

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**ORDINANCE 2019-98
Effective December 23, 2019**

An Ordinance to amend the provisions of Ordinance No. 2010-80, the Zoning Ordinance of the Village of Grand Beach.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. Section 2.02 of the Zoning Ordinance of the Village of Grand Beach, Definitions, “Fence” is hereby amended to read as follows:

Fence – A partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

Section 2. Section 2.02, Definitions, “Lot Coverage” of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Lot Coverage – That percentage of the lot or parcel covered by all buildings and structures located in the lot or parcel. When determining the percent of lot coverage on any lots or parcels in all Zoning Districts, all buildings and structures, whether above or below ground level or on the ground surface, shall be included in the computations so as to provide greater assurance for surface water percolation or necessary on-site impoundment in instances of excessive rainfall, flooding or other water accumulation circumstances. Brick pavers shall be calculated based on manufacturer specifications for installation and rate of absorption. Permeable decks less than 12” above ground as determined by the Zoning Administrator shall be excluded.

Section 3. Section 4.03, Permitted Accessory Uses, the title of Section C of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

C. Swimming Pools

(Section 4.03C, subsections 1-7 will remain unchanged.)

Section 4. Section 5.03, Permitted Accessory Uses, the title of Section C of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

C. Swimming Pools

(Section 5.03C, subsections 1-7 will remain unchanged.)

Section 5. Section 6.03, Permitted Accessory Uses, the title of Section C of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

C. Swimming Pools

(Section 6.03C, subsections 1-7 will remain unchanged.)

Section 6. Section 4.03, Permitted Accessory Uses, Section D shall be added to the Zoning Ordinance of the Village of Grand Beach to read as follows:

D. Outdoor Hot Tubs, Spas, Jacuzzis and Whirlpools

1. No hot tub, spa, Jacuzzi or whirlpool regulated by this section shall be constructed, installed, enlarged or altered until a permit has been obtained from the Building Inspector.
2. The hot tub, spa, Jacuzzi or whirlpool shall satisfy the rear yard setback standard of the district in which it is located.
3. No hot tub, spa, Jacuzzi or whirlpool shall be located less than fifty (50) feet from any front lot line.
4. If electrical service drop conductors or other utility wires cross under or over a proposed hot tub, spa, Jacuzzi or whirlpool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued only if the hot tub, spa, Jacuzzi or whirlpool is located at least ten (10) feet from the nearest power line or any accessory to it.
5. No hot tub, spa, Jacuzzi or whirlpool shall be located in an easement.
6. For the protection of the public, all hot tubs, spas, Jacuzzis and whirlpools shall be equipped with a locking hard cover that shall be locked at all times when the hot tub, spa, Jacuzzi or whirlpool is unoccupied.
7. All other setback and other requirements of the district shall be satisfied.

Section 7. Section 5.03, Permitted Accessory Uses, Section D shall be added to the Zoning Ordinance of the Village of Grand Beach to read as follows:

D. Outdoor Hot Tubs, Spas, Jacuzzis and Whirlpools

1. No hot tub, spa, Jacuzzi or whirlpool regulated by this section shall be constructed, installed, enlarged or altered until a permit has been obtained from the Building Inspector.
2. The hot tub, spa, Jacuzzi or whirlpool shall satisfy the rear yard setback standard of the district in which it is located.
3. No hot tub, spa, Jacuzzi or whirlpool shall be located less than fifty (50) feet from any front lot line.
4. If electrical service drop conductors or other utility wires cross under or over a proposed hot tub, spa, Jacuzzi or whirlpool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued only if the hot tub, spa, Jacuzzi or whirlpool is located at least ten (10) feet from the nearest power line or any accessory to it.
5. No hot tub, spa, Jacuzzi or whirlpool shall be located in an easement.

6. For the protection of the public, all hot tubs, spas, Jacuzzis and whirlpools shall be equipped with a locking hard cover that shall be locked at all times when the hot tub, spa, Jacuzzi or whirlpool is unoccupied.
7. All other setback and other requirements of the district shall be satisfied.

