

**VILLAGE OF LAKE ODESSA
PLANNING COMMISSION
REGULAR MEETING**

PROPOSED AGENDA

**MONDAY, NOVEMBER 24, 2025 - 7:00 P.M.
PAGE MEMORIAL BUILDING
839 FOURTH AVENUE
LAKE ODESSA, MI 48849**

1. Call to Order / Roll Call
2. Approval of Agenda
3. Public Comment
Under the Open Meetings Act, any citizen may come forward at this time and make comment on items that appear on the agenda. Comments will be limited to three minutes per person. Anyone who would like to speak shall state his/her name and address for the record. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.
4. Minutes: To approve the meeting minutes from the following Planning Commission meetings:
 - a. Minutes from the special Planning Commission meeting of October 21, 2025
5. Public Hearing:
 - a. Application submitted by Indigo Design for special use permit approval to construct a 54-unit multiple-family development on property located in the 800 block of Jordan Lake Avenue (the former high school football field; the east part of parcel # 34-101-200-000-655-22)
 - b. Proposed amendment to Chapter 36 of the Code of Ordinances to replace all references from “mobile home” and “mobile home park” to “manufactured home” and “manufactured home park,” respectively
6. Action and Discussion items:
 - a. Consider Approving Special Use Permit -- to construct a 54-unit multiple-family development on property located in the 800 block of Jordan Lake Avenue
 - b. Copper Rock & Indigo Design Site Plan Review – V/L Jordan Lake Avenue
 - c. Consider Recommending Amendment to Zoning Ordinance Chapter 36 to Village Council for Approval
 - d. Election of Officers
 - e. 2026 Planning Commission Meeting Dates and Times
7. Board Member Comments
8. Adjournment

**VILLAGE OF LAKE ODESSA
PLANNING COMMISSION**

MINUTES

**SPECIAL MEETING
TUESDAY, OCTOBER 21, 2025 - 6:00 P.M.**

Page Memorial Building
Lake Odessa, Michigan

The meeting was called to order at 6:00 pm by Chairperson Meg Wheeler.

ROLL CALL

Commissioners present: Meg Wheeler, Karen Banks, Beth Barrone, Ben DeJong (6:04 pm), Gregg Guetschow, Ken Misiewicz

Commissioners absent: None

Staff present: Clerk/Treasurer Kathy Forman, Zoning Administrator Jeanne Vandersloot

APPROVAL OF THE AGENDA

Motion by Guetschow, supported by Banks, to approve the agenda. All ayes; motion carried 5-0.

PUBLIC COMMENT

1. Anne Adams – Asked about peafowl in the village. It was explained that this question should be addressed to Village Council.

MINUTES

Motion by Misiewicz, supported by DeJong, to approve minutes from the regular Planning Commission meeting of September 16, 2025. All ayes; motion carried 6-0.

PUBLIC HEARING

- a. Motion by Misiewicz, supported by DeJong, to open the public hearing regarding the Proposed amendment to Zoning Ordinance Section 36-35 – Zoning District Regulations and Section 36-94 – Planned developments to allow for increased density of dwelling units and other modifications to bulk, parking, and other requirements for multiple-family residential developments. All ayes; motion carried 6-0.

The public hearing was opened at 6:05 pm.

Village Manager Guetschow explained the need for this provision. Chairperson Wheeler asked for public comment. Barry Hoven asked what the changes are and about the building layout. Guetschow answered his questions. The Public Hearing was noticed per state law, and no response was received.

Motion by Banks, supported by Misiewicz, to close the public hearing. All ayes; motion carried 6-0.

The public hearing was closed at 6:16 pm.

- b. Motion by DeJong, supported by Guetschow, to open the public hearing regarding the Proposed amendment to the official zoning map of the Village of Lake Odessa to change the zoning district designation from HC – Highway Commercial to PR – Public Recreational for a .25 acre parcel of land located at the northwest corner of the intersection of Jordan Lake Street and Jordan Lake Avenue. All ayes; motion carried 6-0.

The public hearing was opened at 6:16 pm.

Village Manager Guetschow explained the reason for this map amendment. Chairperson Wheeler asked for public comment, and none was heard. The Public Hearing was noticed per state law, and no response was received.

Motion by Misiewicz, supported by Banks, to close the public hearing. All ayes; motion carried 6-0.

The public hearing was closed at 6:20 pm.

ACTION AND DISCUSSION ITEMS

- a. Consider Approving Special Use Permit – Home Occupation Business Application – 1501 Tupper Lake Street.

The public hearing was held on September 15, 2025.

Motion by Misiewicz, supported by DeJong, to approve the Special Use Permit – Home Occupation Business Application – 1501 Tupper Lake Street, as submitted. All ayes; motion carried 6-0.

- b. Copper Rock and Indigo Design Site Plan Review – V/L Jordan Lake Avenue

Vandersloot discussed the information as submitted and noted several open items that will need to be addressed. There have been no material changes to the plan since the September presentation. A public hearing is needed because it is a special use subject to special provision.

Motion by Guetschow, supported by Barrone, to set a public hearing for Monday, November 24, 2025 at 7:00 pm. All ayes; motion carried 6-0.

- c. Consider Recommending Amendment to Zoning Ordinance Section 36-35 and 36-94 to Village Council for approval

Village Manager Guetschow gave an overview, talked about changes that are proposed. Examples were given of the effect of each change. The goal is to harmonize the language between the two sections.

Motion by Banks, supported by Misiewicz, to recommend the Amendment to Zoning Ordinance Section 36-35 and 36-94 as presented to Village Council for adoption. All ayes; motion carried 6-0.

- d. Consider Recommending Amendment to the Official Zoning Map of the Village of Lake Odessa to Village Council for approval

Motion by Banks, supported by DeJong, to recommend the Amendment to the Official Zoning Map of the Village of Lake Odessa as presented to Village Council for adoption. All ayes; motion carried 6-0.

BOARD MEMBER COMMENTS:

Misiewicz – Work was well done on the ordinance amendments.

ADJOURNMENT

Motion by Barrone, supported by DeJong, to adjourn the meeting. All ayes; motion carried 6-0.

Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Kathy Forman
Village Clerk / Treasurer



Lake Odessa
Page Memorial Building
839 Fourth Avenue
Lake Odessa, MI 48849

Phone: (616) 374-7110

Fax: (616) 374-0040

website: www.lakeodessa.org

Site Plan Review Application

This application must be completed in full and approved by the Lake Odessa Planning Commission before beginning any construction, excavation or use regulated by the Lake Odessa Zoning Ordinance.

Proposed Request: ☒ **Special Use Permit** ☐ **Commercial** ☐ **Industrial** ☐ **Residential**

New construction of two three-story multifamily buildings with 54 total apartments, one single-story operations building, a trash enclosure, a playground, and a 108 space parking lot.

The proposed front setback is 20'-0". The proposed side and rear setbacks are 30'-0".

The apartment buildings will have a maximum height of 42' (average roof slope height) or 50' to ridge.

Property Information

Address V/L Jordan Lake Avenue

Parcel Tax ID Number 34-101-200-000-655-22 Number of Acres or Square Feet 2.71 acres

Legal Description *(use attachments if needed)*

This subject property will be split from the existing parcel and a new legal description will be created.

Applicant Information

Name Indigo Design + Development (Indigo Development, LLC) - Ryan Schmidt

Address 920 Cherry Street SE, Suite 3

City Grand Rapids State MI Zip 49506

Phone Numbers (616) 574-6474 (616) 551-7734 ()

Property Owner Information *(if different from applicant)*

Name Stuart Ventures, LLC

Address 7357 Woodland Road

City Lake Odessa State MI Zip 48849

Phone Numbers () (616) 813-5383 [Broker Raymond McDaniel]

Site Plan Review Application (page 2)

Present Zoning District

MF - Multi Family _____

Present Use of the Property

Vacant land _____

Site Plan (see zoning ordinance section 36.66 for details)

Include a site plan showing the location of the proposed use, any existing structures or the proposed location of any new construction or additions. Site plans must contain all of the information required in the Lake Odessa Zoning Ordinance.

Affidavit

I certify and affirm that I am the property or building owner or the owner's authorized agent and that I agree to conform to applicable zoning laws of the Village of Lake Odessa. I also certify and affirm that this application is accurate and complete to the best of my knowledge. I hereby give permission for Village representatives to visit this location.

Signature Agent _____



RYAN SCHMITT
 AUTHORIZED SIGNATORY
 100130 DEARBORN, IL

Date 9/2/25

Signature Owner _____

Date _____

Office / Zoning Administrator Use

Fee paid _____ Date _____

Application Approved _____ Date _____

Conditions of Approval _____

Application Denied _____ Date _____

Reason for Denial _____

Zoning Administrator Signature _____

Date _____

**VILLAGE OF LAKE ODESSA
IONIA COUNTY, MICHIGAN**

Trustee _____, supported by Trustee _____, moved the adoption of the following ordinance:

ORDINANCE NO. 2025-13

**AN ORDINANCE TO AMEND SECTIONS 36-5, 36-6, 36-35,
36-63, AND 36-94 OF THE CODE OF ORDINANCES TO
CHANGE REFERENCES TO "MOBILE HOMES" TO
"MANUFACTURED HOMES"**

THE VILLAGE OF LAKE ODESSA ORDAINS:

Section 1. That Sections 2-163 and 2-164 of the Code of Ordinances, Village of Lake Odessa, Michigan, are hereby amended to read as follows:

Sec. 36-5. Definitions.

(a) *Usage.*

- (1) For the purpose of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means in this chapter; the word "regulation" means the regulations of this chapter; and the words "this chapter" shall mean "the ordinance text, tables and maps included herein, as enacted or subsequently amended."
- (3) A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "lot" includes a plot or parcel; a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (4) The "village" is the Village of Lake Odessa in the County of Ionia, State of Michigan; the "village council," "board of appeals", and "planning commission" are respectively the village council, board of appeals, and planning commission of the Village of Lake Odessa.

(b) *Words and terms defined.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "A"

Accessory building means a building or structure located on the same lot with the principal or main building, or a portion thereof. An accessory building is detached from the main building. Where a structure is attached to a main building in a manner by a wall or roof, it shall be considered a part of the main building.

Accessory use means a use customarily incidental and subordinate to the principal use or structure, and located in the same lot with such principal use or structure.

Agriculture means 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.

Animal clinic means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Automobile dealership means the use of a building, land area, or other premises for the display and sale of new or used automobiles, but may include light trucks or vans, trailers, or recreational vehicles; and which may include vehicle preparation or repair work conducted as an ancillary use.

Automobile service station means any building, land area, or other premises or portion thereof, used for the retail dispensing or sales of vehicular fuels; and which may include as an ancillary use the servicing and repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Automobile wash means any building or premises or portions thereof used for washing automobiles.

(2) "B"

Bed and breakfast means a private residence that offers overnight accommodations to lodgers in the innkeeper's (owner or operator) principal residence and serves breakfasts at no extra cost to its lodgers, provided that:

- a. For the purpose of this definition, a lodger means a person who rents a sleeping room in a bed and breakfast establishment for fewer than 30 consecutive days;
- b. Off-street parking shall be provided in addition to that required for residential purposes at a rate of one vehicle space per sleeping room, and shall be located and screened so as to minimize negative impacts on adjacent lands;
- c. The bed and breakfast shall have no more than five guest sleeping rooms; and,
- d. Meals may be served only to the operator's family and overnight guests of the establishment.

Boardinghouse (or lodging house), residential means a year round residential dwelling having one kitchen and used for the purpose of providing lodging, or both meals and lodging to three or more persons for a fee. The term "boardinghouse (or lodging house), residential" does not include motels, motor hotels, tourist rooms, ~~mobile~~ **manufactured** homes or recreation vehicles, all of which are deemed to be transient and commercial oriented.

Body-piercing means the perforation of human tissue other than an ear for a nonmedical purpose.

Body-piercing establishment means an establishment where the perforation of human tissue other than an ear for nonmedical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.

Building means any structure having a roof.

Building height means the elevation measured from the average finished lot grade at the front of the building, to the highest point of the roof.

(3) "C"

Church means a building or structure, or groups of buildings or structures, that by design and construction are intended and used for conducting organized religious services.

Commercial greenhouse means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale.

Construction means the building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot shall constitute construction.

Convenience/grocery store means an establishment offering for sale prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, for off-site consumption.

(4) "D"

Dwelling, multiple family, means a building or portion thereof, used or designed for occupancy by more than two families living independently of each other. This definition does not include single-family attached dwellings or two-family dwellings.

Dwelling, single-family attached, means a group of three or more single-family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit shall have its outside entrance. For the purposes of this chapter, dwellings such as semi-detached and rowhouses, shall be deemed a single-family attached dwelling.

Dwelling, single-family detached means a unit exclusively for use by one-family which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family means a detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

Dwelling unit or *dwelling* means a dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one-family, either permanently or temporarily, but in no case shall a motor

home, trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of a partial occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this chapter and shall comply with the provision thereof relative to dwellings.

(5) "E"

Efficiency unit (studio) means a dwelling unit for one individual or small family consisting of one room, exclusive of bathroom, hallway, closets and the like.

Essential public services means 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, drains, sewers, traffic signals, pipes, conduits, cables, fire alarm boxes, police call boxes, hydrants, electric substations, gas regulator stations, and other similar equipment and accessories (in connection therewith)) reasonably necessary for the furnishing of adequate service by such public utilities or municipal department or commissions for the public health, safety or general welfare.

(6) "F"

Family means one or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than six persons (exclusive of domestic servants), of whom are not related by blood, marriage or adoption, shall not be considered to constitute a family.

Farm animal means any horse, swine, goat, llama, mink, fowl, or any other animal typically raised for commercial profit or slaughter.

Flood hazard area means that area subject to flooding on the average of once in every hundred years based on information supplied by the U.S. Department of Housing and Urban Development, Federal Insurance Administration.

