - F**

FAMILY

One or more persons occupying a dwelling unit as a single non-profit housekeeping unit. More than six persons (excluding the domestic servants), of whom are not related by blood, marriage or adoption, shall not be considered to constitute a family.

FAMILY DAY CARE HOME

A private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which at least one (1) minor child, but less than (7) minor children, are given care and supervision for periods of less than twenty-four (24) hours per day. These children shall be unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes homes that give care to an unrelated minor child(en) for more than four (4) weeks during a calendar year.

FLOOD PLAIN

Reference to flood plain(s) in this ordinance shall refer to the 100-year flood plain as identified by the Federal Emergency Management Agency or other governmental agency qualified to make such determination. The 100-year flood plain is that land which, on the basis of available flood plain information, is subject to a one (1) percent or greater chance of flooding in any given year.

FLOOR AREA, GROSS

The sum of all gross horizontal areas of all floors of a building or buildings measured from the outside dimensions of the outside face of the outside wall. Except where they are utilized for commercial purposes, enclosed porches, courtyards, or patios shall not be considered as part of the gross floor area.

AREA, USABLE (For the purposes of computing parking)

That area used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall be excluded from the computation of "usable floor area.". Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor areas for all floors.

FOSTER CARE FACILITY

An establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Act No. 139 of the Public Acts of 1956, as amended, or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended.

SECTION 1.8 **DEFINITIONS - G**

GARAGE, PRIVATE

An accessory building or portion of a dwelling used primarily for the storage or passenger vehicles by the occupants of the premises.

GARAGE, PUBLIC

A public building used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GRADE

That surface of the earth or finished material located immediately adjacent to the structure.

GRADE, AVERAGE

The arithmetic averages of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a building or structure.

GRADE, ENTRY

That grade at which the primary entrance to the first story of a building is established.

SECTION 1.10 DEFINITIONS - I

INOPERABLE VEHICLE

A motor vehicle which is unlicensed, cannot be lawfully operated in its present condition on public streets, or which is not self-propelled.

IMPROVEMENTS

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 area, including but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

SECTION 1.11 DEFINITIONS - J

JUNK

Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, yard waste, and paper.

JUNK YARD

Any area of land including building thereon which is used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. Two (2) or more motor vehicles stored outside without current license plates for a period of thirty (30) days shall constitute a junkyard.

SECTION 1.12 DEFINITIONS - K

KENNEL

Any place on where three (3) or more dogs, cats, or other domestic pet animals, six (6) months of age or older, are kept either permanently or temporarily for any reason other than veterinary medicine.

SECTION 1.13 DEFINITIONS - L

LIVING AREA

That portion of a dwelling that is capable of being occupied. "Living Area" is the sum of the various floors measured from the exterior walls, but excluding basements, attics, and garages. Bedrooms located in a basement may be counted toward the required living area, provided each such room contains an egress window meeting the Village building code requirement.

LOADING SPACE

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

LOT

A plat, plot or a parcel of land occupied, or designed to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat. If more than one lot of record is held in common ownership and said lots are contiguous, undeveloped and substandard in size to the minimum lot size in the zoning districts, they shall, for the purpose of this Ordinance, be held as one lot or as many lots as to leave no lot substandard. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes.

- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A building site as defined in this ordinance in connection with a site condominium project.

LOT, FLAG

A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT, INTERIOR

A lot other than a corner lot, flag lot, or through lot.

LOT, THROUGH

Any interior lot having frontage on two (2) parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT, WATERFRONT

A lot having a property line abutting a shoreline.

LOT AREA

The amount of space contained within a lot, typically expressed in square feet or acres.

LOT COVERAGE

The percentage of a lot that is taken up by building space.

LOT DEPTH

The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

LOT FRONTAGE

The length of the front lot line.

LOT LINE

A boundary line of a lot.

LOT LINE, FRONT

The exterior line of right-of-way of a road on which a lot fronts or abuts.

LOT LINE, REAR

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

LOT LINE, SIDE

Any lot line other than a front or a rear lot line.

LOT OF RECORD

A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH

The horizontal distance between side lot lines, measured parallel to the front lot line at the minimum required front-yard setback line.

SECTION 1.14 DEFINITIONS - M

MAIN BUILDING

See Principal Building or Structure.

MANUFACTURED HOUSING

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

MASSAGE PARLOR

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one (1) or more of the following criteria:

- A. Proof of graduation from a school of massage licensed by the State of Michigan;
- B. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from massage therapists who are professional members of a massage association referred to in this section;
- C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
- D. A current occupational license from another state.

MASTER PLAN OF THE VILLAGE OF HOWARD CITY

A document containing the future development policy and map for the Village of Howard City, together with supporting documentation as most recently adopted and amended by the Village of Howard City Planning Commission pursuant to Michigan Public Act 285 of 1931, as amended.

MOBILE HOME

A dwelling, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems connected therein and is installed by a Michigan Licensed Mobile dealer or a Michigan Licensed Mobile Home installer as required by Public Act 419 of 1976, as amended, being the Mobile Home Commission Act MCL 125.1101 et. seq., and administrative rules promulgated thereunder.

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. The park is intended to be used on a continual, residential, non-recreational-specific basis and is offered to the public for that purpose.

MODULAR HOME

A dwelling which consists of prefabricated units transported to the building site upon a separate vehicle or flatbed trailer and having no wheels, metal undercarriage or chassis, as distinguished from a mobile home. Such modular home shall be considered a single-family dwelling under the Zoning Ordinance of the Village and subject to all requirements thereof.

MOTEL

A building or a group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

MOTOR HOME

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

SECTION 1.15 DEFINITIONS - N

NET BUILDING AREA

Contiguous land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure, the size, dimensions, or location of which was lawful prior to the effective date of the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is situated.

NONCONFORMING LOT OF RECORD (SUBSTANDARD LOT)

A lot, the area, dimensions, or location of which was lawful prior to the effective date of the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

NONCONFORMING USE

A use or activity that was lawful prior to the effective date of the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

NURSING HOME

A nursing care facility licensed as a “nursing home” by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15(20101) et seq.), as amended. A “nursing home” as defined by this section shall include extended care facility and convalescent home.

SECTION 1.16 DEFINITIONS - O

OFFSET

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

OFF-STREET PARKING LOT

A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

ON-PREMISE

Something being located totally within a lot, and not encroaching into any street right-of-way or access easement.

OPEN AIR BUSINESS

Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.

An open air business as defined above, may be either a principal or accessory use.

SECTION 1.17

DEFINITIONS - P

PARKING AREA, SPACE OR LOT

Any on-premise parking lot, together with associated circulation, aisles, and access drives.

PERSONAL SERVICE ESTABLISHMENT

A commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT (PUD)

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION, OR COMMISSION

The Village of Howard City Planning Commission as created pursuant to Michigan Public Act 285 of 1931.

PLAT

A map of a subdivision of land.

PRINCIPAL BUILDING OR STRUCTURE

A building or structure in which is conducted the principal use of the lot upon which it is situated.

PRINCIPAL OR MAIN USE

The primary or predominant use of a lot.

PRIVATE ROAD OR STREET

A private road or street shall be defined as a street which provides access to two or more adjacent properties which is constructed and maintained by the owner or owners, and which is not dedicated for the general public use.

PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication (excluding wireless communications), telegraph, transportation, or water.

SECTION 1.18

DEFINITIONS - Q

QUARRY, QUARRYING OPERATION

Any place where stone, sand, gravel, minerals, or other natural materials, including topsoil, is removed for the purpose of sale or any other commercial purposes, other than such as may be incidental to excavating or regarding in connection with or in anticipation of building development or landscaping on the site.

SECTION 1.19

DEFINITIONS - R

RECREATIONAL VEHICLE OR EQUIPMENT

A vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean: 1) A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper; 2) Boats and trailers designed to transport boats; 3) Snowmobiles and trailers designed to transport snowmobiles; 4) Off-road vehicles and trailers designed to transport off-road vehicles; 5) Pop-up tent and camper trailers; 6) Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

RESIDENTIAL DISTRICTS

AG/OS:	Agricultural/Open Space District
R-1:	Single Family Residential District
R-2:	Single and Two Family Residential District
R-3	Multiple Family Residential District
MH	Manufactured Home Park District
Residential PUD	Any Planned Unit Development with a residential use

RIGHT-OF-WAY

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over said passage.

ROAD FRONTAGE

The length of the lot that borders a public road.

SECTION 1.20

DEFINITIONS - S

SALVAGE YARD

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SECONDARY STREET

The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

SETBACK REQUIRED

The minimum unoccupied distance between a front, side, or rear lot line and the principal and accessory buildings, as required herein.

SIGN

A device, fixture, placard, light, picture or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public. (See also Sec. 14.3 B.)

SIGNIFICANT NATURAL FEATURE

A natural area as designated by the Planning Commission, Village Council, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SIGHT DISTANCE

The length of roadway visible to the driver. The term is generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (such as turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

SITE PLAN

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

SITE PLAN REVIEW

The submission of plans for review, as part of the process of securing a zoning permit.

SPECIAL LAND USE

A use of land that may be permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special land use permit be obtained after review of a site plan and a public hearing before the Village Council.

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS)

A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “state licensed residential facility (six or less persons)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET, PRIVATE

An undedicated, privately controlled and maintained right-of-way designed and maintained in compliance with the provisions of this Ordinance which provides access to abutting property.

STREET, PUBLIC

A public dedicated right-of-way other than an alley, which affords the principal means of access to abutting property.

STRUCTURE

Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, sewage pumping stations, water pump stations, and utility manholes.

STRUCTURAL CHANGES OR ALTERATIONS

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

SUBSTANTIAL IMPROVEMENT

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

SECTION 1.21 DEFINITIONS - T

TRUCK TERMINAL

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi trailers, including tractor and/or trailer units and other trucks, are parked or stored.

SECTION 1.22 DEFINITIONS - V

VARIANCE

A relaxation or modification of the requirements of this ordinance as authorized by the Zoning Board of Appeals under the provisions of this ordinance, of Act 184 of 1943 as amended.

VEHICLE REPAIR

Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

VEHICLE REPAIR SHOP OR GARAGE

Building and premises where the primary use is vehicle repair, involving general repair, rebuilding, or reconditioning of engines, or vehicles, collision services (including body repair and frame strengthening), painting or upholstering; or vehicle steam cleaning and undercoating or minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity.

VEHICLE SERVICE STATION

Building and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires, and other operational fluids and accessories for the automobile, and the installation of such commodities, and for other minor vehicle repair not to include auto refinishing, body work, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of vehicles other than those for immediate repair or service.