Section 8. Section 6.03, Permitted Accessory Uses, Section D shall be added to the Zoning Ordinance of the Village of Grand Beach to read as follows:

D. Outdoor Hot Tubs, Spas, Jacuzzis and Whirlpools

1. No hot tub, spa, Jacuzzi or whirlpool regulated by this section shall be constructed, installed, enlarged or altered until a permit has been obtained from the Building Inspector.
2. The hot tub, spa, Jacuzzi or whirlpool shall satisfy the rear yard setback standard of the district in which it is located.
3. No hot tub, spa, Jacuzzi or whirlpool shall be located less than fifty (50) feet from any front lot line.
4. If electrical service drop conductors or other utility wires cross under or over a proposed hot tub, spa, Jacuzzi or whirlpool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued only if the hot tub, spa, Jacuzzi or whirlpool is located at least ten (10) feet from the nearest power line or any accessory to it.
5. No hot tub, spa, Jacuzzi or whirlpool shall be located in an easement.
6. For the protection of the public, all hot tubs, spas, Jacuzzis and whirlpools shall be equipped with a locking hard cover that shall be locked at all times when the hot tub, spa, Jacuzzi or whirlpool is unoccupied.
7. All other setback and other requirements of the district shall be satisfied.

Section 9. Section 4.03, Permitted Accessory Uses, Section E of the Zoning Ordinance of the Village of Grand Beach is hereby amended and shall become Section F to read as follows:

Outdoor, detached utility units (such as air conditioning condensers, pool equipment or generators) shall be considered accessory to the principal use located on the site and are permitted to be located adjacent to the principal structure to which it is associated. The installation or relocation of such utility units require a valid building permit issued by the Zoning Administrator and must satisfy all minimum setback requirements and shall be installed in compliance with the requirements of the Michigan Building Code. All utility units should be contained where possible in an aesthetically pleasing enclosure in order to muffle the sound emitted from the utility unit.

Section 10. Section 5.03, Permitted Accessory Uses, Section E of the Zoning Ordinance of the Village of Grand Beach is hereby amended and shall become Section F to read as follows:

Outdoor, detached utility units (such as air conditioning condensers, pool equipment or generators) shall be considered accessory to the principal use located on the site and are permitted to be located adjacent to the principal structure to which it is associated. The installation or relocation of such

utility units require a valid building permit issued by the Zoning Administrator and must satisfy all minimum setback requirements and shall be installed in compliance with the requirements of the Michigan Building Code. All utility units should be contained where possible in an aesthetically pleasing enclosure in order to muffle the sound emitted from the utility unit.

Section 11. Section 6.03, Permitted Accessory Uses, Section E of the Zoning Ordinance of the Village of Grand Beach is hereby amended and shall become Section F to read as follows:

Outdoor, detached utility units (such as air conditioning condensers, pool equipment or generators) shall be considered accessory to the principal use located on the site and are permitted to be located adjacent to the principal structure to which it is associated. The installation or relocation of such utility units require a valid building permit issued by the Zoning Administrator and must satisfy all minimum setback requirements and shall be installed in compliance with the requirements of the Michigan Building Code. All utility units should be contained where possible in an aesthetically pleasing enclosure in order to muffle the sound emitted from the utility unit.

Section 12. Section 4.06, Dimensional Requirements, Section L of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Lot Coverage Inclusions: When determining the percent of lot coverage on any lots or parcels, all buildings and structures (any impervious material), whether above or below ground level or on the ground surface, shall be included in the computations so as to provide greater assurance for surface water percolation or necessary on-site impoundment in instances of excessive rainfall, flooding or other water accumulation circumstances. Brick pavers shall be calculated based on manufacturer specifications for installation and rate of absorption. Permeable decks less than 12” above ground as determined by the Zoning Administrator shall be excluded.

Section 13. Section 5.06, Dimensional Requirements, Section L of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Lot Coverage Inclusions: When determining the percent of lot coverage on any lots or parcels, all buildings and structures (any impervious material), whether above or below ground level or on the ground surface, shall be included in the computations so as to provide greater assurance for surface water percolation or necessary on-site impoundment in instances of excessive rainfall, flooding or other water accumulation circumstances. Brick pavers shall be calculated based on manufacturer specifications for installation and rate of absorption. Permeable decks less than 12” above ground as determined by the Zoning Administrator shall be excluded.

Section 14. Section 6.06, Dimensional Requirements, Section L of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Lot Coverage Inclusions: When determining the percent of lot coverage on any lots or parcels, all buildings and structures (any impervious material), whether above or below ground level or on the ground surface, shall be included in the computations so as to provide greater assurance for surface water percolation or necessary on-site impoundment in instances of excessive rainfall, flooding or other water accumulation circumstances. Brick pavers shall be calculated based on manufacturer specifications for installation and rate

of absorption. Permeable decks less than 12” above ground as determined by the Zoning Administrator shall be excluded.