Floor area means the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls or from the center line of wall separating two buildings. The floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level, or finished lot grade, whichever is higher. The term "floor area" shall not include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, porches or attached garages are not included.

Florist shop means an establishment engaged in selling floriculture or related merchandise to the general public.

Freestanding ground sign means a sign which is supported by one or more poles, posts or braces or which rests on the ground or near the ground or on a foundation on the ground. Such sign shall be located outside any street right-of-way, not block driver vehicle visibility, not be higher than six feet and not exceed 12 square feet.

Freestanding outdoor furnace means any device, apparatus or structure that:

- a. Is designed, intended or used to provide heat and/or hot water to any residence or structure; and
- b. Operates by burning wood or other solid fuel such as, but not limited to, coal, paper or agricultural products; and
- c. Is not located within the residence or structure for which it is providing heat and/or hot water.

Funeral home means a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

(7) "G"

Garage, public, means a public building used for the care, repair, or storage of automobiles.

Garage sale means home sale, basement sale, attic sale, rummage sale, yard sale, or other type of so-called residential sale of used tangible personal property such as, but not limited to, clothing, household effects, tools, garden implements, toys, recreation equipment or other used or secondhand items customarily found in and about the home and advertised in a manner whereby the public at large is, or can be, aware of such sale.

(8) "H"

Home occupation means a legal activity, profession or other occupation not otherwise permitted in the district, which is conducted as an incidental, secondary accessory use on a residential lot by at least one member of the family residing on the premises, does not change the general character of the area, and which conforms to the provisions of this chapter.

Hotel means a facility offering transient lodging accommodations to the general public and travelers, containing sleeping units with or without meals or kitchens, for compensation on a transient basis and which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

(9) "I"

Inn (or lodge) means a building for the transient accommodation of sleeping units for guests or travelers with or without kitchens for compensation on a transient basis and which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

(10) "J"

Junkyard means any land over 200 square feet in area including buildings thereon used primarily for the collecting, storage, and abandonment of waste paper, rags, scrap metal, or discarded materials which is for sale; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

(11) "K"

(12) "L"

Laundromat means an establishment providing washing, drying, or dry-cleaning machines on the premises for use to the general public.

Light industry means any industrial or warehousing operation that meets the performance standards of this chapter; and which is totally contained inside an enclosure of whose operation or storage is totally screened from view, and which does not create excessive demands on public roads, water and sewage facilities or other community facilities.

Lodger means a person who rents a room in a public transient overnight facility such as a hotel, motel, inn or lodge.

Lot means a parcel of land which is separately described on a deed or other instrument recorded in the office of the register of deeds, whether by metes and bounds description, as part of a platted subdivision or condominium unit intended for individual ownership and use and is also land occupied, or designed to be occupied by one principal building and the accessory buildings and structures customarily incidental 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 chapter, be held as one lot or as many lots as shall leave no lot substandard. When adjacent lots under common ownership cannot be combined due to legal or other lawful means, then they may be considered a "zoning lot" for construction permits. Adjacent lots under common ownership may be considered together as part of the primary lot with the principal building to obtain construction permits for accessory uses. Multiple adjacent lots may also be considered one zoning lot in consideration for a zoning or building permit and setbacks are measured from the outside perimeter as if they are one lot (example: multiple platted lots where a house is constructed over the interior boundary lines or a house is on one lot and accessory uses such as a garage or pool are proposed for an adjacent lot). Adjacent lots are defined as lots that share common boundary lines.

Lot area means area of a lot bounded by lot lines.

Lot, corner, means a lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting on a current street or streets shall be deemed a corner lot if the tangents to the curve at the points of

intersection of the side lot lines with the street lines intersect at an interior angle of 135 degrees.

Lot coverage means the amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

Lot line means the boundary of a lot, as defined herein:

Lot line, front, means the exterior line or right-of-way of a road on which a lot fronts or abuts.

Lot line, rear, means any lot line, other than a front lot line, which is parallel or nearly parallel at the front of the line.

Lot line, side, means any lot line not a front or rear lot line.

A corner lot and a through lot shall have two front lot lines and front yards. Notwithstanding section 36-63(d)(3), corner lots and through lots shall have a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines for a corner lot. For a through lot, the principal front lot line shall be the lot line parallel to and adjacent to the street where the street address is taken; if the lot has not been assigned a street address, the principal front lot line shall be consistent with the majority of surrounding properties.

Lot, through, means any interior lot having frontage on two parallel streets.

Lot width means the horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required building setback line.

(13) "M"

Marihuana, also known as *medical marihuana*, also known as *marijuana*, also known as cannabis: that term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d), as amended. Any other term pertaining to marihuana used in this chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marihuana collective or cooperative means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for

such an identification card. The term "collective" or "cooperative" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marijuana collective or cooperative" shall not include the following uses: a state-licensed health care facility; a state-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the village.

Marihuana dispensary or dispensary means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marihuana dispensary" shall not include the following uses: a state-licensed health care facility; a state-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the village.

Medical use of marihuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq., as amended.

~~*Mobile home* means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated~~

~~thereunder. The term "mobile home" does not include a recreational vehicle. See Public Act No. 96 of 1987 (MCL 125.2301 et seq.)~~

~~*Mobile home park* means a parcel or tract of land, under the control of a person, upon which three or more mobile homes are located on a continual, nonrecreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as a recreation vehicle trailer park. See Public Act No. 96 of 1987 (MCL 125.2301 et seq.).~~

Manufactured Home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured home development means a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for used incident to the occupancy of a manufactured home.

Seasonal manufactured home development means a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for a use incident to the occupancy of a manufactured home. A seasonal manufactured home development does not include a campground licensed pursuant to sections 12501 to 12516 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being sections 333.125021 to 333.12516 of the Michigan Compiled Laws, as amended

Mortuary means a place for the storage of human bodies prior to their burial or cremation.

Motel means an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

(14) "N"

Net buildable area means contiguous land excluding land subject to flooding six months of the year, poor drainage, steep slopes, rock out crops and land encumbered by easements.

Nonconforming lot of record (substandard lot) means a lot lawfully existing at the effective date of the ordinance from which this chapter is derived, or affecting

amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Nonconforming structure means a structure, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

Nonconforming use means a use lawfully existing in a building or on land at the effective date of the ordinance from which this chapter is derived, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

(15) "O"

(16) "P"

Personal service business means an establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including a tattoo or piercing parlor.

Private road means a private road or street shall be defined as a street or drive 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.

Professional office means the office of a member of a recognized profession maintained for the conduct of that profession, which may include banks and medical and dental establishments, provided that such medical and dental establishments provide services on an out-patient basis.

(17) "Q"

Quarry or quarrying operation means 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.

(18) "R"

Recreational vehicle means a vehicle primarily designed 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. See Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Restaurant means an establishment where food and drink are prepared, served and consumed.

Retail commercial means an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Road frontage means the length of the lot line which borders a public road.

(19) "S"

Setback means the horizontal distance from a lot line inward toward the foundation wall of the building nearest to that lot line or the roof overhang if it is over one foot from the foundation wall.

Sexually-oriented business means an establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Sidewalk café means an accessory use to a principal use such as a restaurant, café, bakery, coffee shop or similar establishment that serves food and drinks in a specified enclosed adjacent outdoor area.

Sign means any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used or intended to be used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, symbols, figures, design, fixtures, colors, illumination, or projected images, including the following sign types:

- a. *Awning sign* means a sign that is mounted, painted or attached to the front of an awning or canopy.
- b. *Banner sign* means any sign on paper, cloth, fabric or other flexible or combustible material of any kind, either with or without frames.
- c. *Billboard sign* means a pole sign intended to direct attention to a business, commodity, service, establishment, activity or entertainment that is conducted, sold, or offered at a location other than the premises on which the sign is located.
- d. *Electronic message board* means a sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.
- e. *Ground sign* means any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six feet in height.
- f. *Nonconforming sign* means a sign lawfully existing prior to the effective date of this chapter, or affecting amendment thereto, which fails to meet the current location, size, height or other standards required under this chapter.
- g. *Pole sign* means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
- h. *Projecting sign* means a sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.
- i. *Portable sign* means any temporary sign constructed to be readily movable from one location to another and not permanently affixed to a building, structure or the ground,

for the purpose of advertisement or promotion of a special event at an established business.

- j. *Suspended sign* means a sign hanging down from a marquee, awning, canopy or porch that would exist without the sign.
- k. *Wall sign* means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.
- l. *Window sign* means a sign indoors attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside; excluding decorative painting applied to the glass.
- m. *Village identification sign* means a sign that identifies the village borders or village property, which may include announcements of special events, dates, times or other related information.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces or uprights, of the sign. When two sign faces are back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart at any point, the sign area shall be computed by the measurements of one of the faces.

Sign height shall mean the vertical dimension from the median natural grade to the highest point of the highest attached component of the sign. A sign shall not extend beyond the edge of the wall to which it is affixed nor above the roof line of a building to which it is attached.

Site plan review means the submission of plans for review, as part of the process of securing zoning approval.

Special use permit means a permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the village, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this chapter for them are met.

Specified anatomical areas means:

- a. Less than completely and opaquely covered human genitals, anus and female breasts at or below the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (a), (b) or (c) above.

Sports and recreational facility means an establishment designed and equipped for the conduct of sports and leisure-time activities, such as aerobic exercises, jogging tracks, game courts, bowling facilities, swimming and exercise equipment; and which may also include ancillary uses, such as locker rooms, showers and saunas.

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

Swimming pool or pool, spa or hot tub. The terms "swimming pool" or "pool" or "spa" or "hot tub" shall mean artificially constructed, portable above-ground or permanent below-ground pools or spas and hot tubs, including wading pools, which are capable of being used for swimming or bathing.

(20) "T"

Tattoo parlor means an establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

Tattoo, tattooed, tattooing means any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring.

(21) "U"

(22) "V"

Variance means a varying or relaxation of the dimensional standards of the zoning ordinance by the zoning board of appeals; and where such variance will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in practical difficulty.

Vehicle repair shop means any building, premises, and land in which or upon which a business, service or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

(23) "W"

When fronting on this phrase shall mean that the building shall be oriented such that the required front yard abuts M-50 or Jordan Lake Avenue; and further, that the use would not encroach into a residential neighborhood.

(24) "X"

(25) "Y"

Yard means an open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter.

Yard, required front, means the minimum required yard measured from the front lot line into the interior lot area (the minimum setback area).

Yard, required rear, means the minimum required yard measured from the rear lot line into the interior lot area (the minimum setback area).

Yard, required side, means the minimum required yard measured from the side lot line into the interior lot area (the minimum setback area).

(26) "Z"

Zoning permit means a permit signifying compliance with the provisions of this chapter as to use, activity, bulk, and density.

Sec. 36-6. Interpretation of chapter.

- (a) *Chapter as minimum requirements.* In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety and the general welfare.
- (b) *More restrictive standard to prevail.* Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or higher standard shall control.
- (c) *Chapter not to abridge other regulations.* This chapter shall not abridge the provision of a ~~validity~~ **validly** adopted building code, ~~mobile~~ **manufactured** home ordinance, subdivision or other regulation.
- (d) Where a use is defined or listed as a permitted use or a special land use in a given zoning district, such use shall not be permitted in any zoning district where it is not listed. This is true even if such use might be similar to a listed permitted use.

Sec. 36-35. Zoning district regulations.

- (a) *R-1, Low density residential district.* Zoning district regulations for the R-1, low density residential district shall be as follows:
 - (1) *Intent and purpose.* The R-1 zoning district is characteristically a single-family housing area. While all of the village is serviced with utilities, the low density status is designed to preserve and protect those areas which have developed strictly as single-family detached units on separate lots. No further subdivision of single-family lots

would be desirable or contributory to the existing residential character. The dwelling unit-density, however, would still be at a sufficient scale to support utility system operation and maintenance costs.

- (2) *Uses permitted by right.* Uses permitted by right in the R-1 district shall be as follows:
- Single-family dwellings.
 - Type 1 home occupations within a dwelling.
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the R-1 district shall be as follows:
- Churches;
 - Schools;
 - Parks and playgrounds;
 - Essential public services;
 - Type 2 home occupations within an accessory building.
- (4) *Accessory uses permitted when located on the same lot as a permitted primary use.* Accessory uses permitted when located on the same lot as a permitted primary use in the R-1, low density residential district shall be as follows:
- Private auto garages, carports;
 - Child playhouses, swingsets, and similar apparatus;
 - Doghouses, pens, and similar structures;
 - Swimming pools and bathhouses;
 - Porches, gazebos, decks and similar structures;
 - One for sale or rent sign per lot.
 - Tennis, basketball or volleyball court and similar uses for private use;
 - Identification name plate not more than two square feet in size.
- (5) *Bulk Regulations.* Bulk regulations in the R-1 district shall be as follows:
- Minimum lot area:* Single-family dwelling: 8,700 square feet; planned development: five acres; and all other permitted uses: two acres.
 - Minimum lot width:* Single-family dwelling: 66 feet; planned development: 200 feet; and all other permitted uses: 150 feet.
 - Required front yard:* Single-family dwelling: 15 feet set back; and all other non-residential permitted uses: 30 feet setback.
 - Required side yard:* Single-family dwelling: six feet; and all other non-residential permitted uses: 25 feet.
 - Total width for both required side yards:* Single-family dwelling: 12 feet; and all other non-residential permitted uses: 50 feet.
 - Required rear yard depth:* Single-family dwelling: 20 feet; and all other non-residential permitted uses: 25 feet.
 - Maximum building height:* All permitted uses: two and one-half story or 35 feet.
 - Minimum floor area:* Single-family dwelling shall have a minimum finished living area of 864 square feet with minimum of 650 square feet on the other floor.