VEHICLE WASH

A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

VILLAGE

Village of Howard City, Montcalm County, Michigan

VILLAGE COUNCIL

The Village of Howard City Council.

SECTION 1.23 DEFINITIONS - W

WASTE DUMPSTER

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WETLANDS

Any land area meeting the definition of wetlands as most currently recognized by the Michigan Department of Natural Resources or other governmental unit having jurisdiction over wetland regulation within the Village.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL

A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

SECTION 1.24 DEFINITIONS - Y

YARDS

The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein.

A. **FRONT YARD**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.

B. **REAR YARD**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. **SIDE YARD**

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

SECTION 1.25 DEFINITIONS - Z

ZERO LOT LINE

The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONING ACT

Michigan Act 207 of 1921, as amended.

ZONING ADMINISTRATOR

The person designated by the Village Council to administer and interpret the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS (ZBA)

The Village of Howard City Zoning Board of Appeals created under Michigan Public Act 207 of 1921, as amended.

ZONING PERMIT

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density.

- a. Utilities, such as water, gas, telephone service and electricity to the property, have been disconnected;
- b. The property, buildings, and grounds, have fallen into disrepair (including but not limited to broken windows, boarded up entryways, and/or unmaintained law/landscaped area);
- c. Signs or other indications of the existence of the non-conforming use have been removed;
- d. Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
- e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the non-conforming use;
- f. Garbage removal service to the property has been discontinued;
- g. The property owner or the lessee file a change of address with the U.S. postal service and/or with the Village;
- h. A residential property owner or lessee no longer qualifies as an elector of the Village;
- i. The property is utilized for a new use;
- j. The property is altered in a way that is incompatible with the nonconforming use;
- k. Notices advertising the availability of the property are published or posted.
- l. The ownership of the property changes.

D. Non-conforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is non-conforming by fifty (50) percent or less of the distance required by this Ordinance. Only in these cases may the non-conforming setback be extended along the same plane as the existing non-conforming setback, provided that in so doing, the setback itself is not further reduced.
 - b. Should a non-conforming building or structure be destroyed to an extent of more than fifty (50) percent of its replacement value (defined as two (2) times the current state equalized value), exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
 - c. Should a non-conforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any non-conforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

E. The Village may acquire, through purchase of condemnation, private non-conforming, buildings, structures, or land. The Village Council may make this purchase of private property in the manner provided for by law.

SECTION 2.2 ACCESSORY BUILDINGS, STRUCTURES, AND USES

A. Accessory Buildings - General

1. Where an accessory building is attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
2. Accessory buildings shall not be located in any front yard, unless otherwise permitted by this ordinance.
3. Accessory buildings shall not be permitted on a lot or parcel which does not have a main building.

B. Accessory Uses - General

1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
2. An accessory use must be in the same zoning district as the main use on a lot.
3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.
3. Accessory uses shall not be permitted in the front yard.
4. Permitted storage of recreational vehicles, motor vehicles and/or motorized equipment shall be allowed as an accessory use, if such storage meets all other Village Ordinances and does not occur within required setbacks for accessory structures and meet limitations for lot coverage.

C. Residential Accessory Buildings and Structures

Accessory buildings shall be permitted within any Residential District or AG/OS District provided that the following restrictions are met:

- 1 The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the chart below:

Lot Size	Maximum Square Footage of All Accessory Structures
Less than 1 acre	The gross ground floor area of the principal structure, or 1,200 square feet, whichever is less.
1.01 acres through 5 acres	Two (2) times the gross ground floor area of the principal structure.
5.01 acres through 10 acres	Three (3) times the gross ground floor area of the principal structure.
10.01 acres or greater	Four (4) times the gross ground floor area of the principal structure.

2. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
3. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
4. No detached accessory building shall be located closer than (5) feet to any side or rear lot line.
5. No accessory building shall exceed twenty (20) feet in height.
6. No accessory building shall be erected or placed on a lot unless a main building has been erected, placed, or established on the same lot.
7. Accessory buildings in excess of one hundred (100) square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building.
8. These restrictions shall not apply to farm buildings used in conjunction with a bona fide farm operation.

D. Other District Accessory Buildings and Structures

Accessory buildings shall be permitted within any non-Residential District provided that the following restrictions are met:

1. Detached accessory buildings shall meet all setback requirements for the zone district in which they are located.
2. No detached accessory building shall be located nearer than ten (10) feet to any main building.
3. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

SECTION 2.3 FENCES

- A. Fences in Residential Districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the front yard in any district shall not exceed four (4) feet in height. Fences within the front yard shall be of a type which is not more than twenty-five (25) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed and constructed with common industry standards for fence materials and a minimum of 14 gauge.
- C. Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified except in relation to agricultural operations. Fences typically used for agricultural purposes, as determined by the Zoning Administrator, are not allowed within a residential district.
- D. Fences in Commercial and Industrial Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground. The total height of fences in any non-residential district shall not exceed eight (8) feet.
- E. Fences shall not be erected within any public right-of-way or easement in any district.
- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection.
- G. Fences shall not be erected within two (2) feet from a sidewalk, where the sidewalk is within the public right-of-way.
- H. All fences shall be installed with the finished side facing the neighboring properties and support posts shall be placed on the unfinished side.

SECTION 2.9

REQUIRED AREA OR SPACE

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

SECTION 2.10

REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

Any single-family dwelling on a lot, whether constructed and erected or a manufactured home, shall be permitted only if it complies with all of the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Village, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different from those imposed by Village codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.
- D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty (20) feet.
- H. Storage area shall be provided, with an area equal to ten (10) percent of the square footage of the dwelling or eighty (80) square feet, whichever is less. This storage area may consist of a basement, closet area, attic

or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of Section 3.2.

- I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
- J. The pitch of the main roof of the dwelling unit shall not be less than three (3) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
- K. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- L. The dwelling unit shall be so placed on the lot that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
- M. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.

SECTION 2.11 ILLEGAL DWELLINGS

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Village building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area for the district in which it is located.

SECTION 2.12 CONSTRUCTION BUILDINGS AND STRUCTURES

Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- A. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.
- B. No construction building or structure shall be used as a dwelling unit.
- C. A permit shall be issued by the Zoning Administrator prior to installation of a construction building or structure.
- D. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

SECTION 2.13 PERMITTED FRONT SETBACK REDUCTIONS

- A. Where the established front yards for existing main buildings in the vicinity of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections B and C, below.
- B. The front yard reduction permitted in subsection A, above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described for computing the average front yard.
- C. In no case shall the front yard setback resulting from the application of these provisions, be less than fifteen (15) feet.

SECTION 2.14 KEEPING OF ANIMALS

In all districts other than the AG/OS-Agricultural/Open Space District, the keeping of domestic animals such as horses and cattle shall be permitted, provided that the number of such animals shall not exceed one animal for the first three acres of lot area and one additional animal for each one additional acre of land area and that any building in which such animals may be kept shall be at least one hundred (100) feet from any other property or street line. This provision is not intended to restrict the keeping of ordinary household pets.

SECTION 2.15 WATER AND SANITARY SEWER SERVICE

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved upon any lot or premises and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department, the Montcalm County Health Department, and the Subdivision Regulations, Building Code and water and sewer ordinances of the Village of Howard City.

SECTION 2.16 CORNER LOTS

- A. A corner lot shall have two (2) front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
- B. General Provisions
1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three (3) front setbacks, the remaining setback shall be a rear setback.
 2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line
- C. Commercial and Industrial Zoning Districts
For a corner lot which is completely within any Non-Residential Zoning District, the setback along the secondary street(s) shall not be less than thirty (30) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

SECTION 2.17 REQUIRED GREENBELTS/BUFFERS

In order to provide protective screening for residential areas adjacent to or near non-residential areas, a landscaped greenbelt shall be provided by the non-residential property owners. Such greenbelt shall be a strip of at least ten (10) feet in width which is planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height and fifteen (15) feet on-center, or a hedge of evergreens at least four (4) feet in height, situated so as to provide an effective sound and visual buffer. The portion of the greenbelt not covered by such trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property owner by the adjacent property owner. Such greenbelt shall be provided along the property line separating the non-residential use from the adjacent residential district. Where it is determined by the Village Council that insufficient area is available to provide the required greenbelt, a six (6) foot high, sight-obscuring fence may be substituted.

SECTION 2.18 HOME OCCUPATIONS

- A. Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section.

- B. No persons other than members of the immediate family residing on the premises shall be engaged in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
- E. The home occupation shall be operated entirely within the principal dwelling and not within any detached accessory building or structure.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- G. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

SECTION 2.19 WIRELESS COMMUNICATIONS TOWERS

- A. Commercial wireless communications towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot where approved pursuant to the provisions of the ordinance.
- B. A privately owned, non-commercial tower may be erected as an accessory use in any district, provided such tower does not exceed one hundred (100) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. Whether an accessory or principal use, any tower requires special use approval.

SECTION 2.20 PRIVATE STREETS AND DRIVEWAYS

- A. Purpose.

The Village determines that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of private streets and driveways.

These provisions have been enacted to assure that:

1. proposed private streets and driveways will not be detrimental to the public health, safety, or general welfare;
2. proposed private streets and driveways will not adversely affect the long term development policies of the Village;
3. private streets and driveways will be designed and constructed with adequate width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
4. private streets and driveways will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and the natural environment of the Village.

- B. Definitions.

For purposes of this Section, the following definitions shall apply.

1. "Condominium Act" means Public Act 59 of the Michigan Public Acts of 1978, as amended.
2. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.
3. "Condominium project" means a plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
4. "Master Deed" means the condominium document recording the condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the project.
5. "Frontage" means the continuous linear distance of that portion of a parcel abutting upon a public street right-of-way, or private road easement.
6. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
7. "Private driveway" means an improved or unimproved path or road extending a minimum of one hundred and fifty feet (150') from a public right-of-way or private road easement to a single building, dwelling, or structure, intended to provide ingress and egress primarily for occupants thereof.
8. "Private street" means an undedicated, privately controlled and maintained easement designed and maintained in compliance with the provisions of this Ordinance that provides the means of access to two (2) or more abutting parcels or lots. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
9. "Road Superintendent" means Howard City Department of Public Works.

C. Frontage and Access.

1. All parcels utilizing a private street shall have frontage on the approved private road for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.
2. All private streets shall have direct access to a public road.

D. Permits.

1. No individual, association, corporation, or entity, either public or private, shall construct, upgrade, or extend a private street after the effective date of this Ordinance without first having obtained a private road permit from the Village Council.
2. The Zoning Administrator shall not issue zoning permits for construction of any building or structure on lots or condominium units served by a private street until construction of the private street as approved by the Village Council has been completed.
3. A driveway permit shall be obtained from the Road Superintendent prior to issuance of any zoning permit.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Montcalm County Drain Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.
6. The Village Council may elect to have all design and construction plans reviewed by the attorney of the Village, engineer, or planner prior to consideration of the application for the private street permit.