Section 15. Section 4.07, Fences, Section B of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Any existing fence not in conformance with this Ordinance shall not be altered or modified, without approval of the Zoning Administrator and only in such manner as to reduce the non-conformity. Fences shall conform to the following requirements:

1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of three (3) feet in height above the grade of the surrounding land; except fences enclosing a permitted pool area shall be of a height of six (6) feet. If placed on a man-made elevated surface, that elevation above the natural grade will be considered in the total fence height measurement. When natural grade is questioned, the Village Council reserves all rights to establish the final fence height.
2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings and structures and elsewhere or whenever deemed by the Village Council to be necessary in the interests of public safety, and with the approval of the Village Council the height of fences enclosing utility buildings and structures may be a maximum of eight (8) feet in height.
3. All fences shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character.
4. Fences are to be constructed of wood, metal, vinyl, composite material or aluminum. Examples of a fence would include, but not be limited to the following: a chain link of aluminum or metal posts, traditional board and batten fence, a traditional fence with lattice top, a full lattice or trellis fence with posts or a similar structure, a scalloped or arched picket fence, a solid wood, milled stockade fence, a French or Gothic picket fence, or arched or scalloped picket fence.
5. Fences on all lots in all Residential Districts which extend toward the front of the lot, past the front line of the main building shall not exceed three (3) feet in height in all street and waterfront yards.
6. No fence or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a vehicle approaching the intersection, and shall meet the requirements of Section 4.07(B.1).
7. No fence, wall, hedge, screen, sign, structure, vegetation, planting or other obstruction shall be higher than three (3) feet above street grade on any corner lot or parcel in the zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty (20) feet distant from the point of intersection, measured along the street right-of-way lines.
8. Fences shall not be erected within any street right-of-way, easement, public property or neighboring property.
9. The finished side of the fence shall face the abutting property.

Section 16. Section 5.07, Fences, Section B of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Any existing fence not in conformance with this Ordinance shall not be altered or modified, without approval of the Zoning Administrator and only in such manner as to reduce the non-conformity. Fences shall conform to the following requirements:

1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of three (3) feet in height above the grade of the surrounding land; except fences enclosing a permitted pool area shall be of a height of six (6) feet. If placed on a man-made elevated surface, that elevation above the natural grade will be considered in the total fence height measurement. When natural grade is questioned, the Village Council reserves all rights to establish the final fence height.
2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings and structures and elsewhere or whenever deemed by the Village Council to be necessary in the interests of public safety, and with the approval of the Village Council the height of fences enclosing utility buildings and structures may be a maximum of eight (8) feet in height.
3. All fences shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character.
4. Fences are to be constructed of wood, metal, vinyl, composite material or aluminum. Examples of a fence would include, but not be limited to the following: a chain link of aluminum or metal posts, traditional board and batten fence, a traditional fence with lattice top, a full lattice or trellis fence with posts or a similar structure, a scalloped or arched picket fence, a solid wood, milled stockade fence, a French or Gothic picket fence, or arched or scalloped picket fence.
5. Fences on all lots in all Residential Districts which extend toward the front of the lot, past the front line of the main building shall not exceed three (3) feet in height in all street and waterfront yards.
6. No fence or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a vehicle approaching the intersection, and shall meet the requirements of Section 5.07(B.1).
7. No fence, wall, hedge, screen, sign, structure, vegetation, planting or other obstruction shall be higher than three (3) feet above street grade on any corner lot or parcel in the zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty (20) feet distant from the point of intersection, measured along the street right-of-way lines.
8. Fences shall not be erected within any street right-of-way, easement, public property or neighboring property.
9. The finished side of the fence shall face the abutting property.