- i. *Minimum off-street parking spaces:* One space (ten feet by 20 feet) per residence: one-half dwelling unit. For other permitted uses such as churches, public building, theaters, community and recreation building: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For schools and nursery schools: one space for each 12 seats or students.
- (b) *R-2, low density lake side residential district.* Zoning district regulations for the R-2, low density lake side residential district shall be as follows:
 - (1) *Intent and purpose.* The R-2 zoning district is strictly characterized as a single-family housing area located along the shoreline of Jordan Lake. While most of the lake frontage is platted and developed, the low density status is intended to preclude further division into smaller and narrower housing sites and to preserve the existing lakeside residential character without loss of neighborhood appeal.
 - (2) *Uses permitted by right.* Uses permitted by right in the R-2 district shall be as follows:
 - a. Single-family dwellings and public parks and beaches.
 - b. Type 1 home occupations within a dwelling.
 - (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the R-2 district shall be as follows:
 - a. Essential public services.
 - b. Type 2 home occupations within an accessory building.
 - (4) *Permitted accessory uses.* Permitted accessory uses in the R-2 district shall be as follows:
 - a. Same as R-1; except
 - b. Private docks and boat launches.
 - (5) *Bulk regulations.* Bulk regulations in the R-2 district shall be as follows:
 - a. *Minimum lot area:* Single-family dwelling: 8,700 square feet.
 - b. *Minimum lot width:* Minimum lot width in this district shall be 33 feet.
 - c. *Required front yard:* Minimum front yard set back in this district shall be ten feet.
 - d. *Required side yard:* Minimum side yard in this district shall be three feet. Total width of both required side yards shall be six feet.
 - e. *Required rear yard depth:* Minimum rear yard depth in this district shall be 30 feet.
 - f. *Maximum building height:* Maximum building height for permitted uses shall be 2½ stories or 35 feet.
 - g. *Minimum floor area:* Minimum floor area for a single dwelling shall be 864 square feet with minimum of 650 square feet on the ground floor.
 - h. *Minimum off-street parking spaces:* One space (ten feet by 20 feet) per residence: one-half dwelling unit.
- (c) *R-3 low/medium density residential (one-family and two-family) district.* Zoning district regulations for the R-3 low/medium density residential (one-family and two-family) district shall be as follows:

- (1) *Intent and purpose.* The R-3 zoning district is primarily intended as a transitional buffer between the R-1, low density residential districts and the higher intensity central business district. It buffers the central business district on the west, south and east wherein the most of the commercial activity is located. The residential character is predominantly order, single-family homes located on individual lots. The basis for transition is the fact that this district encompasses mostly older homes located close to the downtown area. Because many of these homes are larger and represent sizeable maintenance and energy costs for a single-family, it is feared that restriction to only single-family use may foster inadequate maintenance or even abandonment. The possible consequences may be a general appearance of blight; which (if allowed to proceed in a downward trend) can erode the social stability of any neighborhood, as well as adversely affect the shopping appeal of the central business district. Based upon the above, the R-3 district is regarded as conducive for some conversion of older, larger homes to two-family dwellings provided certain conditions to be developed for the health, safety and welfare of the neighborhood are met.
- (2) *Uses permitted by right.* Uses permitted by right in the R-3 district shall be as follows:
- a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Type 1 home occupations within a dwelling.
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the R-3 district shall be as follows:
- a. Two-family conversions subject to section 36-92.
 - b. Churches.
 - c. Adult foster care facilities of seven or more clients.
 - d. Nursing homes, convalescent homes, housing for the elderly.
 - e. Essential public services.
 - f. Type 2 home occupations within an accessory building.
- (4) *Permitted accessory uses.* Permitted accessory uses in the R-3 district shall be as follows:
- a. Private garages (noncommercial);
 - b. Lawn sheds;
 - c. Swimming pools;
 - d. Private accessory parking;
 - e. Porches, decks and similar structures;
 - f. Doghouse;
 - g. One for sale or rent sign per lot;
 - h. Tennis, basketball or volleyball court and similar uses for private use;
 - i. Identification name plate not more than two square feet in size.
- (5) *Bulk regulations.* Bulk regulations in the R-3 district shall be as follows:

- a. *Minimum lot area:* Single-family dwelling: 8,700 square feet; for other permitted use such as churches, adult foster care facilities, nursing homes, and convalescent homes, two acres lot size shall be required.
 - b. *Minimum lot width:* For single-family dwelling, the lot width shall be 66 feet and for other permitted uses such as churches, adult foster care facilities, nursing homes and convalescent homes, the lot width shall be 200 feet.
 - c. *Required front yard:* For single-family and two-family dwelling, the front yard (setback) shall be 15 feet and for other non-residential permitted uses, 30 feet.
 - d. *Required side yard depth:* For single-family and two-family dwelling the side yard depth shall be six feet and for other non-residential permitted uses the side yard depth shall be 30 feet. Total width of both side yards for a single-family and two-family dwelling shall be 12 feet and for other non-residential permitted uses, 60 feet.
 - e. *Required rear yard depth:* 20 feet rear yard depth is required for single-family and two-family dwellings. 30 feet rear yard shall be required for other non-residential permitted uses.
 - f. *Maximum building height:* Maximum building height for all uses shall be two and one-half stories or 35 feet.
 - g. *Minimum floor area:*
 - 1. Each new single-family detached dwelling shall have a minimum finished living area of 864 square feet of floor area with a minimum of 650 square feet on the ground floor for units of more than one story.
 - 2. Attached single-family including two-family and townhouses, each new dwelling unit shall have a minimum finished living area of 800 square feet with a minimum of 600 square feet on the ground floor for units of more than one story.
- (6) *Other permitted uses and permitted conversions.* Other permitted uses and the permitted conversion of older dwellings shall follow the following floor area requirements:

For	Floor Area/Unit
Efficiency	375 sq. ft.
1 bedroom	600 sq. ft.
2 bedroom	780 sq. ft.
3 bedroom	940 sq. ft.
In the excess of 3 bedroom	940 + 80 sq. ft. for each additional bedroom.

- (7) *Minimum off-street parking:* One space (ten feet by 20 feet) per each one-half dwelling unit. For other permitted uses such as church public building, adult foster care facility, nursing and convalescent houses and essential public services: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For school and nursery schools, one space for each 12 seats or students.
- (d) *MF, Medium/high density: Multiple family residential district.* Zoning district regulations for the MF, medium/high density: multiple family residential district shall be as follows:

- (1) *Intent and purpose.* The multiple family residential district is intended for new uses and structures such as apartment buildings of three or more dwelling units, specialized housing for seven or more unrelated individuals and senior citizen housing.
- (2) *Uses permitted by right.* Uses permitted by right in the MF district shall be as follows:
 - a. Single-family dwellings.
 - b. Two-family dwellings, duplexes.
 - c. Type 1 home occupations within a dwelling.
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the MF district shall be as follows:
 - a. Multiple family dwellings.
 - b. Essential public services.
 - c. Residential planned developments. See section 36-94.
 - d. Nursing homes, convalescent homes, housing for the elderly.
 - e. Type 2 home occupations within an accessory building.
- (4) *Permitted accessory uses.* Permitted accessory uses in the MF district shall be as follows:

Private garages (noncommercial), lawn sheds, maintenance and storage buildings, apartment leasing offices, swimming pools, gazebos, benches, playgrounds, mailbox clusters, bike racks, ball courts, and accessory private parking.
- (5) *Permitted accessory signs.* Signs conforming to the requirements of Section 36-63 shall be permitted for single-family dwellings, two-family dwellings, type 1 home occupations, and type 2 home occupations. For all other uses, one ground sign or one wall sign is permitted, with a maximum permitted sign area of 24 square feet per sign face. The minimum sign setback for ground signs shall be one-half the required setback for the yard in which the sign is located. Only signs identifying the use and occupant are permitted. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.
- (6) *Bulk regulations.* Bulk regulations for the MF district shall be as follows, provided, however, the Planning Commission may permit modifications to setback requirements and height limitations when topography of the site and vegetative buffer areas achieve a similar visual separation between uses and abutting properties:
 - a. *Minimum lot area:* The minimum lot area for multiple family development shall be 2,000 square feet per unit or 20 units per acre. For single-family and two-family development lot size shall be 8,700 square feet. All other uses permitted by special use permit, the lot size shall be three acres.
 - b. *Minimum lot width:* The minimum lot width for single-family and two-family dwellings shall be 66 feet and for other permitted uses, 200 feet.
 - c. *Required front yard:* The required front yard setback shall be 15 feet for single-family and two-family dwelling and 20 feet for multiple-family dwellings. The required front yard setback shall be 30 feet for all other permitted uses.

- d. *Required side yard:* Six feet minimum side yard is required for both single-family and two-family dwellings and 20 feet for multiple-family dwellings. The required front yard setback shall be 30 feet for all other permitted uses. Total width for both required side yards: The total minimum width of both required side yards for single-family and two-family dwellings shall be 12 feet. For all other permitted uses the total width shall be 60 feet.
- e. *Required rear yard depth:* The minimum rear yard setback for single-family, ~~and~~ two-family and multiple-family dwellings shall be 20 feet. The minimum rear yard setback for all other permitted uses shall be 30 feet.
- f. *Maximum building height:* The maximum building height for all uses shall be 35 feet; provided, however, the Planning Commission may allow a building height up to 50 feet to accommodate roof designs for multiple-family structures compatible with single-family home construction in surrounding areas. Accessory buildings shall not exceed a height of 20 feet.
- g. *Minimum dwelling floor area:*
 - 1. Each new single-family detached dwelling shall have a minimum finished living area of 864 square feet of floor area with a minimum of 650 square feet on the ground floor for units of more than one story.
 - 2. Attached single-family including two-family and townhouses, each new dwelling unit shall have a minimum finished living area of 800 square feet with a minimum of 600 square feet on the ground floor for units of more than one story.
 - 3. Other permitted uses shall follow the following floor area requirements:

For	Floor Area/Unit
Efficiency	375 sq. ft.
1 bedroom	600 sq. ft.
2 bedroom	780 sq. ft.
3 bedroom	940 sq. ft.
In the excess of three bedroom	940 + 80 sq. ft. for each additional bedroom.

- h. *Minimum off-street parking:*
 - 1. Two spaces (ten feet by 20 feet) for each dwelling unit except for multiple-family developments for which off-street parking is required at the rate of one and one-half spaces per efficiency or one-bedroom apartment and two spaces per apartment with two or more bedrooms. For other permitted uses such as a church, public building, adult foster care facility, nursing and convalescent homes and essential public services: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For school and nursery schools, one space for each 12 seats or students.
 - 2. Nonresidential parking requirements of this chapter may be satisfied by participation in a municipal or joint community parking program designed to serve a larger area, provided all plans for such community parking have been first approved by the planning commission.

(e) *MH, ~~mobile home park~~ manufactured home development* (medium/high density residential district). Zoning district regulations for the MH, ~~mobile home park~~ *manufactured home development* (medium/high density residential district) shall be as follows:

(1) *Intent and purpose.* ~~The mobile home park zoning district is designed for those who prefer mobile home living. Although a single family unit, the mobile home park has essentially a higher density impact than the conventional single family development. In order not to adversely affect other areas, of the village, certain land areas are hereby recognized as appropriate for continued mobile home use, provided that the proper site design standards and requirements are met.~~ *The manufactured home development zoning district is where existing manufactured home developments are located in the Village and are designed for those who prefer manufactured home living. A new approved manufactured home development shall be in this zoning district. Although comprising single-family units, the manufactured home development has higher density than a conventional single-family development. To assure compatibility with uses permitted in adjacent areas, certain land areas are recognized as appropriate for continued or new manufactured home development use provided site design standards are requirements are met.*

(2) ~~*Uses permitted by right. None.*~~ *The application procedures, review process, uses, screening, utilities, public health and safety, site development, and bulk regulations are provided in section 36-93 of this code.*

(3) ~~*Uses permitted by special use permit. Uses permitted by special use permit in the mobile home park zoning district shall be as follows:*~~

~~Mobile home park developments.~~

(4) ~~*Permitted accessory uses.*~~ *Permitted accessory uses in the mobile home park zoning district shall be as follows:*

- ~~a. Park store.~~
- ~~b. Community building.~~
- ~~c. Laundry facilities.~~
- ~~d. Playground area.~~

(5) ~~*Permitted accessory signs.*~~ *One ground sign or one wall sign is permitted, with a maximum permitted sign area of 25 feet. The minimum sign setback for ground signs shall be one half the required setback for the yard in which the sign is located. Only signs identifying the use and occupant are permitted. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.*

(6) ~~*Bulk regulations.*~~ *Bulk regulations for mobile home park developments are listed in section 36-93.*

(f) *CBD, central business district.* Zoning district regulations for the CBD district shall be as follows:

(1) *Intent and purpose.* The central business district refers to the Fourth Avenue shopping district which is also identified as the center or "Hub" of Lake Odessa's daily activity. It

is through this area that local traffic passes and villagers shop for everyday needs. The prevailing appearance of the village as a rural farm oriented country village is a major theme for this area, and it is the intent of the village to promote, preserve, and enhance that character in accordance with the development goals and policies previously discussed in article I of this chapter. The kinds of uses to be encouraged are generally retailing, personal services, offices and all such uses which are conducive to a "pedestrian scale and sidewalk shopping." The only exception to this would be the very northern part of the central business district, where additional commercial uses such as grain elevators, farm supplies and other uses requiring a railroad orientation would also be encouraged.