E. Application. The application for a Private Street shall be submitted and processed under the following procedures:

1. An application shall be submitted through the Zoning Administrator and shall contain the following:

- a. An application form and fee as established by the Village Council.
 - b. A detailed written description of the development to be served by the private street.
 - c. Ten (10) copies of a site plan, drawn to scale, prepared by a registered engineer, showing a general location sketch, the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public street which the private street is to intersect. The plan may be prepared by a registered surveyor, rather than a registered engineer, if the proposed private street is to serve five (5) or fewer parcels, main buildings, etc., and the Planning Commission waives said requirement in writing.
 - d. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.
 - e. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street easement or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - f. The location of any lakes, streams, wetlands, and drains within the proposed easement or within one-hundred (100) feet thereof.
 - g. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.
 - a. A location sketch showing the property to be served by the private street and the general vicinity within a one-half (½) mile radius of the site.
 - b. A copy of the maintenance agreement or restrictive covenant, as described in Sec. 2.20 H.4.
2. Review procedures will be as follows:
- a. The application, along with all other required information, shall be forwarded to the Planning Commission at its next scheduled meeting, and to the Village fire chief and other staff or planning, engineering, or legal consultants as the Planning Commission deems necessary.
 - b. The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing notice of such hearing in a newspaper of general circulation in the Village and to all property owners within 300 feet of the subject property at least five (5) days, but not more than fifteen (15) days prior to such hearing.
 - c. The Planning Commission shall consider the request based on the standards of Sec. 2.20(G), as well as the design requirements of Sec.2.20(F), comments from staff and consultants, and all other relevant provisions of this ordinance. The Planning Commission shall make a recommendation to the Village Council to approve, approve with conditions, or deny the request.
 - d. The Village Council shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports of the Planning Commission, and shall approve, approve with conditions, or deny the request, and state the basis for the decision and any conditions which should be imposed.
 - e. No petition for Private Road approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

F. Design Requirements.

The construction of private streets shall conform to the Village's construction standards for local roads, excepting pavement width and grade requirements and as otherwise provided in this Ordinance, as follows:

1. No private street shall extend for a distance of more than one-thousand three-hundred and twenty (1,320) feet in length from the nearest public street right-of-way, as measured along the centerline of the private street, without a second direct access thereto being available from another public street.
2. All private streets shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
3. The area in which the private street is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained.
4. Pavement width shall be twenty (20) feet and paved with bituminous aggregate.
5. Any private street which terminates at a dead-end shall have a means for vehicle turn-around either by use of a cul-de-sac, with a minimum radius of forty (40) feet, or by a continuous loop private street system, both of which must be constructed in accordance with the standards set forth in this Section.
6. The road surface shall have a minimum crown of .02 foot per foot from the centerline of the private street to the outside edge thereof.
7. A road shoulder at least two (2) feet wide, composed of six (6) inches of compacted gravel, shall be provided on each side of the private road surface and shall slope one-half (½) inch per foot from the outside edge of the road surface to the toe of the slope.
8. The maximum longitudinal road grade shall not exceed six percent (6%), provided that the Village Council may allow up to a ten percent (10%) grade if the applicant produces written justification, satisfactory to the Village engineer, that an increase in the road grade will not adversely affect public safety and the design of the road system(s) and the Village engineer approves thereof in writing.
9. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Village engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than three hundred (300) feet, as measured along the right-of-way line thereof.
10. The private street shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Village Council and Montcalm County Drain Commission to ensure adequate drainage and runoff.
11. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Village engineer and any other agency having jurisdiction thereof.
12. The private street shall be given a name and street signs and shall be installed in accordance with the standards and approval of the Road Superintendent. The private street addresses shall be posted in a conspicuous place at the entrance to the private street (at the intersection with the public road) in letters at least three (3) inches high. Private streets serving two (2) or more dwellings shall have a standard stop sign where the private street abuts the public street.

The construction of private driveways shall conform to the Village's construction standards for local roads, excepting pavement width and grade requirements and as otherwise provided in this Ordinance, as follows:

1. No private driveway shall extend for a distance of more than one-thousand three-hundred and twenty (1,320) feet in length from the nearest public street right-of-way, as measured along the centerline of the private driveway, without a second direct access thereto being available from another public street.
2. All private driveways shall have a minimum width of at least thirty-three(33) feet.
3. The area in which the private driveway is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained.

4. The driveway surface shall have a minimum crown of .02 foot per foot from the centerline of the private drive to the outside edge thereof.
5. A drive shoulder at least one (1) foot wide, shall be provided on each side of the private drive surface and shall slope one-half (1/2) inch per foot from the outside edge of the drive surface to the toe of the slope.
6. The maximum longitudinal drive grade shall not exceed six percent (6%), provided that the Village Council may allow up to a ten percent (10%) grade if the applicant produces written justification, satisfactory to the Village, that an increase in the road grade will not adversely affect public safety and the design of the road system(s) and the Village approves thereof in writing.
7. The layout of the private driveway and the intersections of the private drive with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Village.
8. The private driveway shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Village and Montcalm County Drain Commission to ensure adequate drainage and runoff.
9. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Village and any other agency having jurisdiction thereof.
10. The private drive shall be installed in accordance with the standards and approval of the Road Superintendent. The private drive address shall be posted in a conspicuous place at the entrance to the private driveway (at the intersection with the public road) in letters at least three (3) inches high.

G. Approval Standards.

1. Prior to approving a private street or driveway permit application, the Village Council shall determine the following:
 - a. The proposed private street will not be detrimental to the public health, safety, or general welfare.
 - b. The proposed private street will not adversely affect the use of land.
 - c. That the private street is designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private and public safety vehicles.
 - d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Village.
 - e. That it is not practical to construct a public street by reason of steep slopes, excessive cul de sac length, or other non-financial constraint.
2. The Village Council may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.

H. Maintenance and Repairs.

1. Private streets shall be maintained in a manner that complies with the provisions of this Section.
2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Village and are readily accessible to, and usable by emergency vehicles in all types of weather.
3. All costs for maintenance and repair of the private street or drive shall be the responsibility of the property owners (if less than five lots) or a property owners association (if five or more lots) served by the private street.

4. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Village Council with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein (if less than five lots) or a property owner's association (if five or more lots) which shall provide that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Village Council prior to the issuance of the permit.

I. Performance Guarantee.

The Village Council may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of Section 17.3 (B).

J. Inspections/Certificate of Compliance.

1. Upon completion of construction of the private street or driveway, the Village Zoning Administrator or his designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.

2. The applicant(s), at the applicant(s)'s expense, shall provide the Village with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit.

3. If the completed private street or driveway does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance.

4. No building permit shall be issued to construct any dwelling or other building on a parcel or lot to be served by a private street or drive until the Zoning Administrator determines such street or drive is in full compliance with the approved plans, specifications, conditions, permit, and this Ordinance.

K. Fees.

Fees for the permits required hereunder shall be set by the Village Council from time to time by resolution. Additionally, the Village Council may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Village attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.

L. Indemnification.

The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street they shall indemnify and will hold the Village harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, and replace the private street.

SECTION 3.3

ZONING OF ANNEXED AREAS

- A. Whenever any area is annexed to the Village of Howard City, one (1) of the following rules shall apply:
1. Land zoned previous to annexation shall be a district of the class to which it most nearly conforms under this Ordinance. The Planning Commission shall recommend the classification to the Village Council, who shall determine by resolution the zoning classification into which the property will be placed.
 2. Land not zoned prior to annexation shall be automatically classified as an AG/OS District until a Zoning Map for the area has been adopted by the Village Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the Village Council shall have referred the matter to the Commission.

SECTION 3.4

ZONING OF VACATED AREAS

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between them according to the adjacent zone, unless the Village Council shall otherwise designate.

CHAPTER 4
AG/OS AGRICULTURAL/OPEN SPACE DISTRICT

SECTION 4.1 INTENT

This District is applied to large parcels of land currently committed to active or inactive agriculture. Some land is also open space. The AG/OS zone is reserved for future development and is therefore not intended for uses other than cropland farming, very low (gross) density, single family residences and other rural uses requiring large tracts of land, but of a non-intensive nature. This zoning objective is deemed necessary in order to prevent moderate to heavy development from proceeding without careful site and facility planning.

SECTION 4.2 PERMITTED USES

No land and/or buildings in the AG/OS District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. General and specialized cropland farming, together with farm dwellings, buildings and other installations useful to such farms.
- B. Single-family detached dwellings.
- C. Family day care homes.
- D. State licensed residential family care facilities.
- E. Private non-commercial and public recreation areas or community recreation centers.
- F. Accessory buildings, structures, and uses.
- G. Site condominiums for single-family homes.

SECTION 4.3 SPECIAL LAND USES

No land and/or buildings in the AG/OS District may be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

- A. Utility and public service buildings, without storage yards.
- B. Riding stables.
- C. Churches (including schools and day care centers).
- D. Golf courses or country clubs.
- E. K-12 schools, provided such schools are not operated as commercial enterprises.
- F. Bed and breakfast establishments.
- G. Cemeteries.
- H. Kennels.
- I. Airports.
- J. Commercial radio and television and wireless communication towers.

SECTION 4.4

SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses and site condominiums for single family homes in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13.
- E. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.

CHAPTER 5
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.1 INTENT

This District is intended to provide a low-density, single family residential living environment and to foster stable, high quality neighborhoods consistent with Howard City's small town character. At the same time the regulations for this district recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Howard City. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

SECTION 5.2 PERMITTED USES

No land and/or buildings in the R-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Family day care homes.
- C. State licensed residential family care facilities.
- D. Accessory buildings, structures, and uses.
- E. Site condominiums for single-family homes

SECTION 5.3 SPECIAL LAND USES

No land and/or buildings in the R-1 District may be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

- A. Utility and public service buildings, without storage yards.
- B. Private non-commercial and public recreation areas or community recreation centers.
- C. Churches (including schools and day care centers).
- D. K-12 schools, provided such schools are not operated as commercial enterprises.
- E. Bed and breakfast establishments.
- F. Cemeteries.

SECTION 5.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses and site condominiums for single-family homes in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13.
- E. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, garages and other similar features.