Section 17. Section 6.07, Fences, Section B of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Any existing fence not in conformance with this Ordinance shall not be altered or modified, without approval of the Zoning Administrator and only in such manner as to reduce the non-conformity. Fences shall conform to the following requirements:

1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of three (3) feet in height above the grade of the surrounding land; except fences enclosing a permitted pool area shall be of a height of six (6) feet. If placed on a man-made elevated surface, that elevation above the natural grade will be considered in the total fence height measurement. When natural grade is questioned, the Village Council reserves all rights to establish the final fence height.
2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings and structures and elsewhere or whenever deemed by the Village Council to be necessary in the interests of public safety, and with the approval of the Village Council the height of fences enclosing utility buildings and structures may be a maximum of eight (8) feet in height.
3. All fences shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character.
4. Fences are to be constructed of wood, metal, vinyl, composite material or aluminum. Examples of a fence would include, but not be limited to the following: a chain link of aluminum or metal posts, traditional board and batten fence, a traditional fence with lattice top, a full lattice or trellis fence with posts or a similar structure, a scalloped or arched picket fence, a solid wood, milled stockade fence, a French or Gothic picket fence, or arched or scalloped picket fence.
5. Fences on all lots in all Residential Districts which extend toward the front of the lot, past the front line of the main building shall not exceed three (3) feet in height in all street and waterfront yards.
6. No fence or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a vehicle approaching the intersection, and shall meet the requirements of Section 6.07(B.1).
7. No fence, wall, hedge, screen, sign, structure, vegetation, planting or other obstruction shall be higher than three (3) feet above street grade on any corner lot or parcel in the zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty (20) feet distant from the point of intersection, measured along the street right-of-way lines.
8. Fences shall not be erected within any street right-of-way, easement, public property or neighboring property.
9. The finished side of the fence shall face the abutting property.

Section 18. Section 4.14, Temporary Structures shall be added to the Zoning Ordinance of the Village of Grand Beach to read as follows:

Temporary Structures

A. Temporary Construction Buildings, Construction Trailers, Portable Restrooms and Storage Pods Incidental to Construction Work

Temporary construction buildings, construction trailers, portable restrooms and storage pods incidental to construction work may be placed on a lot subject to the following conditions:

1. They may only be used for the temporary storage of materials, tools, supplies and equipment for construction management, temporary storage of building contents such as furniture during remodeling, and for temporary on-site sanitation facilities related to construction activity on the same property.
2. No more than one temporary construction building, construction trailer or storage pod is allowed on the property unless remodeling requires the use of a storage pod for temporary contents storage in addition to a temporary construction building or trailer. In addition, one portable restroom shall be allowed on the property.
3. They may not be used as a dwelling unit.
4. Construction buildings, construction trailers and storage pods may be no larger than 10' x 20' in size.
5. They must be aesthetically pleasing. If there is a question of whether the unit is aesthetically pleasing, the decision to allow or deny the temporary use of the unit will be made by the Village Council.
6. They must be located on private property and no part of any unit shall be located within the setback, or on a street right-of-way, street, or neighboring public or private property.
7. They may be placed on the property only in conjunction with active ongoing construction or remodeling work. They shall be removed within fifteen (15) days after completion or abandonment of construction or remodeling work on the property.

B. Dumpsters

One temporary dumpster for the collection of construction debris shall be allowed on a construction site subject to the following conditions:

1. One dumpster may be used for the collection of debris generated by a construction site. Once filled, it shall be removed within fourteen (14) days.
2. If it is not being used for collection of debris, it should be removed immediately.
3. It shall be removed from the property within fifteen (15) days after completion or abandonment of construction work on the property.

Section 19. Section 5.14, Temporary Structures shall be added to the Zoning Ordinance of the Village of Grand Beach to read as follows:

Temporary Structures

A. Temporary Construction Buildings, Construction Trailers, Portable Restrooms and Storage Pods Incidental to Construction Work

Temporary construction buildings, construction trailers, portable restrooms and storage pods incidental to construction work may be placed on a lot subject to the following conditions:

1. They may only be used for the temporary storage of materials, tools, supplies and equipment for construction management, temporary storage of building contents such as furniture during remodeling, and for temporary on-site sanitation facilities related to construction activity on the same property.
2. No more than one temporary construction building, construction trailer or storage pod is allowed on the property unless remodeling requires the use of a storage pod for temporary contents storage in addition to a temporary construction building or trailer. In addition, one portable restroom shall be allowed on the property.
3. They may not be used as a dwelling unit.
4. Construction buildings, construction trailers and storage pods may be no larger than 10' x 20' in size.
5. They must be aesthetically pleasing. If there is a question of whether the unit is aesthetically pleasing, the decision to allow or deny the temporary use of the unit will be made by the Village Council.
6. They must be located on private property and no part of any unit shall be located within the setback, or on a street right-of-way, street, or neighboring public or private property.
7. They may be placed on the property only in conjunction with active ongoing construction or remodeling work. They shall be removed within fifteen (15) days after completion or abandonment of construction or remodeling work on the property.