- (2) *Uses permitted by right.* Uses permitted by right in the central business district shall be as follows:
- a. Retail commercial excluding automobile commercial.
 - b. Personal services establishments.
 - c. Professional offices.
 - d. Restaurants and food service establishments.
 - e. Taverns.
 - f. Public parking lots.
 - g. Essential public services.
 - h. Churches.
 - i. Residence located at the second story level (or higher).
 - j. Hotels, motels, lodges and inns, subject to the requirements of subsection 36-95(3), section 36-132 and section 36-133.
 - k. Sidewalk cafés, subject to the requirements of subsection 36-35(f)(9).
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the central business district shall be as follows:
- a. Residence below street level, provided same shall be handicapped accessible.
 - b. Residence on the same street level as commercial business use, provided:
 - 1. Usable commercial space shall be not less than 750 square feet, and must have a depth of 30 feet or half the total depth of the building, whichever is greater.
 - 2. Usable commercial space must face a major commercial street, with residential space located behind on the alley side, and in no event shall street level residential space abut a major commercial street.
 - 3. Deliveries to commercial businesses with residences on the same floor shall not be permitted from either Fourth Avenue or Tupper Lake Street.
 - 4. There shall be no existing violations currently on file with respect to subject property which have not been removed or remedied to the satisfaction of the zoning administrator. However, an applicant may be required by the planning commission to remove or remedy said violation as a condition of securing a special use permit.
 - 5. For each block in the zoning district, the maximum percentage of commercial structures which may be converted to provide residence facilities on the same

floor as a commercial business is 20 percent. For the purpose of this chapter, a percentage greater than the above shall be construed as detrimental and threatening to the existing character, health, safety, and welfare of the district.

6. Each structure proposed for conversion must provide or be designed to provide a minimum number of square feet per dwelling unit, as set forth in subsection (f)(8)g., of this section.
 7. The planning commission is authorized to impose additional reasonable conditions in order to protect the intent and purpose of this option in the central business district.
 8. All requirements, changes and conditions imposed by the planning commission shall be met before occupancy of the newly created residential unit is allowed.
- c. Entertainment and commercial recreation.
 - d. Grain elevators, sales and service.
 - e. Meeting halls and community centers.
 - f. Mini-malls and supermarkets.
 - g. Signs wherein the gross area of all signs total more than 100 square feet.
- (4) *Permitted accessory uses.* Permitted accessory uses in the central business district shall be as follows:
- Parking lots.
- (5) *Permitted accessory signs.* Permitted accessory signs for each use in the central business district shall be as follows:
- a. Only signs identifying the use and occupant (and directional arrow if needed) are permitted.
 - b. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.
 - c. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window sign.
 - d. No more than two signs of any kind shall face one street, notwithstanding the standards below:
 1. A maximum of two wall signs is permitted, but no more than one per wall. Each shall have a sign area up to 15 percent of the total area of the wall to which it is attached, not to exceed 40 square feet. Wall signs shall not project more than 15 inches from the wall to which they are attached. For multi-tenant buildings, either the above wall signage for consolidated identification or one wall sign each per tenant is permitted not to exceed 12 square feet.
 2. One awning sign per entrance is permitted. The maximum sign area permitted is four square feet.
 3. One projecting sign is permitted per entrance. The maximum sign area permitted is 12 square feet. A projecting sign shall not project more than four feet from the face of the building wall.
 4. One suspended sign is permitted per entrance. The maximum sign area permitted is four square feet.

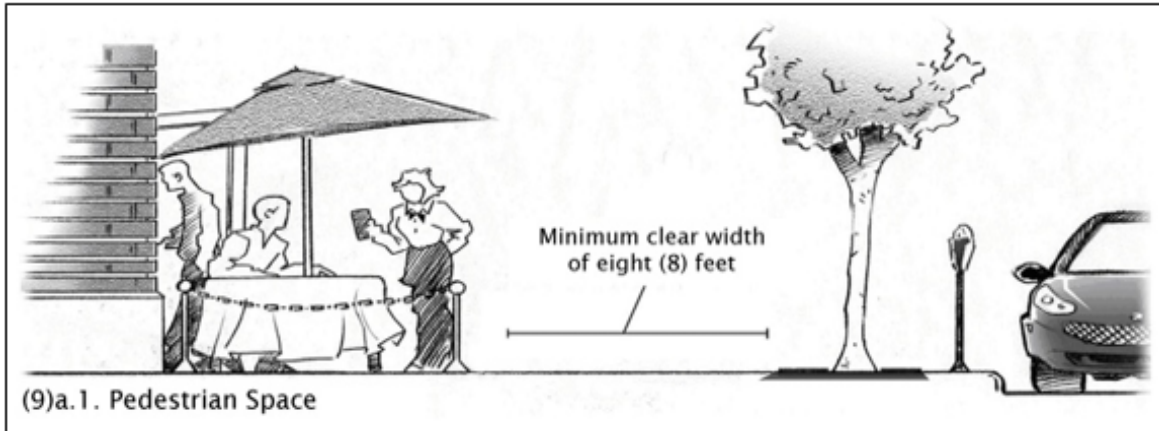
- e. Where a projecting sign, awning sign or suspended sign protrudes over any public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least nine feet from the sidewalk; except that on buildings with permanent roof/awning overhangs, where placing the sign above the overhang presents practical or visibility difficulties, then the bottommost point of the sign shall not be less than seven feet over the sidewalk or walking surface.
 - f. Where a business building location is beyond the street right-of-way by ten feet or more, a freestanding ground sign is permitted.
 - g. For a multi-tenant building, either one freestanding ground sign is permitted with each business identification consolidated on the sign not exceeding 30 square feet or other signage meeting the standards as described in subsections a.—f., above.
- (6) *Minimum off-street parking spaces.* Minimum off-street parking spaces in the central business district shall be as follows: One space (ten feet by 20 feet) shall be required per:
- a. Residences: one-half dwelling unit.
 - b. Public buildings, theaters, community and recreation buildings: 200 sq. feet of floor area, but not less than one space for each three seats where provided.
 - c. Churches: 200 square feet.
 - d. Retail and personal service uses not specifically listed in this district: 150 square feet of floor area in such uses.
 - e. Community parking option: Nonresidential parking requirements may be satisfied by participation in multiple or joint community parking program designed to serve a larger area, provided all plans for such community parking have been first approved by the planning commission. All new business buildings and additions to existing buildings in a commercial district within 300 feet of a community parking area shall be considered a participant in the program when such exists.
 - f. Restaurants: two seat capacity.
 - g. Outdoor automotive commercial: 600 square feet of display and sales area.
 - h. Hotels, motels, lodges and inns: each living unit, plus one space for each employee, owner, or manager. For accessory uses such as meeting rooms or public eating area, 50 percent of the closest related parking formula in the above uses.
- (7) *Minimum off-street loading berths.* Minimum off-street loading berths in the central business district shall be as follows: For all retail commercial and personal service establishments, one berth for the first 8,000 square feet of floor area, plus one additional berth for each additional 25,000 square feet or fraction thereof. One loading berth dimensions shall be 12 feet by 44 feet.
- (8) *Bulk regulations.* Bulk regulations in the central business district shall be as follows:
- a. *Minimum lot area:*
 - 1. For meeting halls, community centers, and mini-malls: 18,000 square feet.
 - 2. For supermarkets, mineral and grain elevators, sales and service: 25,000 square feet.
 - 3. For all other permitted uses: 2,700 square feet.

- b. *Minimum lot width:*
 - 1. For meeting halls, community centers, supermarkets, mini-malls and grain elevators: 80 feet.
 - 2. For all other permitted uses: 20 feet.
- c. *Required front yard:* None, except that where two adjacent lots are developed, the established setback shall apply.
- d. *Required side yard:* When in or adjacent to a commercial or industrial zone or use, no side yard setback is required, but when provided, each side yard shall be five feet. When adjacent to a residential zone or use, the side yard shall be five feet. The street side setback of a corner lot shall be five feet.
- e. *Required rear yard depth:* None if abutting an alley. Where the rear lot line abuts a residential district without an alley, the setback shall be five feet or as established in the same block.
- f. *Maximum building height:* 40 feet with the exception of grain elevators, which can be allowed as high as 125 feet.
- g. *Minimum floor area for residential use:*

For	Floor Area/Unit
Efficiency	375 sq. ft.
1 bedroom	600 sq. ft.
2 bedroom	780 sq. ft.
3 bedroom	940 sq. ft.
In the excess of 3 bedroom	940 + 80 sq. ft. for each additional bedroom

(9) *Sidewalk cafés.*

- a. Sidewalk cafés with and without alcohol service are subject to the following regulations:
 - 1. *Pedestrian space.* Sidewalk cafés shall not unduly obstruct pedestrian movement along the sidewalk and building entrances, nor diminish the safety of the general public. Tables, chairs and other facilities shall be compatible with the architectural character of adjacent buildings and shall be located near the building wall. A clear path of not less than eight feet shall be maintained along the full length of the sidewalk for general pedestrian use.



2. An application for a zoning permit shall be submitted to the zoning administrator, with a site plan identifying the location and dimensions of the outdoor seating area; the type and height of proposed outdoor barriers, the proposed location of all sidewalk café furniture and equipment; site dimensions of the building; and existing public improvements, such as fire hydrants, light poles, trees and tree grates; and photographs of the area. A consultation with the street administrator may be sought before a permit is issued to determine if the proposed pedestrian area is sufficient for passage past the café area and any other potential issues. A sidewalk café area shall not be located in a clear vision intersection area.
3. The immediate area of the café shall be maintained free of litter and debris. Trash receptacles related to the sidewalk café area shall be placed outside of the public right-of-way during non-business hours.
4. Sidewalk cafés may only be located adjacent to the restaurant or food service business with which they are associated. This requirement may be waived, however, to extend the sidewalk café to an adjacent property, if deemed appropriate after review by the zoning administrator and agreeable to the adjacent property owner. Food preparation shall not be conducted on the sidewalk café area, but only inside of the adjacent restaurant or food service business. All food shall be brought outside to the patrons in the marked seating area, except drinks may be served from a rolling cart.
5. Hours of operation of the sidewalk café shall not be later than 10:00 p.m. Sunday through Thursday, and 11:00 p.m. on Friday and Saturday.
6. Days of operation of the sidewalk café shall not occur before April 1 or after October 31. Tables, chairs, portable signs, barriers and other equipment used in the operation of the café shall be removed from November 1 to March 31.
7. A sidewalk café permit shall be in effect as long as the restaurant or food service business has an active customer business.
8. A certificate of general liability insurance that names the village and its officers and agents as additional insureds, and provides for at least 15 days' notice of cancellation, must be submitted prior to issuance of the permit. The minimum amount of coverage required is \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate.

9. The village shall have the right to suspend the operation of a sidewalk café because of anticipated or actual problems or conflicts in the use of the public sidewalk. Such problems may arise from, but are not limited to, festivals and similar events, parades, or repairs to the street, sidewalk or utilities within the public right-of-way. To the extent possible, the café owner will be given prior written notice of any time period during which the operation of the sidewalk café may be suspended.
10. Violations of the permit requirements shall be given in writing to the owner and operator of the restaurant or food service business and sidewalk café with a reasonable time limit to correct the violation. All permits issued under this section are subject to immediate suspension or revocation by the village manager or his or her designee for failure to comply with any or all provisions of this section after the time limit to correct the violation. Revocation shall be reserved for third offense repeat violations and violations that present an egregious safety risk to the public.
11. Persons who have had their permit revoked may request in writing a hearing on that revocation before the village council. Requests for a hearing or an appeal must be made within five business days of the revocation.
- b. Sidewalk cafés with alcohol service are subject to the following additional regulations:
 1. The operator of the sidewalk café shall take whatever steps are necessary to procure the appropriate license from the Michigan Liquor Control Commission if he or she intends to serve alcoholic beverages in the sidewalk café area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan.
 2. The sidewalk café area shall be separated from pedestrian traffic by an approved barrier, which can consist of planters, railings and other similar materials. All barriers used for sidewalk cafés serving alcoholic beverages shall also conform to Michigan Liquor Control Commission Regulations.
 3. A sign reading "No Food or Beverage Allowed Beyond Barrier," or words to that effect, shall be posted at a conspicuous location within the sidewalk café.
 4. All alcoholic beverages to be served at sidewalk cafés shall be prepared within the adjacent indoor restaurant or food service business, and alcoholic beverages shall only be served to patrons seated at tables. The drinking of alcoholic beverages by a member of the public while a patron at a sidewalk café within the confines of the sidewalk café area shall not be construed as a violation of any ordinance controlling open containers in a public area.
 5. Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required in the application package before a permit is issued by the village. Proof of this notice shall be provided to the village by the applicant.
 6. Sidewalk cafés serving alcohol shall be continuously supervised by employees of the establishment.

7. To be eligible to apply for a sidewalk café, the adjoining restaurant or food service business from which the sidewalk café extends must provide a full-service menu for the on-site consumption of food.
- (g) *HC, highway commercial district.* Zoning district regulations for the HC, highway commercial district shall be as follows:
- (1) *Intent and purpose.* The highway commercial district is intended to provide highway orientated services to through traffic along M-50 southeast of the central business district. The character of this category is envisioned as a "limited commercial strip," which can supplement the needs of the village residents. The kind of uses found here are largely automobile oriented, having a high impact on "through" traffic in terms of turning movements and access/degrees into a high velocity roadway. Examples would be a gas station, car dealership, fast food restaurant, etc. Careful site planning and design to reduce impacts will be required. The mapped area of this category is purposely limited in order not to detract from the central business district and not to degrade or encroach upon the established residential character of the homes located to the east and especially to the west.
 - (2) *Uses permitted by right.* Uses permitted by right in the highway commercial district shall be as follows:
 - a. Animal clinic.
 - b. Professional office.
 - c. Funeral home.
 - d. Mortuary.
 - e. Florist shop.
 - f. Bed and breakfast.
 - g. Church.
 - h. Essential public services.
 - i. Personal service business.
 - j. Residence located at the second story level (or higher).
 - (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the highway commercial district shall be as follows:
 - a. Laundromat, when fronting on M-50 or Jordan Lake Avenue.
 - b. Motel, when fronting on M-50 or Jordan Lake avenue.
 - c. Hotel, when fronting on M-50 or Jordan Lake Avenue.
 - d. Automobile wash, when fronting on M-50 or Jordan Lake Avenue.
 - e. Restaurant, when fronting on M-50 or Jordan Lake Avenue.
 - f. Convenience/grocery store, when fronting on M-50 or Jordan Lake Avenue.
 - g. Automobile service station, when fronting on M-50 or Jordan Lake Avenue.
 - h. Automobile dealership, when fronting on M-50 or Jordan Lake Avenue.
 - i. Vehicle repair shop, when fronting on M-50 or Jordan Lake Avenue.
 - j. Sports and recreational facility, when fronting on M-50 or Jordan Lake Avenue.
 - k. Retail commercial, when fronting on M-50 or Jordan Lake Avenue.
 - l. Commercial greenhouse.