CHAPTER 6
R-2 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

SECTION 6.1 **INTENT**

This District is intended to provide a moderate density, single and two family residential living environment and to foster stable, high quality neighborhoods while providing for additional variety in housing opportunities and choices. At the same time the regulations for this District recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Howard City. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

SECTION 6.2 **PERMITTED USES**

No land and/or buildings in the R-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the R-1 District.
- B. Two-family dwellings, including conversions of existing single family detached dwellings to two family dwellings, provided all applicable requirements for living area, lot size, and setbacks are met.

SECTION 6.3 **SPECIAL LAND USES**

No land and/or buildings in the R-2 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

- A. Any Special Land Use permitted in the R-1 District.

SECTION 6.4 **SITE DEVELOPMENT REQUIREMENTS**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:
- E. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.

CHAPTER 7
R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 7.1 INTENT

Consistent with the Village's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, this District is intended to provide areas for two family and multiple family residential living environment to provide for additional variety in housing opportunities and choices. The R-3 District should also provide high-quality residential dwellings. The regulations for this district recognize the need to provide affordable housing opportunities. Non-residential uses are only allowed to the extent that they serve to further this end.

SECTION 7.2 PERMITTED USES

No land and/or buildings in the R-3 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the R-2 District.
- B. Multiple family dwellings.

SECTION 7.3 SPECIAL LAND USES

No land and/or buildings in the R-3 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

- A. Any Special Land Use permitted in the R-2 District.
- B. Housing for the elderly.
- C. Commercial day care.

SECTION 7.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses and multiple family dwellings in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:
- E. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.

CHAPTER 8
MH MANUFACTURED HOME PARK DISTRICT

SECTION 8.1 INTENT

Consistent with the Village's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to provide for additional variety in housing opportunities and choices.

SECTION 8.2 PERMITTED USES

No land and/or buildings in the MH District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Manufactured homes located in a state-licensed manufactured home park.
- B. Manufactured home parks in accordance with the requirements of Section 8.5.
- C. Family day care homes.
- D. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- E. Accessory buildings, structures, and uses.

SECTION 8.3 SPECIAL LAND USES

No land and/or buildings in the MH District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- B. State licensed residential group home care facilities.

SECTION 8.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for Manufactured Home Parks and all Special Land Uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.

SECTION 8.5 LICENSED MANUFACTURED HOME PARKS

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended.
- B. The parking of more than one (1) manufactured home on a single parcel of land be illegal in the Village of Howard City, irrespective of the requirements of any other ordinance of the Village of Howard City, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.
- C. All applications to establish a Manufactured Home Park Zoning District must be approved by the Village Council, upon the recommendation of the Planning Commission, in accordance with the provisions of this Ordinance.

- D. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home park may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development provided the development permits the sale.

- A. Site Plan Review is required for all permitted uses and Special Land Uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:
- E. The outdoor storage of goods or materials is prohibited.

CHAPTER 10
C-2 HIGHWAY COMMERCIAL DISTRICT

SECTION 10.1 INTENT

This District is intended to accommodate uses which can provide office, personal services, convenience (day-to-day), and comparison commercial goods for visitors to and residents of Howard City. It will be established primarily in high traffic, arterial locations.

SECTION 10.2 PERMITTED USES

No land and/or buildings in the C-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any Permitted Use in the C-1 District.
- B. Any retail business whose principal activity is the sale of merchandise within an enclosed building.

SECTION 10.3 SPECIAL LAND USES

No land and/or buildings in the C-2 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

- A. Any Special Land Use permitted in the C-1 District.
- B. Vehicle repair.
- C. Vehicle wash establishments.
- D. New and used vehicle sales facilities, including vehicle repair.
- E. Hotels and motels.
- F. Utility and public service buildings, without storage yards.
- G. Open air businesses and outdoor display areas.
- H. Plant nurseries and greenhouses.
- I. Veterinary hospitals and clinics.
- J. Drive-through restaurants.
- K. Building supply and equipment establishments.
- L. Commercial storage facilities

SECTION 10.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all permitted uses and Special Land Uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:

CHAPTER 11
I INDUSTRIAL DISTRICT

SECTION 11.1 INTENT

This District is intended to accommodate wholesale, warehousing, manufacturing, storage, and other industrial-related uses.

SECTION 11.2 PERMITTED USES

No land and/or buildings in the I District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right; provided that such I District is not located within a designated Renaissance zone, otherwise all uses shall be subject to special approval in accordance with the requirements of Chapter 15 of this ordinance.

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Research and development facilities, including production activities.
- D. Wholesale establishments.
- E. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, apparel pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, fixtures, wood products, printing and publishing, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.
- F. Laboratories (experimental, film, or testing).
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Trade or industrial schools.
- I. Utility and public service buildings, including storage yards.
- J. Contractor's showrooms and storage yards.
- K. Child care centers.
- L. Metal fabrication.
- M. Accessory buildings, structures, and uses.

SECTION 11.3 SPECIAL LAND USES

No land and/or buildings in the I District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

- A. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping press operations.
- B. Lumber and planing mills.
- C. Metal plating, buffing, and polishing.
- D. Commercial storage warehouses.
- E. Vehicle repair.
- F. Recycling centers.
- G. Adult bookstores, adult live entertainment theaters, adult motion picture theaters, and massage parlors to the extent otherwise permitted by the Village Code.
- H. Junk yards.
- I. Truck terminals.

- J. Outdoor storage of products and materials.
- K. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.
- L. Production, refining, or storage of petroleum or other flammable liquids.
- M. Municipal water and wastewater treatment facilities.
- N. Dog kennels.
- O. Veterinary hospitals and clinics.
- P. Commercial radio and television and wireless communication towers.
- Q. Billboards.

SECTION 11.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all permitted uses and Special Land Uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13.
- E. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, on-site parking of vehicles, and outdoor storage as specifically permitted by Section 11.3 J.

CHAPTER 12
PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 12.1 INTENT

Planned Unit Developments in the Village of Howard City may be established as distinct zoning districts when approved by the Village Council in accordance with the procedures specified herein. It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and shopping environments. In order to accomplish these objectives, this Chapter permits the relaxation of the conventional requirements found in other Zoning Districts. The use of land and the construction and use of buildings and other structures as Planned Unit Development shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Chapter.

SECTION 12.2 QUALIFYING CONDITIONS

Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. The PUD site shall be not less than five (5) acres in area. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be ten (10) acres. Recreational amenities such as golf courses and health clubs, and ancillary commercial activities such as club houses and pro shops, shall not be considered non-residential uses for purposes of this Section.
- B. All PUD's shall be served by public water and sanitary sewer facilities or a private community system approved by the Village Council, the Montcalm County Health Department, and other agencies, as appropriate.
- C. The tract of land for which a PUD application is received must be in either one (1) ownership or the subject of an application filed jointly by the owners of all properties.
- D. The proposed uses of the PUD must be consistent with the Village of Howard City Master Plan for the subject property.

SECTION 12.3 PERMITTED USES

Any use permitted by right or special approval in any District shall be permitted within a PUD, subject to compliance with the qualifying conditions and other applicable regulations of this Chapter. The minimum area and setback requirements of the conventional zoning districts shall not be applicable to a PUD. Dimensional requirements shall be established by the applicant in conformity with all applicable standards and requirements of this Chapter.

SECTION 12.4 OPTIONAL PRE-APPLICATION CONFERENCE

- A. A pre-application conference may be held with the Planning Commission for the purpose of determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time with the Planning Commission. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
- C. The Planning Commission shall advise the applicant of the conformance of the PUD concept with the intent and objectives of PUD in the Village of Howard City, whether it qualifies under the minimum

requirements of Sec. 12.2, and whether the general concept is consistent with the Village's Master Plan. In no case, shall any representations made by the Planning Commission be construed as an endorsement of the PUD or an approval of the concept.

SECTION 12.5 PUD APPLICATION AND PRELIMINARY DEVELOPMENT PLAN

Applicants seeking approval of a PUD District shall submit a complete application for review and a preliminary development plan to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. Such application shall include the following:

- A. A completed application form, supplied by the Zoning Administrator.
- B. Payment of a fee, as established by the Village Council.
- C. A narrative statement describing:
 - 1. the objectives of the PUD and how it relates to the Intent of the PUD District, as described in Sec. 12.1.
 - 2. the relationship of the PUD to the Village of Howard City Master Plan
 - 3. phases of development and approximate time frame for each phase
 - 4. proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD
 - 5. anticipated start and completion of construction
 - 6. location, type, and size of areas to be dedicated for common open space
- D. Twelve (12) copies of a preliminary development plan. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:
 - 1. name of development, applicant's name, name and address of firm and individual who prepared the plan, scale, and north arrow
 - 2. property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres
 - 3. existing zoning and land use of all abutting properties
 - 4. existing natural features on the site including water, stands of trees, drainage ways, flood plains, wetlands, steep slopes, and similar features
 - 5. existing buildings on the site
 - 6. proposed uses and their approximate locations
 - 7. right-of-way and pavement edges of existing streets abutting the PUD
 - 8. approximate locations of proposed access drives and streets within the PUD
 - 9. proposed method of providing water, sanitary sewer, and storm water drainage facilities
 - 10. layout and typical dimensions of proposed lots
 - 11. approximate phases of development
 - 12. proposed residential density by area or phase

SECTION 12.6 NOTICE AND PUBLIC HEARING FOR PUD

- A. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the requirements of Section 17.4 of the Zoning Ordinance. The notice shall:
 - 1. Describe the nature of the proposed PUD.
 - 2. Describe the property which is the subject of the PUD application, by both legal description and street address.
 - 3. State the time, date, and place of the public hearing.
 - 4. State when and where written comments will be received concerning the application.
- B. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.

SECTION 12.7 PLANNING COMMISSION RECOMMENDATION

Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the Village Master Plan, compatibility with surrounding uses, consistency with the intent and qualifying conditions of this Chapter, and conformance with the standards of Section 12.11; and shall make a recommendation to the Village Council to approve, approve with conditions, or deny the PUD zoning. In its recommendation to the Council, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the Ordinance and identify those specific conditions, if any, it considers necessary.

SECTION 12.8 VILLAGE COUNCIL ACTION

After receiving the recommendation of the Planning Commission and following the standards of Sec. 12.11, the Village Council shall review the application package, preliminary development plan, the record of the Planning Commission proceedings, and the recommendation. The Council shall then, make its findings as to approval, approval with conditions, or denial. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the final development plan to the Village Council. At such time as Preliminary approval is granted by the Village Council and all conditions, if any, are accepted in writing by the applicant, the property shall be considered to be rezoned to PUD.

SECTION 12.9 FINAL DEVELOPMENT PLAN APPLICATION

Within twelve (12) months of the Village Council's approval of the PUD district and the preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following.