B. Dumpsters

One temporary dumpster for the collection of construction debris shall be allowed on a construction site subject to the following conditions:

1. One dumpster may be used for the collection of debris generated by a construction site. Once filled, it shall be removed within fourteen (14) days.
2. If it is not being used for collection of debris, it should be removed immediately.
3. It shall be removed from the property within fifteen (15) days after completion or abandonment of construction work on the property.

Section 20. Section 6.14, Temporary Structures shall be added to the Zoning Ordinance of the Village of Grand Beach to read as follows:

Temporary Structures

A. Temporary Construction Buildings, Construction Trailers, Portable Restrooms and Storage Pods Incidental to Construction Work

Temporary construction buildings, construction trailers, portable restrooms and storage pods incidental to construction work may be placed on a lot subject to the following conditions:

1. They may only be used for the temporary storage of materials, tools, supplies and equipment for construction management, temporary storage of building contents such as furniture during remodeling, and for temporary on-site sanitation facilities related to construction activity on the same property.
2. No more than one temporary construction building, construction trailer or storage pod is allowed on the property unless remodeling requires the use of a storage pod for temporary contents storage in addition to a temporary construction building or trailer. In addition, one portable restroom shall be allowed on the property.
3. They may not be used as a dwelling unit.
4. Construction buildings, construction trailers and storage pods may be no larger than 10' x 20' in size.
5. They must be aesthetically pleasing. If there is a question of whether the unit is aesthetically pleasing, the decision to allow or deny the temporary use of the unit will be made by the Village Council.
6. They must be located on private property and no part of any unit shall be located within the setback, or on a street right-of-way, street, or neighboring public or private property.
7. They may be placed on the property only in conjunction with active ongoing construction or remodeling work. They shall be removed within fifteen (15) days after completion or abandonment of construction or remodeling work on the property.

B. Dumpsters

One temporary dumpster for the collection of construction debris shall be allowed on a construction site subject to the following conditions:

1. One dumpster may be used for the collection of debris generated by a construction site. Once filled, it shall be removed within fourteen (14) days.
2. If it is not being used for collection of debris, it should be removed immediately.
3. It shall be removed from the property within fifteen (15) days after completion or abandonment of construction work on the property.

Section 21. Section 11.04, Signs in the Residential District of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Section 11.04 – Signs in the Residential Districts in the LDR, MDR and HDR Districts, only the following signs shall be permitted:

- A. One (1) bulletin board for churches or public buildings not to exceed twelve (12) square feet in area when located at least twelve (12) feet from all property lines.
- B. One (1) professional, home occupation or announcement sign not to exceed two (2) square feet in area and attached flat against the building.
- C. One (1) temporary, unlighted window sign not to exceed six (6) square feet advertising the construction, lease or sale of the premises on which it is maintained provided said sign shall be removed upon issuance of occupancy certificate, or closing. One (1) temporary unlighted real estate sign not to exceed six (6) square feet may be located on premises being constructed or offered for sale provided clear vision corners are maintained and provided said sign shall be removed upon issuance of occupancy certificate or closing. (As amended by ordinance number 2012-83 effective on October 9, 2012)
- D. One (1) subdivision sign per entrance for each residential subdivision provided no sign shall exceed sixteen (16) square feet in area. The subdivision sign may include the name of the subdivision and a plat of lots, but nothing additional.
- E. In addition, one (1) sign not over sixteen (16) square feet in area announcing the opening or sale of lots in a legally approved subdivision may be temporarily erected on each plat or development, provided the location and information included on proposed sign is approved by the Building Inspector in advance of installation and is allowed for a duration not to exceed one (1) year.

Said sign may include the following information only:

- 1. Subdivision name and/or company name
- 2. Plat map or lot numbers offered for sale
- 3. Real estate company name and agent name
- 4. Telephone number
- 5. Website address

In addition, each lot offered for sale within the subdivision shall be allowed one lot number sign to be posted on the lot, but not on the street right-of-way or property owned by others. The lot number sign shall not exceed one (1) square foot in size.

No signs shall be placed or posted in any manner upon trees, or utility poles, within the public right of ways or public beaches.

AYES: James Bracewell, Paul Leonard Jr., Deborah Lindley, Blake O’Halloran and Steve Slater.

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

DEBORAH LINDLEY, Council President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 20th day of November, 2019, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

MARY ROBERTSON, Clerk