- m. Public parking lot.
- n. Residence below street level, provided same shall be handicapped accessible.
- o. Residence on the same street level as commercial business use, provided:
 - 1. Usable commercial space shall be not less than 750 square feet, and must have depth of 30 feet or half the total depth of the building, whichever is greater.
 - 2. Usable commercial space must face M-50 or Jordan Lake Avenue.
 - 3. There shall be no existing violations currently on file with respect to subject property which have not been removed or remedied to the satisfaction of the zoning administrator. However, an applicant may be required by the planning commission to remove or remedy said violation as a condition of securing a special use permit.
 - 4. For each block in the zoning district, the maximum percentage of commercial structures which may be converted to provide residences on the same floor as a commercial business is 20 percent. For the purpose of this chapter, a percentage greater than the above shall be construed as detrimental and threatening to the existing character, health, safety, and welfare of the district.
 - 5. Each structure proposed for conversion must provide or be designed to provide a minimum number of square feet per dwelling unit, as set forth in subsection (g)(8)h., of this article.
 - 6. The planning commission is authorized to impose additional reasonable conditions in order to protect the intent and purpose of this option in the highway commercial district.
 - 7. All requirements, changes and conditions imposed by the planning commission shall be met before occupancy of the newly created residential unit is allowed.
- (4) *Permitted accessory uses.* Permitted accessory uses in the highway commercial district shall be as follows:
 - a. Parking lots.
 - b. On-site storage.
- (5) *Permitted accessory signs.* Permitted accessory signs for each use in the highway commercial district shall be as follows:
 - a. Only signs identifying the use and occupant are permitted.
 - b. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.
 - c. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window sign.
 - d. No more than two signs of any kind shall face one street, notwithstanding the standards below:
 - 1. One ground sign or one pole sign is permitted per frontage. A ground sign shall not exceed six feet in height; a pole sign shall not exceed 20 feet in height. The maximum permitted sign area shall be one square foot for each foot of setback, plus one square foot for each foot of lot frontage, not to exceed 100 square feet. The minimum setback shall be two feet from any property line, including any overhanging component of a sign or sign structure; except that the zoning

administrator or planning commission may require additional setback or other placement to protect motorist vision and to avoid protrusion over any public walkway.

2. One electronic message board per ground or pole sign may be permitted, but not independently. An electronic message board shall have a sign area of up to 16 square feet, and said sign area shall count toward the total sign area of the ground or pole sign to which it is attached.
 3. A maximum of two wall signs is permitted, but not more than one per wall; provided that for multi-use buildings or developments, one wall sign is permitted per tenant. Each sign shall have a sign area up to 15 percent of the total area of the wall to which it is attached, not to exceed 40 square feet. Wall signs shall not project more than 15 inches from the wall to which they are attached.
- (6) *Minimum of off-street parking spaces.* Minimum of off-street parking spaces in the highway commercial district shall be as follows:
- Same as the central business district.
- (7) *Minimum off-street loading spaces.* Minimum off-street loading spaces in the highway commercial district shall be as follows:
- Same as central business district.
- (8) *Bulk regulations.* Bulk regulations in the highway commercial district shall be as follows:
- a. *Minimum lot area:*
 1. For automotive commercial sales and service, bowling alleys and gasoline service stations: 25,000 square feet.
 2. All other permitted uses: 20,000 square feet.
 - b. *Minimum lot width:*
 1. Automotive commercial sales and service and gasoline service stations: 120 feet.
 2. Bowling alleys: 100 feet.
 3. All other permitted uses: 66 feet.
 - c. *Required front yard:*
 1. Automotive and bowling alleys: 40 feet.
 2. Gasoline service stations: 40 feet.
 3. All other permitted uses: 10 feet.
 - d. *Required side yard:*
 1. Automotive commercial sales and service and bowling alleys: 20 feet which shall be doubled when adjacent to residential district or use.
 2. Gasoline service stations: 25 feet which shall be doubled when adjacent to a residential district or use.
 3. All other permitted uses: 10 feet which shall be doubled when adjacent to a residential district or use.
 - e. *Total width of both required side yards:*
 1. Automotive commercial sales and service and bowling alleys: 40 feet which shall be doubled when adjacent to a residential district or use.

2. Gasoline service station: 50 feet which shall be doubled when adjacent to a residential district or use.
 3. All other permitted uses: 20 feet which shall be doubled when adjacent to a residential district or use.
 - f. *Required rear yard depth:*
 1. Automotive commercial sales and service, bowling alleys and gasoline service stations: 25 feet.
 2. All other permitted uses: 20 feet.
 - g. *Maximum building height:* Two and one-half stories or 35 feet.
 - h. *Minimum floor area for residential use:*
 1. Efficiency: 375 square feet per unit.
 2. One bedroom: 600 square feet per unit.
 3. Two bedroom: 780 square feet per unit.
 4. Three bedroom: 940 square feet per unit.
 5. In excess of three bedrooms: 940 square feet, plus 80 square feet for each additional bedroom.
- (h) *LC, lakeside commercial district.* Zoning district regulations for the LC, lakeside commercial district shall be as follows:
- (1) *Intent and purpose.* Lakeside commercial refers to an already established area along the shoreline of Jordan Lake. This is a restrictive district in the sense that no additional land will be devoted to commercial uses because of environmental constraints. Lands now included within this designation are to be devoted only to specialized low-intensity types of commercial uses related to lake development. Examples would be general store, marina, bait shop, marina, gas station, etc., and similar lake/neighborhood related businesses.
 - (2) *Uses permitted by right.* Uses permitted by right in the lakeside commercial district shall be as follows:
 - a. Bait shop.
 - b. Ice cream or sandwich/coffee shop.
 - c. Fishing equipment sales or rental, excluding watercraft.
 - d. Single family dwellings.
 - e. Type 1 home occupations per section 36-95(14)(a).
 - (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the lakeside commercial district shall be as follows:
 - a. Boat marina, sales and service.
 - b. Restaurants.
 - c. Boat rental.
 - d. Mini general store.
 - e. Realty or other small office.
 - f. Type 2 home occupations per section 36-95(14)(e).
 - (4) *Permitted accessory uses.* Permitted accessory uses in the lakeside commercial district shall be as follows:

- a. Parking lots.
 - b. On-site storage.
 - c. Docks, boardwalks, patios and decks.
 - d. Private auto garages, carports.
 - e. Child playhouses, swing sets and similar apparatus.
 - f. Swimming pools and bathhouses.
 - g. Porches, gazebos, and similar structures.
 - h. One for sale or rent sign per lot.
 - i. Tennis, basketball or volleyball court and similar uses for private use.
 - j. Identification name plate not more than two square feet in size.
- (5) *Permitted accessory signs.* Permitted accessory signs in the lakeside commercial district shall be as follows:
- a. One ground sign or one wall sign is permitted per street side and lakeside, with a maximum permitted sign area of 25 feet. The minimum sign setback for ground signs shall be one-half the required setback for the yard in which the sign is located.
 - b. Only signs identifying the use and occupation are permitted.
 - c. No sign shall be illuminated by flashing or moving lights, and external illumination shall be downward facing.
 - d. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window.
- (6) *Minimum off-street parking spaces.* Minimum off-street parking spaces in the lakeside commercial district shall be as follows:
- Same as the central business district.
- (7) *Minimum off-street loading berths.* Minimum off-street loading berths in the lakeside commercial district shall be as follows:
- Same as the central business district for commercial uses.
- (8) *Bulk regulations.* Bulk regulations in the lakeside commercial district shall be as follows:
- a. *Minimum lot area:* Minimum lot area in this district shall be 8700 square feet.
 - b. *Minimum lot width:* Minimum lot width shall be 33 feet.
 - c. *Required front yard:* Front yard set back shall be ten feet.
 - d. *Required side yard depth:*
 - 1. Three feet side yard depth shall be required.
 - 2. The total width for both side yards shall be six feet.
 - e. *Required rear yard depth:* Rear yard depth for commercial uses shall be 20 feet from the rear lot line or the normal waterline of the lakeshore, except commercial unenclosed decks may project into the rear setback up to ten feet and may connect to a boardwalk not wider than five feet that extends to the shoreline or dock. Residential dwellings (and decks) rear yard depth shall be 30 feet from the normal waterline of the lakeshore.
 - f. *Maximum building height:* Maximum building height shall be 35 feet.

- (i) *LI, light industrial district.* Zoning district regulations for the LI, light industrial district shall be as follows:

(1) *Intent and purpose.*

- a. The light industrial district is intended to include light manufacturing, assembling, and finishing activities which have minimal or no nuisance potential to the surrounding non-industrial areas.
- b. The preferred form of future industrial development is the industrial park concept.
- c. Within such a development the overall character may be a combination of light industrial uses supplemented by research and office facilities. In all cases, however, local, state, and federal environmental regulations and constraints would have to be observed.

(2) *Uses permitted by right.* Uses permitted by right in the light industrial district shall be as follows:

- a. The manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
 - 1. Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and similar foods.
 - 2. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar textile goods.
 - 3. Apparel and other finished products made from fabrics leather goods, fur, felt, canvas, and similar materials.
 - 4. Lumber and wood products, including millwork, cabinets, structural wood products and containers, not including saw mills.
 - 5. Furniture and fixtures.
 - 6. Paperboard containers, building paper, building board, and bookbinding produced from previously prepared materials.
 - 7. Printing and publishing.
 - 8. Manufacturing of engineering, measuring, optic, medical, magnification, photographic, and similar instruments.
 - 9. Jewelry, silverware, toys, athletic, office, tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
- b. Research and development, testing and experimental laboratories and manufacturing.
- c. Essential municipal public services.
- d. Trade and industrial schools.
- e. Tool and die manufacturing establishments.
- f. Private communication antennas and towers which are 35 feet or less in height.
- g. Miniwarehouses and self-storage facilities.
- h. Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.

- i. Lumberyards and other building equipment supply establishments.
 - j. Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
 - k. Any similar general manufacturing, fabrication, and assembly operations which meet the intent of this district when authorized by the planning commission.
 - l. Accessory uses customarily incidental to the permitted principal use.
- (3) *Use permitted by special use permit.* Uses permitted by special use permit in the light industrial district shall be as follows:
- a. Essential public service buildings.
 - b. Warehousing, storage, or transfer buildings.
 - c. Truck terminals, including maintenance and service facilities.
 - d. Antennas and towers exceeding 35 feet.
 - e. Contractor equipment yards and operations.
 - f. Any similar general manufacturing, fabrication, and assembly operations which meet the intent of this district when authorized by the planning commission. Products made from previously prepared ferrous metals.
 - g. Sexually-oriented businesses, subject to section 36-99.
- (4) *Permitted accessory uses.* Permitted accessory uses in the light industrial district shall be as follows:
- a. Accessory uses to the uses permitted on the site may be any of the following: garages for storage and maintenance of company vehicles; storage of accessory gasoline and lubricating oils; parking facilities; maintenance and utility shops for the up keep and repair of buildings and structures on the site; central heating and air-conditioning; physical plants and power supply and sewage disposal; employees training facilities; accessory storage facilities; clinics and employees dining and recreation facilities.
 - b. The above uses shall be planned only as accessory uses to the principal use permitted on the site and which is located on the same site.
- (5) *Permitted accessory signs.* Permitted accessory signs for each use in the light industrial district shall be as follows:
- a. Billboard signs are permitted pursuant to the following standards:
 - 1. The maximum permitted billboard sign area shall be one square foot for each foot of setback, plus one square foot for each foot of lot frontage, not to exceed 100 square feet measured at the highest and widest points of the sign. The minimum setback shall be two feet from any property line and right of way, including any overhanging component of a sign or sign structure; except that the zoning administrator may require additional setback or other placement to protect motorist vision and to avoid protrusion over any public walkway.
 - 2. The maximum billboard sign height shall not exceed 20 feet measured from the normal topographic ground level to the highest part of the sign and a 6 foot minimum clear area from the ground to the lowest part of the sign.

3. A billboard sign shall not be located within 75 feet of a residential zoning district or a residential use.
 4. A billboard sign shall have a minimum spacing of 1,000 feet from any other billboard sign.
 5. A billboard sign shall not block visibility of other nearby signs.
 6. A billboard that has back to back faces or V shape shall not exceed 2 feet apart at any point, be the same size and the maximum square footage shall be measured from one side.
 7. Billboards shall not have flashing, intermittent, rotating, electronic digital or oscillating lights. Exterior lighting shall be provided from an external light source attached to the sign and directed on to the face of the sign. The light source shall be shielded in order to prevent visible glare to passing motorists, not encroach on neighboring properties and not shine skyward.
 8. The applicant shall provide written proof from the property owner to place the billboard sign on the site.
- b. One ground sign, pole sign or wall sign identifying the use and occupant per lot is permitted with the following standards:
1. For pole signs, the maximum permitted sign area shall be one square foot for each foot of setback, plus one square foot for each foot of lot frontage, not to exceed 100 square feet measured at the highest and widest points of the sign. The minimum setback shall be two feet from any property line and right of way, including any overhanging component of a sign or sign structure; except that the zoning administrator may require additional setback or other placement to protect motorist vision and to avoid protrusion over any public walkway. The maximum pole sign height shall not exceed 20 feet measured from the normal topographic ground level.
 2. For ground signs, the height shall not exceed six feet. The minimum setback from a street right of way shall be 3 feet and a minimum of 5 feet from a side lot line. The maximum permitted sign area shall be 32 square feet.
 3. For a wall sign, a maximum of two wall signs are permitted, but no more than one per wall. Each shall have a sign area up to 15 percent of the total area of the wall to which it is attached, not to exceed 40 square feet. Wall signs shall not project more than 15 inches from the wall to which they are attached. For multi-tenant buildings, either the above wall signage for consolidated identification or one wall sign each per tenant is permitted, not to exceed 12 square feet.
- c. One window sign is permitted per window, with a maximum permitted four square feet of sign area per window sign.
- d. No sign shall be illuminated by flashing or moving lights, and external illumination shall be downward facing.
- e. One ground, pole or wall sign is permitted per street frontage when fronting on more than one street.
- f. An electronic message board may be permitted within one ground or wall sign, but not independently. An electronic message board shall have a sign area of up to 16

square feet, and said sign area shall count toward the total sign area of the ground or wall sign to which it is attached.