- A. A completed application form, supplied by the Zoning Administrator.
- B. Payment of a fee, as established by the Village Council.
- C. A written response to the findings, review comments, and conditions, if any, from the Planning Commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
- D. A site plan containing all of the information required in Sec. 14.1 C.2. For developments consisting of three (3) or more phases, a plan meeting the requirements of 12.5 D. may be submitted for the overall PUD and a detailed plan as required for final development plan may be submitted for the first phase. Each subsequent phase shall be reviewed in the same manner.

SECTION 12.10 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD district approval. If it is determined that the final plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 12.6 -12.8 of this ordinance.
- B. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the criteria of Sec. 12.11.
- C. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- D. The decision of the Planning Commission may be appealed to the Village Council which shall review the record of the proceedings, along with all materials submitted, and shall make its decision in accordance with the standards of Sec. 12.11.

SECTION 12.11 STANDARDS FOR APPROVAL

A final PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Sec. 12.2.
- B. The uses and residential densities to be conducted within the proposed PUD are consistent with the Village's Master Plan designation for the subject site.
- C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- D. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- E. The proposed project is consistent with the spirit and intent of the PUD District, as described in Sec. 12.1 and represents a development opportunity for the community that could not be achieved through conventional zoning.
- F. All setbacks, lot areas, and other dimensional standards throughout the PUD shall be sufficient to ensure a healthy, safe and attractive environment.
- G. The proposed PUD meets all the review standards of Sec. 14.1 D.

SECTION 12.12 PUD AGREEMENT

Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Village in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Village Council. The agreement shall also establish the remedies of the Village in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Montcalm County Register of Deeds.

SECTION 12.13 CHANGES TO AN APPROVED PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design, density and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes required or requested by the Village, Montcalm County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

SECTION 12.14 TIME LIMIT FOR APPROVED PUD DISTRICT

Each development shall be under construction within one (1) year after the date of approval of the PUD final development plan, except as noted in this Section.

- A. The Village Council following review by the Planning Commission may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
 - 1. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - 2. the PUD requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.

- B. Should neither of the provisions of Section 12.14 A. be fulfilled, or an extension has expired without construction underway, the Planning Commission may initiate proceedings to remove the PUD zoning designation, as provided in Sec. 17.4.

CHAPTER 13
DISTRICT REGULATIONS

SECTION 13.1 SCHEDULE OF REGULATIONS

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

SCHEDULE OF REGULATIONS*

DISTRICTS	AREA (a) (SQ. FT.)	WIDTH (FT.)	YARD SETBACKS (FT.) (b)				HEIGHT		COVE RAGE (%)
			Front	One Side	Total	Rear	Feet	Stories	
AG/OS Agricultural/Open Space	1 acre	125	30	20	50	100	35	2 ½	none
R-1 Single Family Residential	12,000 (c)	100 (c)	30	7	18	25	35	2 ½	35
R-2 Single & Two- Family Residential	12,000 (c)	80 (e)	25	5	13	25	35	2 ½	40
R-3 Multi-Family Residential	Requirements for single and two-family dwellings are same as for R-2 District								
	40,000 (d) (f)	100	2 5 (g)	1 0 (g)	20(g)	25 (g)	35	2 ½	40
MH Manufactured Home Park	See Chapter 7								
C-1 Neighborhood Commercial	none	none	30 (l)	(h)	none	(h)	35	2 ½	none
C-2 Highway Commercial	30,000	150	50 (i)	(h)	none	50 (j)	25	2	none
I Industrial	2 acres	200	50 (i)	20 (j)	50	35(j)	45	3	none

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule. For additional regulations applicable to single family dwellings outside manufactured home parks see Section 2.10.

SECTION 13.2

FOOTNOTES TO DISTRICT REGULATIONS

- (a) All dwellings shall contain a minimum living area in accordance with the following:
- | | |
|---------------|-------------|
| single family | 900 sq. ft. |
| two-family | 750 sq. ft. |
| multi-family | |
| 1 bedroom | 500 sq. ft. |
| 2 bedroom | 600 sq. ft. |
| 3 bedroom | 750 sq. ft. |
| 4 bedroom | 900 sq. ft. |
- (b) Where a rear yard abuts the side yard of an adjacent lot, the side yard on the street side shall meet the minimum front yard setback requirements.
- (c) Lots served by public sanitary sewer may be reduced to a minimum area of 9,000 sq. ft. and a minimum width of 80 ft in the R-1 District and 7,500 sq. ft. and a minimum width of 70 ft. in the R-2 District.
- (d) All lots shall be served by public water and sanitary sewer facilities.
- (e) All two-family dwellings shall have a minimum lot area of 25,000 sq. ft. and a minimum width of 110 ft. Lots served by public sanitary sewer may be reduced to a minimum area of 12,000 sq. ft. and a minimum width of 100 ft.
- (f) A maximum of seven (7) dwelling units per net acre shall be permitted. Net acreage shall be the total site area, exclusive of any dedicated public right-of-way or private easement for either interior or abutting streets. No building shall exceed an overall length of one hundred eighty (180) ft. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) ft., whichever is greater.
- (g) In no case shall the minimum required setback be less than the height of the building.
- (h) No setback shall be required, unless a side or rear yard abuts a Residential District, in which case a buffer shall be provided in accordance with Sec. 2.17.
- (i) The first twenty (20) ft. of the required front yard shall not be used for parking or aisles and shall be landscaped.
- (j) If the side or rear yard abuts a Residential District, the minimum required setback distance shall be increased as necessary to meet the requirements of Sec. 2.17.
- (k) The required front setback area applies to the edge of the parking area, as well as any building or structure and shall be landscaped.
- (l) A lesser front yard setback may be permitted where the majority of the buildings in the same zoning district, located on the same side of the block and within 300 ft. of the subject property, have a lesser setback. In such case, the setback shall be no less than the average setback established by the above conditions.

CHAPTER 14
SITE DEVELOPMENT REQUIREMENTS

SECTION 14.1 SITE PLAN REVIEW

A. Purpose

The purpose of this Chapter is to consider and evaluate the applicant's planned objectives in the utilization of land within the regulations of this Zoning Ordinance.

B. Uses Subject to Site Plan Review

1. A Zoning Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Site Plan has been reviewed and approved under the following procedure:

a. The following uses shall be subject to Site Plan Review in accordance with the provisions of this Section.

(1) All uses within the R-3, C-1, C-2, and I Districts, except the following:

- (a) One and two-family dwellings
- (b) Temporary buildings and uses
- (c) Accessory uses or structures

1 (2) Special Land Uses in any zone district.

(3) Site condominiums in any district.

(a) Subdivisions as defined by local ordinance or State law.

b. All site plans not reviewed under Section 14.1 B. 1. a.(1)-(3), shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.

C. Application and Review Procedures

1. Application Procedures

a. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 14.1 C.1.d, are met, then transmit it to the Planning Commission.

b. Copies of the site plan may be forwarded from the Zoning Administrator to one (1) or more appropriate agencies, departments, or consultants, including but not limited to the following:

- (1) Fire
- (2) Police
- (3) Building inspections
- (4) Planning

(5) School District

- c. Review comments shall be submitted by such departments and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered.
- d. An application for Site Plan Review shall consist of the following:
 - (1) A completed application form, as provided by the Village.
 - (2) Ten (10) copies of the Site Plan.
 - (3) Payment of a fee, in accordance with a fee schedule, as determined by Village Council resolution.
 - (4) A legal description, including the permanent parcel number, of the subject property and a boundary survey map.
 - (5) Other materials as may be required by this Section or the Planning Commission.

2. Site Plan Review Procedures

- a. Site Plans shall be professionally prepared by a registered engineer, surveyor, architect, landscape architect, or community planner and shall include the following:
 - (1) Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the subject property.
 - (2) A site plan at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') showing the existing and proposed arrangement of:
 - i. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
 - ii. All lot lines with dimensions.
 - iii. Parking lots and access points
 - i. Proposed buffer strips, fencing or screening
 - ii. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
 - i. Location of any signs not attached to the building
 - ii. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
 - iii. General topographical features including existing contours at intervals no greater than two (2) feet.
 - iv. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - v. Dwelling unit densities by type, if applicable.
 - vi. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - xii. Proposed method of providing storm drainage.
 - xiii. Written description of the computation for required parking.
 - i. Name, address, and phone number of the applicant.
 - ii. Name, address, phone number, and professional seal of the individual responsible for preparing the plan.

- (1) The Planning Commission shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Commission may request from the applicant any additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features an drainage; soil tests, and other pertinent information.
- (2) The Planning Commission shall recommend to the Village Council approval, denial, or approval with conditions based on the requirements of this Ordinance, and specifically, the standards of Section 14.1 D. 1.
- (3) The Village Council shall review all materials submitted as part of the application, along with the findings and recommendations of the Planning Commission and the applicable standards of this ordinance and shall approve, approve with conditions, or deny the site plan.
- (4) No petition submitted for Site Plan review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the Village Council after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Site Plan Review Standards

1. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
 - a. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - b. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed in accordance with applicable standards to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - c. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Village of Howard City.
 - d. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Village Council may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - e. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of the Village of Howard City will be met.
 - f. The general purposes and spirit of this Ordinance and the Master Plan of the Village of Howard City shall be maintained.
 - (a) All buildings and structures are accessible to emergency vehicles.

E. Approved Plans and Amendments

1. Upon approval of the Site Plan, the Village Clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Village's files; one (1) copy of the Site Plan shall be forwarded to the Building Official for issuance of a building permit; and one (1) copy shall be returned to the applicant.

2. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.
 - a. The Village Council, following review by the Planning Commission, may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:
 - (1) the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - (2) the site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
 - b. Should neither of the provisions of Section 14.1 E.2.a. be fulfilled, or an extension has expired without construction underway, the Site Plan approval shall be null and void.
 - c. Amendments to an approved Site Plan may occur only under the following circumstances:
 - (1) The holder of a valid Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - (2) Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Village Council that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Council. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the Village, Montcalm County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
 - (3) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

SECTION 14.2 OFF-STREET PARKING AND LOADING

A. General Requirements

1. Except for the C-1 District, off-street parking for all non-residential zone districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot. In the C-1 District parking shall be provided on the same lot as the use, unless the property adjoins or has access to a community parking lot, a common parking area maintained by participating property owners, or has access to on-street parking.
2. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than thirty-three (33) percent of the required front yard.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
5. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use
6. Two (2) or more buildings or uses may collectively provide the required off-street parking.
7. The Village Council may defer construction of the required number of parking spaces if the following conditions are met:
 - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - b. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
8. Parking of semi-trucks, including the tractor and trailers, and commercial vehicles exceeding one (1) ton shall be prohibited in any residential district or on any residential property.