- (6) *Minimum off-street parking spaces.* Minimum off-street parking spaces in the light industrial district shall be as follows: One space per 500 square feet of floor area, plus one space per 1,000 square feet of floor area in accessory use. Parking space shall be ten feet by 20 feet.
- (7) *Minimum off-street loading berths.* Minimum off-street loading berths in the light industrial district shall be as follows: For all individual uses, one berth for the first 5,000 square feet of floor area, and one additional berth for each additional 20,000 square feet of floor area. Berth dimension shall be 12 feet by 44 feet.
- (8) *Bulk regulations.* Bulk regulations in the light industrial district shall be as follows:
 - a. *Minimum lot area:*
 - 1. Industrial park development shall have five acres.
 - 2. All other permitted uses shall have two acres.
 - b. *Minimum lot width:*
 - 1. Industrial park development shall have 400 feet.
 - 2. All other permitted uses shall have 200 feet.
 - c. *Required front yard:* 30 feet front yard setback is required for all permitted uses.
 - d. *Required side yard depth:* 20 feet side yard is required for all permitted uses which shall be doubled when adjacent to a residential district or residential use.
 - e. *Total width of both required:* Side yard shall be 40 feet which shall be doubled when adjacent to a residential district or residential use.
 - f. *Required rear yard depth:* For all permitted uses 30 feet of rear yard depth shall be required.
- (9) *Industrial performance standards.* All uses herein listed are subjected to industrial performance standards as provided in section 36-97.
- (j) *PR, public recreational district.* Zoning district regulations for the PR, public recreational district, shall be as follows:
 - (1) *Intent and purpose.* The purpose of the PR district is to provide for the public health, safety and welfare, by insuring the compatibility of recreation uses with adjacent lands; by protecting natural amenities; and by preserving recreation areas from the encroachment of certain other uses.
 - (2) *Uses permitted by right.* Uses permitted by right in the PR district shall be as follows:
 - a. Outdoor recreational activities which do not cause excessive noise or impact on neighboring properties or the environment, as determined by the planning commission. Outdoor recreational activities include but are not limited to parkland, playground equipment and pavilions; tennis, basketball, baseball, pickle ball or volleyball courts; and facilities that are similar, as determined by the planning commission.
 - b. Preservation of open space and natural features.

- c. Temporary or seasonal uses fitting the intent and purpose of the district, including circuses, carnivals or fairs; and associated activities, buildings and structures, for a period not to exceed seven days.
- (3) *Uses permitted by special use permit.* Uses permitted by special use permit in the PR district shall be as follows:
- a. Permanent buildings and structures accessory and incidental to permitted uses.
 - b. Temporary or seasonal uses fitting the intent and purpose of the district, including circuses, carnivals or fairs; and associated activities, buildings and structures, for a period exceeding seven days.
 - c. Museums.
 - d. Memorials and monuments.
 - e. Public beaches and associated bathhouses, locker rooms or similar facilities.
 - f. Bleachers or grandstands.
 - g. Banquet halls accessory and incidental to permitted uses.
 - h. Outside storage, when accessory and incidental to a permitted use, screened from the roadway and neighboring properties, and accessible to emergency vehicles.
 - i. Campgrounds subject to section 36-95(11).
 - j. The planning commission may approve similar uses, if such uses are determined to be compatible with, and would not adversely impact, the surrounding neighborhood.
- (4) *Bulk regulations and general requirements.* Bulk regulations and general requirements in the PR district shall be as follows:
- a. *Minimum lot area.* Unless otherwise regulated by state or federal statutes, the site shall not be less than required to provide adequate space for the proposed use(s), required parking, and required setback yard areas to accommodate the facilities and maintain the character of the neighborhood, in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the planning commission. The applicant may be required to provide documentation demonstrating the site size is adequate using national facility standards.
 - b. *Setbacks.*
 - 1. The minimum side and rear yard setbacks for all development on the site shall be 25 feet.
 - 2. The minimum front yard setback for all development on the site shall equal that of the minimum front yard setback for the most restrictive proximate zoning district.
 - 3. Development features shall be so located and arranged as to encourage pedestrian, vehicular, user and neighborhood safety, as determined by the planning commission.
 - c. *Maximum building height and floor area.*
 - 1. Buildings and structures shall not exceed a height of 35 feet or two and one-half stories; provided, a greater height may be permitted for temporary buildings or structures of a definite and limited time period.
 - 2. Building or structure floor area shall not exceed 20 percent of the lot area.

- d. *Off-street parking spaces.* The location, arrangement and number of parking spaces shall be approved by the planning commission. The applicant may be required to demonstrate that proposed parking is sufficient to serve the intended use(s).
- e. *Landscaping.* During site plan review, the planning commission may require a combination of trees, shrubs, fences and/or berms to buffer recreational facilities from adjacent properties.
- f. *Signage.*
 - 1. One ground-mounted sign is permitted, up to 50 square feet in gross area.
 - 2. Flashing or moving lights are not permitted; provided, flashing or moving lights may be permitted if part of temporary signage for a period not to exceed seven days.
 - 3. Temporary banners may be permitted for a period of up to 30 days located on the property where the event will be held. A permit may be approved by the Village Manager after a site plan and banner drawing are submitted for review.
- g. The planning commission may establish requirements for and/or limits on lighting, limits on hours of operation, time limits on validity of a special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations.

Sec. 36-63. General regulations.

- (a) *Zoning permit required; conformance to zoning.* In accordance with other village codes, ordinances, and regulations duly adopted by the village council, and in accordance with this chapter, no building or sign shall hereafter be erected, relocated, or altered in its exterior dimension or use, and no excavation for any building shall be begun until a zoning permit has been issued. With respect to this zoning ordinance, eligibility for a zoning permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction of buildings, fences and all major improvements to existing structures and signs. (See article V of this chapter for application procedures.)
 - (1) Zoning permits will not be necessary for normal repairs to existing structures or signs, nor for minor improvements such as unenclosed patios, painting, plumbing, new roofs, etc.
- (b) *Certificate of occupancy required.* No principal building or dwelling subject to the provisions of this chapter shall be occupied, inhabited or used until a certificate of occupancy is issued. (See article V of this chapter for application procedures.)
- (c) *Structures.*
 - (1) *Restoring unsafe buildings.* Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the village building inspector or the county health department.
 - (2) *Sewage disposal facilities and utilities.* Each dwelling unit and principal structure shall be equipped with adequate water-carried sewage disposal facilities to comply with the county sanitary code in effect at the time of the erection of said dwelling or

principal structure. Where public utilities exist within 500 feet. The owner or developer shall be required to hook up with such system.

- (3) *Structure to have access.* Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access or an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (4) *Erection of more than one principal structure on a lot.* In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, providing that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot; and providing that the percentage of lot covered by buildings may not exceed 40 percent.
- (5) *Accessory buildings.* No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected within five feet of any other building or any property line.
- (6) *Exceptions to height regulations.* The heights limitations contained in regulations of this chapter do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (7) ~~Mobile~~ **Manufactured** homes. No person shall use or permit the use of any ~~mobile~~ **manufactured** home or trailer coach as a permanent residence on any site, lot, field, or tract of land not specifically zoned as a ~~mobile home park~~ **manufactured home development**, except as follows:
 - a. ~~Mobile~~ **manufactured** homes may be placed in a licensed ~~mobile~~ **manufactured home** dealership in commercial zoning districts.
 - b. ~~Mobile~~ **manufactured** home structures may be used temporarily while constructing a permanent nonresidential structure for a period of one year. Two extension periods of six months each are permitted upon application to the zoning administrator.
 - c. ~~Mobile~~ **manufactured** homes outside of ~~mobile home parks~~ **manufactured home developments** may be used as single-family dwellings in accordance with section 36-63(c)(8), "Dwelling standards".

~~Mobile home parks~~ **manufactured home developments** are provided for in section 36-93.
- (8) *Dwelling standards.*
 - a. All structures used or proposed to be used as a dwelling as defined herein, shall comply with this section, minimum floor area requirements prescribed in zoning district regulations, and other applicable standards of the State of Michigan and United States Department of Housing and Urban Development.
 - b. A dwelling shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code enforced by the village.

- c. A new dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. A new dwelling shall have a roof overhang of not less than 12 inches on all sides, or alternatively, window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. A new dwelling shall have not less than two exterior doors with the second door being in either the rear or side of the dwelling; and shall contain steps connected to said exterior door areas or to porches connected to said door area where a difference in elevation requires the same.
- d. If the dwelling is a ~~mobile~~ **manufactured** home, it shall be installed with the wheels, axles and towing mechanism removed.
- e. A new dwelling shall have a minimum horizontal dimension across any front, side or rear elevation of 24 feet at time of manufacture, placement, or construction.
- f. Floor to ceiling height shall be a minimum of seven and one-half feet.
- g. A new dwelling shall have a minimum roof pitch of 6:12, meaning that the amount of slope of the roofline in terms of angle or other numerical measure shall be six units of vertical rise for 12 units of horizontal shelter.
- h. The aforementioned standards shall not apply to ~~a mobile~~ **manufactured** homes located in a ~~mobile home park~~ **manufactured home development** licensed by the Michigan Manufactured Home Commission.

(9) *Projections into yards.*

- a. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than three feet into a required front, rear, or side yard.
- b. Any porch, terrace, deck, or balcony that is enclosed shall meet the minimum setback requirement of the main building or accessory building to which it is attached.
- c. On pre-existing building and structures, the zoning administrator shall be authorized to approve encroachments into a required yard for purposes of accommodating the barrier-free access needs of the residents, tenants, and/or client and patrons of said buildings and structures. Authorization of any encroachment shall be subject to the following:
 - 1. The encroachment shall not be located in a public right-of-way.
 - 2. The encroachment shall not create a clear vision hazard.
 - 3. The clear vision requirements of Section 3.11 shall be met.
 - 4. The encroachment shall be limited to that necessary to accommodate the access requirements of the intended user(s), provided, however an encroachment shall maintain a setback of not less than two feet from a side lot line and the edge of a sidewalk and five feet from a front lot line.

(d) *Lots.*

- (1) *New lots to be buildable.* All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.

- (2) *Compliance with minimum lot size regulations.* No new lots shall be created which do not meet the minimum lot size regulations of this chapter.
 - (3) *Corner lots.* On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his application for permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.
- (e) *Utilities.*
- (1) The installation of all electrical work, including equipment shall in every case be done in a safe and workmanlike manner. The regulations of the current National Electric Code, which is in effect at the time of the beginning of construction of any building, shall be considered as good standard policy by the zoning administrator. Installation shall comply with the requirements of the electrical utility company servicing the area.
 - (2) The installation of all interior plumbing work shall comply with the single state construction code.
- (f) *Parking.*
- (1) *Off-street parking and loading.* All buildings located in the village shall provide off-street parking adequate for the use intended, as specified in this chapter. A parking space shall be ten feet by 20 feet or 200 square feet. Parking lot shall include aisle space of 25 feet in width. Certain uses shall also require off-street loading as specified in this chapter.
 - (2) *Parking, storage, or use of major recreational equipment.* For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, recreational trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), self-propelled dwellings, tent trailers, and the like, and cases of boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored in any required front yard of any lot in a residential district, except in the driveway. However, such equipment may be parked in a front yard of residential premises for not more than 24 hours during loading or unloading. No such equipment shall be used for permanent living or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
 - (3) *Parking and storage of unlicensed vehicles.* Automotive vehicles of any kind or type without current license plates shall not be stored within the required yards on any residentially zoned property.
- (g) *Farm animals prohibited.* Because no land in the village is zoned for agricultural use, the keeping of farm animals is generally prohibited in all zoning districts.

- (h) *Demolition of buildings.* No building shall be razed or demolished until a permit has been obtained from the zoning administrator who shall be authorized to require a performance bond. (See article V of this chapter for permits and bonding.)
- (i) *Signs.* No sign shall be erected, relocated, or altered in its exterior dimensions or use until a zoning permit has been issued in accordance with subsection 36-63(a).
 - (1) *Prohibited signs.* The following signs shall be prohibited:
 - a. Signs which are obsolete, abandoned or that do not relate to existing business or products.
 - b. Signs that are not maintained in accordance with the general standards required by this section.
 - c. Signs that are out of compliance with applicable building and electrical codes.
 - d. Signs not securely affixed to a supporting structure.
 - e. Signs that are not official traffic signs that attempt to or appear to warn, direct or regulate the movement of traffic.
 - f. Signs that are flashing, rotating, electronic digital type or intermittently illuminated, except for electronic message boards as permitted within the permitted accessory signs of each district.
 - g. Portable signs on wheels, mounted on a vehicle or trailer or a unit on wheels or multiple legs designed primarily for advertising.
 - h. Signs mounted on a roof.
 - i. Any sign not specifically described and permitted.
 - (2) *Exempt signs.* The following signs shall be exempt from this article:
 - a. Property address and owner identification up to one square foot in sign area.
 - b. Any public notice, traffic control or warning sign required by valid governmental entity or law and village identification signs.
 - c. Holiday lights and decorations with no commercial message.
 - d. Traffic control and directional signs on private property with no commercial message.
 - e. Customary insignia or lettering on a gasoline pump up to three square feet in sign area per pump.
 - f. "For sale" or "for rent" signs up to six square feet in sign area in residential districts or 16 square feet in non-residential districts, provided that one sign is permitted per street frontage.
 - g. Political election signs up to 12 square feet in sign area.
 - h. Temporary signs in residential districts advertising garage sales or similar temporary activities, provided such signs are not illuminated, are installed on private property, do not exceed eight square feet in sign area, and are displayed no more than two hours prior to, or following the conclusion of, the temporary activity.
 - i. Construction signage identifying a project erected during the period of construction, such period not to exceed one year in duration, up to 32 square feet in sign area per street frontage and up to six feet in height.
 - j. Traffic signs erected and maintained by an authorized public road agency.

- k. Public signs identifying a neighborhood, district or community up to four square feet in area and up to six feet in height.
- l. Historic plaques erected or maintained by non-profit organizations, memorials, building cornerstones or building names (i.e. Page Building, etc.) and erection date stones.

(3) *Nonconforming signs.*

- a. Signs existing prior to adoption of this zoning ordinance or any affecting amendment thereto shall be permitted to remain until legal non-conforming status is lost as follows:
 - 1. The sign is relocated or replaced.
 - 2. The structure or size of the sign is altered except toward compliance with this chapter. This does not refer to change of copy or normal maintenance.
 - 3. The sign suffers more than fifty [(50)] percent damage or deterioration, in which case it must be removed or brought into compliance with this ordinance.

(4) *General standards.*

- a. All signs, supports, anchors or braces shall be properly maintained and shall not be allowed to rust or deteriorate through disrepair or as a result of the weather.
- b. Signs, poles, base or other support shall be constructed to withstand normal meteorological, geologic and vibration forces expected to occur in the vicinity.
- c. Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic, residential property or skyward.
- d. Signs shall not be located within the street right of way except for official traffic control and village identification types (sign front setback is measured from the street right of way line).

(5) *Other signs.*

- a. Home occupation signs pursuant to section 36-95 (14).

Sec. 36-94. Planned developments.

- (a) *Intent and purpose.* Planned developments are provided herein by special use permit in order to allow for flexibility in design of residential areas, economy in the usage of land, and conservation of sensitive physical and environmental features. Based upon the standards and criteria contained in sections 36-67 and 36-94, the village may review, and permit with conditions, a modification in bulk requirements in order to allow 1) residential development containing both privately owned sites and common property, ~~and~~ which are planned collectively as a single unit, or 2) multiple-family structures in areas where topography and/or adjacent land uses are compatible with higher density developments. The planned development section of this chapter is provided in order that the growing demands for housing for young married couples, senior citizens and existing residents (who no longer wish to maintain a large one-family house) may be met by a greater variety of innovative housing types, and by planning and design of structures with the benefit of cost effective land utilization in such developments.

- (b) *Cluster development.* In any district in which single-family detached dwellings are a use permitted by right, the minimum required lot areas for such use, as set forth in the bulk regulations of this chapter, may be reduced by an amount not to exceed 50 percent; provided that a quantity of land at least equivalent to the total amount deducted from all lots shall be dedicated for open space so that the overall gross density for the entire area shall not exceed that permitted in the applicable zoning district.
- (1) *Compliance with subdivision regulations.* Any such plan for cluster development shall be subject to the provisions for special use permit approval by the planning commission and must be in accordance with all of the procedures and provisions set forth in the subdivision regulations of the village.
 - (2) *Site eligibility.* The minimum area necessary to qualify as a cluster development shall not be less than three contiguous acres of land.
- (c) *Residential planned unit development.* A residential planned unit development (residential PUD) may be applied for through the special use permit procedure. The granting of a special use permit for a residential PUD is permitted only for R-1 and MF zoning districts.
- (1) *Site eligibility.* The minimum area necessary to qualify as a residential PUD shall not be less than three contiguous acres of land. However, an owner of land less than the minimum required area may apply if his land is adjacent to a proposed or constructed residential PUD.
 - (2) A minimum of 20 percent of the property shall be dedicated as open space. Open space includes natural areas, parks, playgrounds, stormwater detention and retention ponds, rain gardens, setback areas, and parking lots. Public and private streets, any rights-of-way, except rights-of-way dedicated to underground utilities, the area of any lot or unit, and 25 percent of streams, lakes, ponds, and wetlands shall not be included in the open space calculation and shall not be counted as open space.
 - (3) Density on the remainder of the property may be increased up to 1.75 times the maximum number of dwelling units per acre permitted under R-1 zoning. The density increase shall be applied to the remnant acreage of the property after the proposed open space acreage, which shall be a minimum of 20 percent, has been deducted.
 - (4) A further density increase may be granted by the planning commission at the specific request of the applicant if the planning commission finds that the density increase would:
 - a. Result in a recognizable benefit to the village and residents of the PUD;
 - b. Provide additional amenities; and
 - c. Preserve additional open space or natural features.
 - (5) The dwelling units in the residential PUD may be constructed in any combination of housing types, except for ~~mobile~~ **manufactured** homes.
- (d) *Preapplication conference with planning commission for concept review.* Prior to formal application submission for a proposed planned development, the developer/applicant shall be required to make a presentation to the planning commission in order to discuss

initial design concepts and the application of said concepts to the land in question. The purpose of the pre-application conference is to inform the planning commission of the proposal and to receive preliminary review comments in connection with the standards of this section.

- (e) *Standards and considerations.* In addition to complying with the standards for special use permits, the following special standards for a cluster development or a PUD must be met:
- (1) *Ownership.* The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner, jointly by the owner of all property to be included, or by a person, persons, corporation, or corporations, with an option to buy said property. A plan, once approved, shall be binding.
 - (2) *Utilities.* A cluster development and a PUD shall connect to public water and sewer provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) which are in authority and have jurisdiction.
 - (3) *Permitted residential housing types and uses.* The following are considered eligible for inclusion in an application:
 - a. *Primary uses:*
 1. Single-family detached homes.
 2. Two-family houses.
 3. Single-family attached homes (such as row houses and town houses) of eight dwelling units or less per building.
 4. Multiple-family structure (apartments) of ten dwelling units or less per building.
 - b. *Accessory uses and amenities:*
 1. Open space - passive and active.
 2. Indoor and outdoor recreational facilities, decks, gazebos, children's playhouses or similar typical uses.
 3. Carports, garages, and personal storage facilities for use by residents of the development.
 4. Community building and meeting halls.
 5. On-premises laundry facilities for use by residents of the development.
 - (4) *Site design standards.* Unless modified by the planning commission in writing at the time of application approval, compliance with the following design standards is required:
 - a. Minimum yard requirements and building setbacks from the exterior perimeter of the development property lines shall be 20 feet.
 - b. Maximum building height shall be 35 feet (excludes antennas, steeples, spires, etc.) measured from the average existing topography (no grade mounding); provided, however, the Planning Commission may allow a building height up to 50 feet to accommodate roof designs for multiple-family structures compatible with single-family home construction in surrounding areas.

- c. Minimum spacing between single-family attached homes and multiple family structures shall not be less than the building height of the tallest building. Bulk regulations shall be determined by the planning commission after reviewing the proposed site plan. Criteria to use for making the determinations shall include the following:
 - 1. Granting of the PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - 2. In comparison to the bulk regulations ordinarily applied, the proposed type and density of uses shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment. Fire safety shall not be compromised and fire hydrants shall be located to adequately serve the site.
 - 3. The proposed development shall be compatible with the master plan of the village and shall be consistent with the intent and purpose of a PUD as expressed in section 36-94(a).
 - 4. The PUD shall not change the essential character of the surrounding area.
 - 5. High quality building materials shall be provided.
- d. All sensitive natural features such as drainage ways and streams, wetlands, lands within the 100-year floodplain, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by residential buildings and structures except for approved docks, boardwalks, benches and access stairs.
- e. All access and egress easements and street openings from the development on to public or private roads shall be in accordance with the regulations and standards of the appropriate agency having jurisdiction over the proposed entrance areas (Ionia County Road Commission, Michigan Department of Transportation and/or Village of Lake Odessa).
- f. Within the required 20-foot perimeter setback, a planted or landscaped buffer area is required along all exterior perimeter boundaries of the proposed property area to be developed. The following requirements for plantings in the buffer areas shall be met:
 - 1. Two evergreen trees and two deciduous trees shall be required for every 50 linear feet of buffer area, or fraction thereof.
 - 2. Evergreen trees shall be a minimum of six feet in height at time of planting; and deciduous trees shall be a minimum of eight feet in height at time of planting.
 - 3. Existing trees within the 20-foot perimeter setback may count toward the planting requirements, as long as the existing trees meet the minimum height requirements in subsection 2.
- g. Drainage requirements shall be reviewed and approved by the village engineer.
- h. Permanent conservation easements or other forms of equivalent irrevocable conveyance shall be created and recorded to protect required open space areas from future development.

- i. Off-street parking is required at the rate of two parking spaces per dwelling unit except for multiple-family developments for which off-street parking is required at the rate of one and one-half spaces per efficiency or one-bedroom apartment and two spaces per apartment with two or more bedrooms.
- (5) *Applicable standards.* All applicable standards of the zoning ordinance outside of this section must be met, unless waived by the planning commission in consideration of the standards set forth in subsection (4)c.i. through 5.
- (6) *Public easements on common property which is privately owned.* When common property exists in private ownership, the owners shall grant easements, over, under and through such property, to the village as are required for public purposes.
- (7) *Common property in the planned unit development.* Common property in the PUD is a parcel or parcels of land, a privately owned road or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building site. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas. A proposed maintenance agreement to permanently protect and provide for future maintenance of the common areas shall be reviewed and approved by the village attorney prior to issuance of any village permits. The approved agreement shall be recorded at the Ionia County Register of Deeds.
- (8) *Dimensional variances prohibited.* After approval of planned development under section 36-94, no dimensional variances may be granted to the approved application.
- (f) *Appeals.* Any and all administrative interpretations, decisions, and requirements of the planned development provisions shall be appealed within 15 days to the zoning board of appeals. Except for the prohibited granting of dimensional variances after planned development approval, the zoning board of appeals shall exercise all its power and duties as provided for in sections 36-137 and 36-138.
- (g) *Public hearing.* A public hearing is required for all planned developments in accordance with Section 103 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

Section 3. Effective Date. This ordinance shall take effect upon its publication.

Section 4. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the Village Clerk in a newspaper of general circulation in the Village.

Ayes:
Nays:
Abstain:
Absent:

ORDINANCE DECLARED ADOPTED.

Dated: December 15, 2025

Karen L. Banks, Village President

Kathy Forman, Village Clerk

CERTIFICATION

I, the undersigned duly appointed Village Clerk of the Village of Lake Odessa, Ionia County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the Lakewood News, a newspaper of general circulation in the Village, on _____ and that such ordinance was entered into the Ordinance Book of the Village on _____.

Date: _____

Kathy Forman, Village Clerk

MEMO TO LAKE ODESSA PLANNING COMMISSION (PC)

FROM ZONING ADMINISTRATOR – Jeanne Vandersloot

REGARDING: Application Review on Copper Rock and Indigo Apt's Site Plan for Public Hearing

11-19-25

The apartment project has been noticed for a public hearing at the Nov. 24th meeting.

The applicants have submitted revised plans and additional information. The new items are as follows:

The site plan has been overlaid onto an aerial map of the general area.

They are proposing in part of the parking lot a 10 space roofed parking structure with a picture and detailed plans.

There is an elevation drawing and a floor plan of the operations building.

There are perspective views of what the buildings would look like from specific directions.

There are detailed floor plans of the apartments.

There are detailed elevation drawings for the apartment buildings.

The covered parking spaces would be helpful for elderly or handicapped residents. With the attractive style of the apartment buildings, and the amenities, this project should be good for the Village and may help keep young people in the town, be a transition place for young couples saving to buy a home, and seniors that want to live where they do not have any maintenance upkeep as with a single family home.

The last checklist is still viable. The above detailed items have been added. A landscape professional is designing a landscape plan which will be submitted when received. There is no specific landscape formula requirements in the MF District, but under the special use process, you can add a "reasonable" landscaping condition. Letters from the Ionia County Drain Commission and the Village DPW regarding their requirements can be submitted when received. An email has been sent to the DPW Dept. by the applicants.

All of the amendments to the MF Multifamily District and PUD Planned Unit Development section were adopted by the Village Council. The notice of adoption will be published this Saturday Nov. 22 and effective 7 days later. Those amendments will allow the site plan to meet the new standards.

After the public hearing, you can study the comments, continue to review other items that are forthcoming and then give approval at a near upcoming meeting.