B. Parking Lot Design Standards

1. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Width	Length
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	20 Ft.

2. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
3. All parking lots shall be hard surfaced with a pavement having an asphalt or concrete binder, and be properly maintained at all times. Such lots shall be properly striped so as to designate spaces, aisles, and circulation routes.

4. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of the Village of Howard City and the Montcalm County Drain Commission.
5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent residential districts or uses.
6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one (1) or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.
 - c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
 - d. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.

C. Off-Street Parking Requirements

1. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
2. When units of measurement determining the number of required off-street parking spaces results in the requirement of a fractional space that fraction shall require one (1) parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit plus one (1) additional space for each 2 units
Housing for the elderly	One (1) space for each 2 dwelling units, plus one (1) for each employee, plus one (1) space for each 5 dwelling units to be marked as visitor spaces
Institutional	
Group day care homes and group foster care homes	One (1) space for each 4 clients, plus one (1) space for each employee
Theaters, assembly areas, auditoriums, gymnasiums	Two (2) spaces for each 5 seats or each 10 feet of pew length, or one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
New churches and any subsequent additions approved after the adoption date of the Ordinance	One (1) space for each 4 seats in the main unit of worship, or one (1) space per each 8 feet of pew length, whichever is less.
Existing churches and any subsequent additions approved after the adoption date of the Ordinance	One (1) space for each 8 seats in the main unit of worship, or one (1) space per each 16 feet of pew length, whichever is less.
Schools, elementary and middle	One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One (1) space for each 8 students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating

Commercial	
Assembly halls without fixed seats	One (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Beauty/barber shop	Three (3) spaces or each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	One (1) space for each 50 square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each 1000 square feet of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Open air business	One (1) space for each 200 square feet of indoor usable area, plus one (1) space for each 1000 square feet of outdoor display area
Personal service establishments	One (1) space for each 50 square feet of usable floor area
Restaurants with drive-through facilities	One (1) space for each 100 square feet of usable floor area, or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants - without drive-through facilities	One (1) space for each 100 square feet of usable floor area, or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is

	greater
Retail stores not otherwise specified	One (1) space for each 200 square feet of usable floor area
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each maximum number of employees on the premises at any one time
Vehicle wash (automatic)	One (1) space for each employee
Vehicle wash (self service)	One (1) space per each 5 stalls
Video rental stores	One (1) space for each 100 square feet of usable floor area, plus one (1) space for the maximum number of employees on the premises at any one time

Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each 150 square feet of usable floor area, plus 3 spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each 300 square feet of usable floor are
Medical and dental offices and clinics	One (1) space for each 75 square feet of waiting room area, plus one (1) space for each examining room, dental chair, or similar use area
Industrial	
Manufacturing, processing, and research establishments	Two (2) space for each 1000 square feet of gross floor area, plus those spaces required for offices located on the premises
Warehouses and wholesale	One (1) space for each 1000 square feet of gross floor area, plus those spaces required for offices located on the premises

D. Off-Street Loading Requirements

1. On the same premises with every building or structure 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. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. In the C-1 and C-2 Districts all loading spaces shall be located in the side or rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
3. I District:
 - a. In the I District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - b. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
4. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
5. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

E. Recreational Vehicles

1. Any owner or lessee of a recreational vehicle, as defined in this Ordinance, may park or store such vehicle on a lot in any Zoning District, subject to the following:
 - a. Such recreational vehicle shall be maintained in a clean, well kept state so as not to detract from the appearance of the surrounding area. Such vehicle shall meet all the other applicable requirements of this or any other village ordinance.
 - b. If such recreational vehicle is equipped with liquefied gas containers, such containers shall meet the standards of either the Interstate Commerce Commission or the Federal Department of Transportation or the American Society of Mechanical Engineers, as such standards exist on the date of passage hereof.
 - c. At no time shall such parked recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided in subparagraph (d) of this Section.
 - d. It shall be lawful for only non-paying guests at a residence in R-1 single family residential district to occupy one recreational vehicle, parked subject to the provision of this Ordinance, for sleeping purposes only, for a period not exceeding one hundred sixty eight (168) consecutive hours. The total number of days during which a recreational vehicle may be occupied under this sub-section shall not exceed thirty (30) days in any calendar year.

SECTION 14.3 SIGNS

A. Intent

This section is intended to protect and further the health, safety, and welfare of the residents of the Village of Howard City; to maintain and improve the appearance of the Village of Howard City; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising and are intended to balance the desire of a property owner to reasonably identify itself or its business with the right of the citizens to be free of unreasonable distractions and clutter.

B. Sign Definitions

1. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
2. Awning sign: A sign affixed flat against the surface of an awning.
3. Balloon sign: A sign composed of a non-porous bag of material filled with air.
4. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
5. Billboard: A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.
6. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
7. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
8. Freestanding Sign: A sign supported on poles not attached to a building or wall.

9. Government Sign: A temporary or permanent sign erected by the Village of Howard City, Montcalm County, or the state or federal government.
10. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
11. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
12. Marquee Sign: A sign affixed flat against the surface of a marquee.
13. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
14. Off-Premise Sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
15. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
16. Political Sign: A temporary sign used in connection with a noncommercial message or an official Village of Howard City, school district, county, state, or federal election or referendum.
17. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
18. Projecting Sign. A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
19. Reader Board: A portion of a sign on which copy is changed manually.
20. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
21. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
22. Roof Sign: A sign erected above the roof line of a building.
23. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
24. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
25. Temporary Sign: A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales, decorative displays for holidays, or public demonstrations.
26. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
27. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

C. General Sign Provisions

1. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a zoning permit, provided the following signs shall not require a building permit:
 - a. Directional signs of six (6) square feet in size or less
 - b. Government signs
 - c. Placards
 - d. Temporary sale signs of four (4) square feet in size or less
 - e. Window signs
 - f. Political signs
2. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.

3. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
4. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
5. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
6. No light pole, utility pole, wireless communications tower or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
7. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
8. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
9. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
10. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
11. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
12. No sign shall be erected above the roof line of a building.

D. Exempted Signs

The following signs shall be exempt from the provisions of the Village of Howard City Zoning Ordinance, except for the provisions of Section 14.3, C:

1. Government signs
2. Historical markers
3. Window signs
4. Memorial signs or tablets
5. Murals
6. Signs not visible from any street
7. Signs for essential services
8. Placards not exceeding two (2) square feet
9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
10. Flags or insignia of any nation, state, Village, community organization, or educational institution
11. Political signs

E. Non-conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses

1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
2. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.

4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
5. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted, or a product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
6. A sign accessory to a non-conforming use may be erected in the Village in accordance with the sign regulations for the subject zoning district.

F. Units of Measurement

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

G. Sign Regulations Applicable to All Zoning Districts

1. Temporary signs are permitted within any zoning district, subject to the following restrictions:
 - a. No more than one (1) temporary sign shall be permitted on a single parcel of property.
 - b. Such sign shall be set back a minimum of ten (10) feet from the front lot line.
 - c. All regulations governing Special Event Signs shall be applicable.
2. All ground, wall and freestanding signs may include reader boards.
3. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
4. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
5. Construction signs are permitted within any zone district, subject to the following restrictions:
 - a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
 - b. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - c. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.

6. Special event signs, including banner signs, are permitted in any zone district, subject to the following restrictions:
 - a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.
 - b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.

7. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - b. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
 - c. Directional signs shall be limited to traffic control functions only.

8. Garage and estate sale signs are permitted subject to the following restrictions:
 - a. One (1) sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any right-of-way line.
 - b. Such sign shall not exceed six (6) square feet in area.
 - c. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.

H. Schedule of Sign Regulations

Signs in each Zoning District shall be subject to the following regulations:

R-1, R-2, R-3 AND MH ZONING DISTRICTS - PERMITTED SIGNS	
Ground signs for residential subdivisions, site condominiums, manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the district	
Number	One (1) per major entrance
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet
Wall signs for home occupations	
Number	One (1) per lot or parcel
Size	No greater than four (4) square feet
Location	On wall of house facing street
Wall signs for non-residential uses	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed, but not exceeding seventy five (75) square feet
Location	On wall of building facing street
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for developed properties or lots; sixteen (16) square feet for vacant lots or parcels
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT - PERMITTED SIGNS	
Wall signs or projecting signs	
Number	One (1) per street frontage plus one (1) per side facing a parking lot to identify the location of any public entrance
Size	Street frontage - no greater than ten (10) percent of the wall area to which the sign is affixed; parking lot frontage - no greater than five (5) percent of the wall to which the sign is affixed
Location	On wall of building facing street and wall facing public or private parking area
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of five (5) feet from any property line or adjacent building
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from any property line or adjacent building
Height	No higher than six (6) feet
Marquee signs	
Number	One (1) per street frontage
Size	No greater than forty (40) percent of any face of the marquee to which the sign is affixed
Location	On face of marquee
Height	Minimum clear space of eight (8) feet from bottom of marquee

Awning signs	
Number	One (1) per awning face
Size	No greater than twenty (20) percent of any awning face to which the sign is affixed
Location	On face of awning
Height	Minimum clear space of eight (8) feet from bottom of marquee
C-2 HIGHWAY COMMERCIAL DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed, but not exceeding seventy five (75) square feet
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any front lot line.
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet
Freestanding signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than fifty (50) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than twenty (20) feet, with a minimum distance of ten (10) feet between the bottom of the sign and the ground

I INDUSTRIAL DISTRICT - PERMITTED SIGNS**Ground signs**

Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet

Wall signs

Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed, but not exceeding one hundred (100) square feet
Location	On wall of building facing street

Political signs

Number	One (1) per issue or candidate
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet

Real estate signs

Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet

Billboards

All billboards shall conform to the requirements of the Highway Advertising Act.

CHAPTER 15
SPECIAL LAND USES

SECTION 15.1 APPLICATION PROCEDURES

- A. Application for a special land use permit shall be made to the Zoning Administrator and shall include the following:
1. Ten (10) copies of a site plan containing the information required by Section 14.1 C. 2.
 2. A completed application form.
 3. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Village Council.
 4. Completed site plans.

SECTION 15.2 NOTIFICATION, HEARING, AND REVIEW PROCEDURES

- A. Upon receipt of an application for a special land use permit, the Zoning Administrator shall cause notice to be given of a special land use public hearing, as follows:
1. One (1) notice shall be published in a newspaper of general circulation, not less than five (5) nor more than fifteen (15) days prior to the date of the hearing; and
 2. Written notice shall be sent by mail or personal delivery to the applicant, to all property owners within three hundred (300) feet of the boundary of the subject property, and to the occupants of all structures within three hundred (300) feet.
- B. Following notice, the Planning Commission shall hold a public hearing on the special land use permit application.
- C. The Planning Commission shall make a recommendation to the Village Council to approve, approve with conditions, or deny the special use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Chapter.
- D. The Village Council, in making its decision, shall consider the request, the Planning Commission recommendation, and the applicable standards of this ordinance. If it finds that the request meets all required standards, Council shall approve the special land use request.