Sec. 36-35. Zoning district regulations. MF District

For 2.71 acres Copper Rock + Indigo Jordan Lake Ave apartment Buildings		Condition Met?	Comments
(d) MF, Medium/high density: Multiple family residential district. Zoning district regulations for the MF, medium/high density: multiple family residential district shall be as follows:			
(1) Intent and purpose. The multiple family residential district is intended for new uses and structures such as apartment buildings of three or more dwelling units, specialized housing for seven or more unrelated individuals and senior citizen housing.		*	
(2) Uses permitted by right. Uses permitted by right in the MF district shall be as follows:			
a. Single-family dwellings.		NA	
b. Two-family dwellings, duplexes.		NA	
c. Type 1 home occupations within a dwelling.		NA	
(3) Uses permitted by special use permit. Uses permitted by special use permit in the MF district shall be as follows:			
a. Multiple family dwellings.		✓	2 buildings - 3 stories 54 units
b. Essential public services.		NA	
c. Residential planned developments. See section 36-94.		NA	
d. Nursing homes, convalescent homes, housing for the elderly.		NA	
e. Type 2 home occupations within an accessory building.		NA	
(4) Permitted accessory uses. Permitted accessory uses in the MF district shall be as follows:			
a. Private garages (noncommercial), lawn sheds, swimming pools, and accessory private parking. Should add more uses		✓	Proposed maintenance & office building, playground dumpster, bike rack, mailbox cluster
(5) Permitted accessory signs. One ground sign or one wall sign is permitted, with a maximum permitted sign area of 25 feet. The minimum sign setback for ground signs shall be one-half the required setback for the yard in which the sign is located. Only signs identifying the use and occupant are permitted. No sign shall be illuminated by flashing or moving lights and external illumination shall be downward facing.		?	There is a sign on the plan but no details
(6) Bulk regulations. Bulk regulations for the MF district shall be as follows:			
2000 a. Minimum lot area: The minimum lot area for multiple family development shall be 4,000 square feet per unit or eight units per acre. For single-family and two-family development lot size shall be 8,700 square feet. All other uses permitted by special use permit, the lot size shall be nine acres.	Y ord Amends		proposing 54 units 2000 sf per unit = 2.47 acres They have 2.71 acres
b. Minimum lot width: The minimum lot width for single-family and two-family dwellings shall be 66 feet and for other permitted uses, 200 feet.		?	Lot width not shown on site plan

	Condition Met?	Comments												
c. <i>Required front yard:</i> The required front yard shall be 25-foot setback for single-family and two-family dwelling and 30 feet for all other permitted uses. 20	Y Ord Amends	Proposed 20' Ordinance change will be 20'												
d. <i>Required side yard:</i> Six feet minimum side yard is required for both single-family and two-family dwellings and for other permitted uses it shall be 30 feet. Total width for both required side yards: The total minimum width of both required side yards for single-family and two-family dwellings shall be 12 feet. For all other permitted uses the total width shall be 60 feet. 20	Y	30' ordinance change will be 20'												
e. <i>Required rear yard depth:</i> Minimum rear yards for single-family and two-family dwellings shall be not less than 20 feet, for all other permitted uses, 30 feet.	Y	30' ordinance change will be 20'												
f. <i>Maximum building height:</i> The maximum building height for all uses shall be 2½ stories or 35 feet. Accessory buildings shall not exceed a height of 15 feet. MF 50' 25 ord change	Y	Height to peaks proposed at 50' Ordinance change will allow this height												
g. <i>Minimum dwelling floor area:</i>														
1. Each new single-family detached dwelling shall have a minimum finished living area of 864 square feet of floor area with a minimum of 650 square feet on the ground floor for units of more than one story.	NA													
2. Attached single-family including two-family and townhouses, each new dwelling unit shall have a minimum finished living area of 800 square feet with a minimum of 600 square feet on the ground floor for units of more than one story.	NA													
3. Other permitted uses shall follow the following floor area requirements:														
<table><tr><td>For</td><td>Floor Area/Unit</td></tr><tr><td>Efficiency</td><td>375 sq. ft.</td></tr><tr><td>1 bedroom</td><td>600 sq. ft.</td></tr><tr><td>2 bedroom</td><td>780 sq. ft.</td></tr><tr><td>3 bedroom</td><td>940 sq. ft.</td></tr><tr><td>In the excess of three bedroom</td><td>940 + 80 sq. ft. for each additional bedroom.</td></tr></table>	For	Floor Area/Unit	Efficiency	375 sq. ft.	1 bedroom	600 sq. ft.	2 bedroom	780 sq. ft.	3 bedroom	940 sq. ft.	In the excess of three bedroom	940 + 80 sq. ft. for each additional bedroom.	Y	exceeds minimums see provided floor plans
For	Floor Area/Unit													
Efficiency	375 sq. ft.													
1 bedroom	600 sq. ft.													
2 bedroom	780 sq. ft.													
3 bedroom	940 sq. ft.													
In the excess of three bedroom	940 + 80 sq. ft. for each additional bedroom.													
h. <i>Minimum off-street parking:</i>														
1. One space (ten feet by 20 feet) per residence: one-half dwelling unit. For other permitted uses such as a church, public building, adult foster care facility, nursing and convalescent homes and essential public services: one space for every 200 square feet of floor area, but not less than one space for each three seats where provided. For school and nursery schools, one space for each 12 seats or students.	Y	If 2 spaces per unit - 54 x 2 = 108 Meets 25' aisle width *see ordinance change												

	Condition Met?	Comments
2. Nonresidential parking requirements of this chapter may be satisfied by participation in a municipal or joint community parking program designed to serve a larger area, provided all plans for such community parking have been first approved by the planning commission.	NA	

PLANNING COMMISSION CHECKLIST

Sec. 36-66. Site plan review and approval.

For 2.71 acres Copper Rock & Indigo Jordan Lake Ave Apartment Buildings	Condition Met?	
(a) Site plan review by zoning administrator. All applications for zoning permits, special use permits, rezonings and variances, as governed in this chapter, shall first require site plan review by the zoning administrator (or any other body or official designated by the village control to review site plans). Refer to subsection (f) of this section regarding revisions to an approved site plan.		
(b) Site plan approval. Unless otherwise noted, all requests for zoning permits must have a site plan approval by the zoning administrator. All requests for special use permits must have a site plan reviewed by the zoning administrator and approved by the village planning commission.		
(c) <i>Standards for the review of site plans.</i> The site plan is to be reviewed in order to determine that:		
(1) The proposed use conforms to the uses permitted in the respective zoning districts;	Y	MF District
(2) The dimensional arrangement of buildings and structures conforms to the required yards, setbacks and height restrictions of the ordinance, unless waived by variance granted by the zoning board of appeals;	Y	yes with ordinance amendments
(3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this chapter for certain specific uses, unless waived by variance granted by the zoning board appeals;	Y	yes with ordinance amendments
(4) There is a proper relationship between the existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic;	Y	entrance will be on the major street that has a turn lane
(5) The proposed on-site buildings, structures, and entryways are situated and designed to minimize adverse effects (upon owners and occupants of adjacent and surrounding properties) by providing for adequate design of access/egress, interior/exterior circulation, storm drainage, erosion, grading, lighting and parking, as specified by this chapter or any county or state law;	Y	with ordinance amendments
(6) As many natural features of the landscape shall be retained as possible where they can be useful to the development of the site, or where they furnish a barrier or buffer between the project and adjoining properties (used for dissimilar proposes) or where they assist in preserving the general safety, health, and appearance of the neighborhood, i.e., controlling erosion or the discharge of storm waters, etc;	NA	open land very few trees no landscaping requirement
(7) Any adverse effects of the proposed developments and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping (as provided or required in this chapter);	N	No fences or screening are proposed where the land abuts other neighboring homes
(8) All buildings and structures are accessible to emergency vehicles	Y	
(9) The site plan as approved is consistent with the intent and purpose of zoning which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of	↓	Continued next page

	Condition Met?	Comments
population; to lessen congestion on the public roads and streets; to reduce hazards of life and property; and to facilitate the village land use plan.	?	There will be more traffic • Land is zoned for multi-family • Higher buildings in a valley will not seem so high
(d) <i>Conditional approval.</i> As a condition of granting site plan approval, the designated site plan approval body or official for zoning permits and special use permits may require that certain site development measures be taken by the applicant in order to satisfy the review standards set forth in subsections (c)(1) through (c)(9) of this section; and which essentially are designed to protect the general health, safety and welfare, as well as to promote environmental preservation and nuisance abatement. Site development guidelines are provided in this chapter. Site development guidelines include but are not limited to drainage, soil erosion, planning and design to site, fencing, screening strips, landscaping, on-site lighting, signing and off-street parking. Said measures must be incorporated by the applicant onto the site plan and maintained at all times.	*	Conditions are permitted by the Planning Commission for approval if reasonable.
(e) <i>Compliance with performance standards.</i> Compliance with performance standards for certain uses enumerated in this chapter is required.	*	
(f) <i>Final approved site plan on file.</i> A copy of the final approved site plan (and all revised, final approved site plans) shall be so marked and placed on file as the officially approved document of the applicant along with copies of any and all permits requested for the property in question. Approval of revised, final site plans can be made only by the designated body or official who first gave initial approval.	*	
(g) <i>Conformity to approved site plan.</i> Property which is the subject of the site plan approval must be developed in strict compliance with the approved site plan, and with any revisions, amendments or modifications made thereto. If construction and development does not conform with such approved plan, the approval there of shall be revoked by the zoning administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.	*	
(h) <i>Performance bond required.</i> Wherever any physical improvements to the property in question are to be provided by the applicant as a requirement or condition of site plan approval, the applicant or his agent shall post a performance bond. See article V of this chapter for posting of bonds.	*	Planning Commission <u>may</u> require a cash bond. Amount to be determined.
(i) <i>Site plan specifications.</i> The information to be submitted as part of the site plan document must include the following:		
(1) A vicinity area map at a convenient scale, showing proximity to any railroads, streams, streets, and street intersections; the location of the nearest public roads on all sides; and all such schools, firehouses, houses of worship, recreational areas, etc.	✓	Could use an aerial view for more detail

	Condition Met?	Comments
(2) A map of applicant's entire subject property and all surrounding properties at a designated scale; and which shall display:		
a. The name of all owners of record of adjacent property;	NA	Use Ionia County Label program for notices
b. Existing fire, school and other special district boundaries within 500 feet of the tract, if any;	N	Not shown could use aerial map
c. Boundaries of property and existing lot lines as shown on the existing plat or tax map;	Y	
d. Existing public streets, easements, or other reservations of lands;	Y	
e. Location of all existing structures on the site, as well as those of adjacent properties within 100 feet of subject lot line;	Y	See aerial map. some on site plan
f. The proposed location and use of any building or structure;	Y	see accessory structures see main apt buildings
g. The proposed location of any use not requiring a structure, including walkways, benches, fences, and recreational facilities;	Y	sidewalks, playground bike rack, dumpster, mail boxes
h. Location and design of all driveways, parking and loading areas, if any;	Y	
i. Location of all existing and proposed water lines, valves, and hydrants, and all sewer lines, if any;	N	existing storm drains none other shown
j. Proposed fencing, screening and landscaping; and	Y+N	some landscaping shown no screening
k. Location of existing watercourses, wooded areas, and rock outcrops, if any.	NA	none
(3) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.	N	none submitted
(4) Where the applicant wishes to develop the project in stages, a site plan indicating total development shall be presented for approval of the entire parcel.	?	Unknown
(5) The zoning administrator (for zoning permits) and the planning commission (for special use permits) may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.	Can Do	Can request additional information

* Sec. 36-67. Special use permits.

In order that this chapter be flexible and reasonable, special uses are provided for in this chapter and require special use permits by the planning commission. Conformance to special use standards is required, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and distinct form that each specific use shall be considered on an individual case. The granting of a special use permit does not negate the requirement for any other required permit.

	Condition Met?	Comments
(1) <i>Standards for the consideration of special uses.</i> The review for a special use shall consider the following:		
a. The general safety, health, and welfare of the community-at-large. This shall include:		
1. Accessibility of the property in question to fire and police protection;	Y	major road
2. Traffic conditions, creating or adding to a hazardous situation;	?	there is a turn lane
3. Transportation design requirements, if any, which will be needed to accommodate any traffic impact for the use intended	?	Village or Tonsa County Road Dept or not review
4. Appropriateness of the location, nature and height of the proposed use to the size, type, and kind of buildings, uses and structures in the vicinity and adjacent properties, including the safety and convenience of people therefrom.	Y if screen south homes	Valley with woods to N Condos to west Commercial across street a few homes to south
b. Any potential decrease in the market value of adjacent buildings, uses and structures which are permitted by right under current zoning, if the proposed use is granted;	N	Not likely
c. Harmony with the village land use plan. This considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets (giving access to it), parks and drainage systems will be in harmony with the village land use plan and the character of land use which is intended by said village plan for the area or district in question;		pc to determine
d. Impact from the applicant's proposed use, its location and intensity and the height of its buildings, walls, fences and other structures upon the appropriate character of development intended for the area as deemed desirable by the village land use plan;		pc to determine
e. Any hazards arising from storage and use of dangerous toxic substances, combustible, inflammable, or caustic fluids or chemicals.	N	None should be there
f. That the operations in connection with any special use shall not be environmentally objectionable to nearby properties by reason of noise, fumes, pollution, vibration, or lights to an extent which is more than would be the operations of any use permitted by right for that district wherein the special use is proposed.		pc to determine

	Condition Met?	Comments
(2) <i>Conditional approval.</i> As a condition of granting a special use permit, the planning commission may require that certain development precautions and remedies be taken by the applicant in order to satisfy the special use review standards and the site plan review standards set forth in this chapter; and which essentially are designed to protect the general health, safety and welfare, as well as to promote environmental preservation and nuisance abatement. Site development guidelines are provided in this chapter. Site development guidelines include but are not limited to drainage, soil erosion, planning and design of site, fencing, screening, buffer strips, landscaping, on-site lighting, signing and off-street parking. Said measures must be incorporated by the applicant onto the site plan and maintained at all times.	*	Conditions can be applied if reasonable.
(3) <i>Compliance with performance standards.</i> Compliance with performance standards for certain uses enumerated in this chapter is required.	*	
(4) <i>Site plan approval required.</i> Site plan approval by the planning commission is required for all special use permits. Site plans are initially reviewed by the zoning administrator.	*	
(5) <i>Time constraints.</i> A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than 12 months for any reasons. Initial development must begin within one year from the date of issuance.	*	
(6) <i>Existing violations.</i> No permit shall be issued for a special use for a property where there is an existing violation of this chapter, with respect to a new use or structure.	*	
(7) <i>Decisions in writing.</i> It is further provided that in granting or denying a special use permit, the planning commission shall specify in the written decision the particular reason relied upon and its relation to the proposed use.		
(8) <i>Appeals.</i> Any and all appeals regarding a decision or condition imposed upon a special use application shall be made to the zoning board of appeals within 15 days from the date of decision or imposed condition.		

**LAKE ODESSA PLANNING COMMISSION
2026 REGULAR MEETING SCHEDULE**

DAY	DATE	TIME
Monday	January 26	7:00 p.m.
Monday	March 23	7:00 p.m.
Tuesday	May 19	7:00 p.m.
Monday	July 27	7:00 p.m.
Monday	September 28	7:00 p.m.
Monday	November 23	7:00 p.m.