SECTION 15.3 GENERAL STANDARDS FOR APPROVAL

- A. The Planning Commission and the Village Council shall approve, or approve with conditions, a special land use permit request only upon a finding that all of the following general standards for approval are complied with:
1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 2. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
 3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.

4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 5. The site plan proposed for such use demonstrates compliance with the special land use specific design standards contained in Section 15.6.
- B. The decision of the Village Council shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Council minutes.
- C. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 15.4 CONDITIONS OF APPROVAL

- A. The Planning Commission may recommend and the Council may impose reasonable conditions in conjunction with approval of a special land use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 15.3 and the Specific Design Standards of Section 15.6.
- B. Conditions shall be imposed in a manner in accordance with the City or Village Zoning Act.

SECTION 15.5 APPROVAL TERM AND EXPIRATION

A special land use permit, including conditions imposed, is attached to and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

SECTION 15.6 SPECIAL LAND USE SPECIFIC DESIGN STANDARDS

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Adult bookstores, adult live entertainment, adult motion picture theater, and massage parlors.**
1. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.
 2. The use is not located within a one thousand (1,000) foot radius of two (2) other such uses, measured from lot line to lot line.
 3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
- B. Banks, credit unions, savings and loan associations, and other similar uses, as determined by the Zoning Administrator, having drive-through facilities.**
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.
 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 3. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.

C. Bed and breakfast establishments.

1. The establishment shall be directly serviced by public water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a public street.
3. No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a single family detached dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed seven (7) guest rooms in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

D. Bus passenger waiting stations.

1. A vehicle waiting/drop off area of not less than ten (10) spaces shall be provided on-site.
2. Passenger loading areas must be lighted. Lighting shall be shielded to prevent light from spilling onto any residential district or use.

E. Churches.

1. Minimum lot width shall be two hundred (200) feet.
2. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) sq. ft. for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
3. The property location shall be such that at least one (1) side of the property abuts and has access to a collector or arterial street.
4. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.

F. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-3 District.
3. Parking and circulation:
 - a. One (1) parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
 - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.

- d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
4. A greenbelt or buffer shall be provided in accordance with Section 2.17.

G. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.

H. Group day care homes.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

I. Hotels and motels.

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setback of ten (10) feet.
3. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.

J. Housing for the elderly.

1. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
2. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted.
3. The allowable density of the zoning district may be increased by no more than fifty (50) percent for all nursing care units licensed by the state of Michigan and no more than twenty-five (25) percent for non-licensed nursing care and supportive care units.
4. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public street.

6. The maximum height may be increased by one (1) story for each additional forty (40) feet the building is set back from all required yards.

K. Kennels.

1. For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
2. Buildings in which animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.

L. Lumber and planing mills.

1. The principal and accessory buildings and structures shall not be located within five hundred (500) feet of any residential use or district property line.

M. Lumberyards.

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
3. Stacking of materials shall be limited to a height no greater than eight feet.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.

N. Manufacture, compounding, processing, packaging, or treatment of products requiring stamping press operations.

1. The principal and accessory buildings and structures shall not be located within five hundred (500) feet of any residential use or district property line.

O. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.

1. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.
2. The principal and accessory buildings and structures, shall not be located within one thousand (1,000) feet of any residential use or district.

P. Metal plating, buffing, and polishing.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

Q. Open air businesses.

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two hundred (200) feet.
2. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
3. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.

4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
6. Stacking of materials shall be limited to a height no greater than eight feet.

R. Private noncommercial and public recreation areas or community recreation centers.

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
4. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.

S. Production, refining, or storage of petroleum or other flammable liquids.

1. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.
2. The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential use or district.

T. Recycling centers.

1. A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district property line.

U. Residential dwelling units, in the same building with commercial uses.

1. No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
2. Two (2) on-site parking spaces shall be required for each dwelling unit.
3. Access to dwelling units shall be from outside of the building.
4. No dwelling unit shall be located on the ground floor of the building.
5. No dwelling unit shall be located on the basement level of the building.
6. No dwelling unit shall be located in an accessory structure or building.
7. No dwelling unit shall be located over a garage.

V. Restaurants, exclusive of drive-through facilities.

1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
2. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or any other driveway.

W. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of fifty (50) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.

X. Salvage yards, Junk yards.

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destinations of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall abut and have suitable access to a collector or arterial street to ensure safe, direct transport of salvage to and from the site.
3. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight (8) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding twenty-four (24) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
4. Stored materials shall not be stacked higher than eight (8) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall. However, movable equipment used on the site may exceed the wall on fence height.
5. The fence or wall enclosing the storage area shall meet the applicable building setback requirements; provided all fences shall be set back a minimum of three hundred (300) feet from any residential use or district boundary and one hundred (100) feet from any right-of-way line.
6. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
7. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
8. All portions of the storage area shall be accessible to emergency vehicles.
9. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide continuous loop drives separating each row of vehicles.
10. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which

prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.

11. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
12. The property shall be a minimum size of at least five (5) acres.
13. A greenbelt in accordance with the requirements of Sec. 2.17 shall be provided along all property lines.
14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
15. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Village of Howard City. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Y. Site condominiums.

1. The minimum lot size, width, and setbacks shall conform to the requirements of the zoning district in which the project is located.
2. The minimum floor area per unit shall conform to the requirements of the zoning district in which the project is located.
3. All developed sites shall be required to use Village utilities.
4. Sidewalks shall be constructed on all sides of site condominium lots abutting a public street, in accordance with Village standards. The Village Council may waive the requirement for a sidewalk when, in the opinion of the Council, no good purpose would be served by the sidewalk for site plan condominium projects of four (4) or more sites.
5. All site condominium lots shall have access to and frontage on a public street.

Z. Truck terminals.

1. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.
4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
6. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required front or side yard.
7. Equipment and/or running vehicles must be placed at such a distance or enclosed to allow noise no greater than 65 db at the property line.

AA. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the district in which it is located.

BB. Vehicle repair.

1. Inoperative vehicles left on the site shall be stored within an enclosed building or in a fenced in area six (6) feet in height.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in a fenced in area six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
6. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.
7. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
8. Stacking of materials shall be limited to a height no greater than eight (8) feet.

CC. Vehicle service stations.

1. Minimum lot area shall be fifteen thousand (15,000) square feet and minimum lot width shall be one hundred twenty (120) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
7. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.
8. No more than two (2) curb openings shall be permitted along any street frontage. Curb openings shall not exceed a maximum width of thirty (30) feet.
9. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
10. Outdoor lighting shall be shielded to prevent light from spilling onto any residential district or use or distracting to motorists.

DD. Vehicle wash establishment, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.

2. Vacuuming activities, if outdoors, shall be located in the rear yard and at least one hundred (100) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district property line.
3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened and such screening shall be continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy five (75) feet from the nearest edge of any other driveway.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
6. Outdoor lighting shall be shielded to prevent light from spilling onto any residential district or use or distracting to motorists.

EE. Veterinary hospitals and veterinary clinics.

1. Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for kennels, as provided in this Chapter.

FF. Radio, television, and commercial wireless communication towers (excluding towers which meet the criteria of Sec. 2.19 B).

1. The minimum lot size shall be the same as that of the district in which the tower is located.
2. The tower shall be set back from all lot lines a minimum distance equal to one-half (1/2) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning District.
3. In Residential Districts, such towers shall not exceed one hundred (100) feet in height, unless located on publicly owned land.
4. A security fence at least six (6) feet in height shall be constructed around the tower and supports.
5. Where possible, joint use of tower facilities shall be required for multiple users in order to minimize the number of separate towers and individual locations throughout the village. As a condition of approval, the applicant shall agree to permit future users to share the tower facility.
6. Unless, located on the same site or tower with another user, no new tower shall be erected within a one (1) mile radius of an existing radio, television, or cellular communications tower.
7. Where the effect of any of the provisions of this ordinance would be to prevent or preclude the operation of amateur radio antennas, the Village Council may approve the use if the applicant demonstrates that the requirements would interfere with the reasonable accommodation of amateur radio communications.
8. No signs, except warning or other cautionary signs, shall be permitted on the site.

CHAPTER 16
ZONING BOARD OF APPEALS

SECTION 16.1 **MEMBERSHIP**

A. Continuation of Present Zoning Board of Appeals

The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in Section 5 of the City or Village Zoning Act.

B. Composition and Terms

The Zoning Board of Appeals shall consist of five (5) members appointed by the Village Council. Members are appointed for a three (3) year term.

C. Alternate Members

Up to two (2) alternate members may be appointed by the Village Council for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.

D. Vacancies

Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Council.

E. Officers

The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.

SECTION 16.2 **MEETINGS**

A. Meetings

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Village Clerk or representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business, except that four (4) members shall be required to hear any request for a use variance. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it. The Zoning Board of Appeals shall be authorized to adopt its own by-laws.

B. Hearings

The Board of Zoning Appeals shall make no decision regarding a variance except after a public hearing is conducted. The Board shall fix a reasonable time for the hearing of the appeal and give due notice to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants

of single and 2-family dwellings within 300 feet, the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. The Board shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in person or by agent or by attorney.

SECTION 16.3 JURISDICTION

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Section and the laws of the State of Michigan. The Zoning Board of Appeals shall not have the authority to hear appeals from a decision made in respect to any special land use, planned unit development, or rezoning. The powers of the Zoning Board of Appeals include:

A. Hearing of Appeals

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal and/or interpretation made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

B. Granting of Variances

A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.

C. Granting of Temporary Uses and Buildings

1. The Zoning Board of Appeals may permit, upon proper application, temporary uses or buildings not otherwise permitted in the district, not to exceed twelve (12) months and to provide up to a twelve (12) month extension when appropriate.
2. The Zoning Board of Appeals, in granting permits for temporary uses and buildings, shall do so under the following conditions:
 - a. The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use or building is permitted.
 - b. The granting of the temporary use or building shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Zoning Board of Appeals.
 - d. The use or building shall be in harmony with the general character of the district.
 - e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this Ordinance.
 - f. Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.

SECTION 16.4

DECISIONS

A. Procedure

An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Village. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.

B. Filing

The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:

1. Project Information, including:
 - a. the applicant's name;
 - b. name of the development;
 - c. the preparer's name;
 - d. north arrow;
 - e. complete and current legal description and size of property in acres; and
 - f. small scale location sketch of sufficient size and scale.
2. Existing Features
 - a. property lines and dimensions;
 - b. zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site;
 - c. lot lines and all structures on the property and within one hundred (100) feet of the site's property lines;
 - d. location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed; and
3. Proposed Construction
 - a. building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
 - b. location and dimensions of parking spaces;
 - c. details of site circulation and access design, including:
 - (1) indication of street right-of-way and pavement widths and pavement type;
 - (2) names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and
 - (3) written verification of access easements or agreements, if applicable.

C. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

D. Decisions

The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance; except that a concurring vote of two-thirds (2/3) of the membership shall be necessary to grant a use variance.

E. Record of Actions

For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:

1. Description of the applicant's request.
2. The Zoning Board of Appeal's motion and vote.
3. A summary or transcription of all relevant material and evidence presented at hearing; and,
4. Any conditions attached to an affirmative decision.

F. Appeals to Circuit Court

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the City or Village Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.

G. Resubmission

No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one (1) of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 16.5 CONDITIONS OF APPROVAL

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the City or Village Zoning Act and related to the standards by which the decision is reached.

SECTION 16.6

VARIANCE PROCEDURES

A. Authority for Variances

The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

B. Granting of Non-Use Variances

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

C. Granting of Use Variances

1. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:
 - a. That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.
 - b. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in

- question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship;
- c. That the proposed use will not alter the essential character of the neighborhood.
2. Prior to Zoning Board of Appeals hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report to the Zoning Board of Appeals. For this report the Planning Commission shall consider the Master plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors as the Planning Commission may deem relevant.

SECTION 16.7

FEEES

The Village Council may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Village Treasurer at the time the application for the appeal or variance is filed.

**CHAPTER 17
ADMINISTRATION**

SECTION 17.1 ZONING ADMINISTRATOR

A. Authority

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Village Council. The Zoning Administrator shall have the power to:

1. Issue Zoning Permits;
2. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
3. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
4. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.
5. Revoke a zoning permit issued in error

SECTION 17.2 PERMITS

A. Zoning Permits

1. No building, structure, or commercial sign shall be erected, altered, moved, or substantially repaired unless a Zoning Permit shall have been first issued for such work.
2. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure or for the use of any land which is not in accordance with all provisions of this Ordinance.
3. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use. Regardless of the issuance of a building permit, a property owner must still comply with all provisions of the Village's Zoning Ordinance.

B. Building Permits and Certificates of Occupancy

1. No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Zoning Permit for such work has been issued by the Zoning Administrator.
2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.

SECTION 17.3 ENFORCEMENT

A. Violations

1. Any person, corporation, firm, or other entity who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any condition or requirement of any permit, certificate, plan, agreement, variance or other approval or authorization granted under this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 3008a of the Howard City Village Code (Civil Infraction Ordinance), except that the increased fine for a repeat offense shall be as follows:

- a. The fine for any offense which is a first repeat offense shall be no less than \$150.00, plus costs and other sanctions.
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs and other sanctions.
2. In addition to the Zoning Administrator or any authorized Village official is authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing the alleged violators to appear at the Howard City Municipal Office) for violations under this ordinance.
 3. Any building erected, moved, altered, razed, or converted, or any use of land which is begun or changed subsequent to the effective date of this ordinance, or its amendment, that is in violation of any provision of this ordinance or any condition or requirement of any permit, certificate, plan, agreement, variance or other approval or authorization granted under this ordinance, is hereby declared to be a nuisance per se, and shall be abated by any court of competent jurisdiction.

B. Performance Guarantees

1. As a condition of approval of a private street, site plan review, special land use, or planned unit development, the Planning Commission or Village Council, whichever is designated as the approving authority, may require a financial guarantee of a sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
2. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a Zoning Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 - b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village.
 - c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a zoning permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Village.
 - d. The Zoning Administrator, upon the written request of the obliger, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
 - e. When all of the required improvements have been completed, the obliger shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obliger shall be released from liability pursuant to relevant portions

of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

- f. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 17.4 AMENDMENTS

The Village Council is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Council, the Planning Commission or by petition of one (1) or more owners of property in the Village of Howard City affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Village Council, and then referred to the Clerk to set a hearing date and publish notices.
- B. The Planning Commission shall conduct a public hearing, the notice of which shall be given by at least one (1) publication notice in a newspaper of general local circulation, not less than fifteen (15) days prior to the date of said hearing.
- C. The Planning Commission shall make a recommendation to the Village Council to approve or deny the proposed amendment, along with its findings.
- D. The Village Council may hold additional hearings, in any manner and if it considers it necessary.
- E. No petition for rezoning, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 17.5 FEES

The Village Council shall by resolution establish fees for the administration of this ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Village office hours at the Village Hall. Such fees may be changed from time to time by resolution of the Village Council. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this ordinance and as to which a fee is prescribed. In addition to regularly established fees, the Village Council in its discretion may also require an applicant to submit to the Village (prior to Village review of an application or proposed site plan) an amount of money determined by the Village to be a reasonable estimate of the fees and costs which may be incurred by the Village in reviewing and acting upon any such application or related matters. The Village shall not charge fees or assess costs to the applicant for the time expended by Village employees (except when authorized under appropriate provision of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Village during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Village's reasonable costs and expenses, may include but shall not be limited to Village attorney fees, Village engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Village, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. Such monies shall be retained by the Village for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Village shall be refunded.

CHAPTER 18
TITLE

SECTION 18.1 **TITLE**

This Ordinance shall be known, and may be cited as, the Village of Howard City Zoning Ordinance.

SECTION 18.2 **INTENT**

This Ordinance, enacted under the authority of the City or Village Zoning Act, is intended to insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

SECTION 18.3 **SCOPE**

A. Interpretation and Application

In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

B. Vested Rights

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

SECTION 18.4 **SEVERABILITY**

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

SECTION 18.5 **EFFECTIVE DATE**

Public hearing having been held hereon, the provisions of this Ordinance are hereby adopted, and this Ordinance shall take effect on January 2, 2000.

SECTION 18.6 **REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance adopted by the Village of Howard City, known as Ordinance No. A-79, and all amendments thereto, are hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal includes the Official Zoning Map of the Village of Howard City Zoning Ordinance, which is hereby adopted as a part of this Ordinance.

INDEX

Accessory building	1, 7, 9, 10, 21-24, 27, 31, 37, 39, 45, 79, 80, 81, 83
Accessory use	1, 9, 21, 25, 27, 55, 62
Adult bookstore	1, 45, 76
Adult live entertainment theater	2, 45, 76
Adult motion picture theater	2, 45, 76
Alley	2, 15, 29, 30, 62, 63, 65
Annexed areas.....	30
Antenna.....	14, 16, 23, 27, 85
Average grade	2, 7, 15, 67, 84
Bed and breakfast establishment.....	3, 31, 77
Berm	3, 7
Buffer strip.....	3, 7, 56
Building line	3, 17
Building permit.....	25, 50, 55, 58, 65, 67, 93-95
Certificate of occupancy	4, 93, 95
Child care center	4, 5, 39, 45
Church.....	23, 31, 61, 76, 77
Village Council.....	3, 5, 13, 14, 17, 20, 26, 30, 38, 47-51, 56-59, 75, 76, 82, 87, 92-96
Commercial storage warehouse	4, 45, 77
Contractor's showrooms.....	45
Corner lot.....	9, 14, 17, 26
Directional sign.....	64, 65, 68
District boundaries.....	29, 30, 79
Drive-through facilities.....	39, 45, 62, 76, 81
Effective date	19, 20, 23, 25, 59, 92, 97
Enforcement.....	92-94
Essential public service.....	5, 6, 23, 37, 83
Family	2, 3, 5-7, 22-24, 26, 29, 31, 33, 35, 37, 52, 53, 55, 61, 68, 77, 88
Family day care home.....	6, 31, 37
Fence.....	22, 26, 81-85
Flag lot.....	9
Freestanding sign	64, 67, 71, 72
Funeral home	39, 62, 78
Grade.....	2, 7, 15, 24, 67, 84
Greenbelt.....	7, 26, 58
Gross floor area.....	6, 63
Ground sign	64, 68, 69, 71, 72
Group day care home.....	7, 61, 78
Height	7, 15, 20-24, 26, 27, 31, 33, 35, 40, 41, 43, 46, 52, 53, 63, 66, 68, 69, 70-73, 78, 79, 82-85, 90
Home occupation	8, 26, 27, 31, 37, 65, 69
Housing for the elderly	8, 35, 61, 78
Junk.....	8, 45, 81, 82
Junk yard.....	8, 45, 81
Keeping of animals	25
Lot of record	10, 19
Lumberyard.....	12, 79
Main building.....	1, 11, 16, 17, 21-26, 79

Manufactured home	11, 12, 23, 24, 29, 37, 38, 52, 68
Manufactured home park	11, 23, 24, 29, 37, 38, 52, 68
Massage parlor	11, 45, 76
Multiple family dwelling	22, 35, 61
Non-conforming building	20
Non-conforming lots of record	19
Non-conforming use	19, 20, 66, 67
Non-use variance	91
Off-street loading requirement	63
Off-street parking requirement	61, 63
Open air business	12, 43, 62, 80
Parking lot design standard	60
Performance guarantee	94, 95
Planned unit development	13, 47, 88, 94
Political sign	64, 65, 69, 70, 72, 73
Portable sign	64, 65
Principal use	1, 11, 13
Public facilities	11, 97
Recycling center	45, 80
Regulations applicable to single-family dwellings	23
Required access	22
Required yard	17, 23, 24, 79, 80, 83, 84
Retail store	62
Salvage yard	14, 81, 82
Satellite dish antenna	14
Schedule of regulations	52
Scope	97
Secondary street	14, 26
Sidewalk	22, 79, 82, 94
Special land use specific design standards	75, 76
State licensed residential facility	15, 31, 37
Swimming pool	11, 12
Temporary sign	64, 65, 67
Temporary use	88
Title	97
Tower	5, 6, 16, 23, 27, 35, 37, 39, 46, 84, 85
Truck terminal	16, 45, 82
Use variance	87, 90, 92
Vacated area	30
Variance	87, 88, 90-92
Vehicle service station	16, 41, 62, 83
Vehicle wash establishment	43, 84
Village Council	3, 5, 13, 14, 17, 20, 26, 30, 38, 47-51, 56-59, 75, 76, 82, 87, 92-96
Wireless communication tower	6, 35, 37, 39, 46, 84
Wall sign	65-67, 69-72
Zoning Board of Appeals	3, 87-92