

VILLAGE OF GRAND BEACH
ZONING ORDINANCE

ORDINANCE NO. 2010-80
As Amended by Ordinance No. 2012-83, Ordinance No. 2014-87, Ordinance No. 2018-93 and
Ordinance No. 2019-98

VILLAGE OF GRAND BEACH
BERRIEN COUNTY, MICHIGAN

An Ordinance to revise, supplement and up-date the Zoning Regulations of the Village of Grand Beach, Michigan.
The Village of Grand Beach Ordains:

ARTICLE I

TITLE, PURPOSE
ENABLING AUTHORITY AND CONDITIONS
OF ENACTMENT

Section 1.01 – Title:

This Ordinance shall be known as the Grand Beach Zoning Ordinance.

Section 1.02 – Purpose of this Zoning Ordinance and Resolution of Intent

An Ordinance for the protection of the public health, safety and other aspects of the general welfare of the Village of Grand Beach through the establishment of zoning districts for the planned orderly growth and development of the Village within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures that may be erected or altered; to provide, based upon the planned orderly growth and development of the Village, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of the Village; to provide for the conservation of the use of energy; the conservation of open space lands, wetlands and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance, to provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for penalties for violations of property zoned, developed and used in accordance with the provisions of Michigan Public Act 110 of 2006, as amended, and this Ordinance; to provide for the collection of fees for zoning permits required under this Ordinance; to provide for petitions and public hearings in accordance with the provisions of Michigan Public Act 110 of 2006, as amended, and this Ordinance, and to provide for appeals of the provisions of this Ordinance.

ARTICLE II
DEFINITIONS

Section 2.01 – Rules Applying to Text

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word “building” includes the word “structure”, and “dwelling” includes “residence”; the word “person” includes “corporation”, “copartnership”, and “association” as well as an “individual”; the word “shall” is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them, except when it is deemed necessary to amend this Ordinance with additional words to be defined or when a word needs to be defined by interpretation, the Zoning Board of Appeals shall define such terms.

Section 2.02 – Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

Accessory Building – See “Building, Accessory”

Accessory Use – See “Use, Accessory”

Adjacent Property – Property which adjoins any side or corner of a lot as defined herein.

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

Appeal – See “Zoning Appeal”

Basement – That portion of a building below natural grade.

Bedroom – A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.

Block – Means that section of one side of a street located between two intersecting streets and not having other intersecting streets between them.

Board of Appeals – See “Zoning Board of Appeals”

Breezeway – Any covered passageway with open sides between two buildings.

Brick – A substance made from clay, used in building or paving.

Building – An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building, Accessory – A supplemental building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses.

Building Area – The space remaining on a lot or parcel after the minimum yard and open space requirements of this Ordinance have been complied with.

Building Height – The vertical distance measured from the natural grade to the highest point of the roof’s surface (peak). Where a building is located on sloping terrain, height will be measured for each building wall characterized by sloping terrain, from the average ground level of the natural grade at the building wall to the highest point of the roof’s surface (peak). For purposes of this definition, “natural grade” shall be interpreted to

mean the existing grade along the proposed building foundation prior to any construction, grading, clearing, or earthmoving activities.

Building Inspector or Zoning Administrator – The Village official appointed by the Village Council to administer and enforce the standards of this Zoning Ordinance.

Building Line – A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.

Building, Main – The building or structure in which the principal use or activity on a lot or parcel takes place.

Building Permit – A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

Building, Principal – A building in which is conducted the principal use of the premises on which it is situated.

Building Setback Line – The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface lines which are established, in general, parallel to the front street right-of-way and within which setback area no part of the facing façade of a building shall project or be located, except as otherwise provided for by this Ordinance.

Common Areas, Uses and Services – Land areas, improvements, facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a condominium or a planned development.

Condominium Related Definitions –

Common Elements: Portions of the condominium project other than the condominium units.

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

Condominium Unit: That portion of the condominium project designed and intended for separate fee simple ownership and use, as described in the master deed.

General Common Elements: Elements of the condominium project owned in common by all co-owners and intended for common use or necessary to the existence, upkeep and safety of the project.

Limited Common Elements: Those common elements which are reserved in the master deed for the exclusive use of less than all of the co-owners.

Master Deed: The condominium document recording the condominium project as approved in accordance with this Ordinance by the Village Council to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.

Site Condominiums: Any parcel of land which may be divided as a condominium under Michigan Public Act 59 of 1978, as amended, into two (2) or more parts, including building sites or lots, for the purpose of being occupied by either separate or attached structures or for the purpose of being dedicated to some common use. This definition shall be deemed not exclusive and the definition of site condominium shall include any other decision which may be statutorily or judicially required or which may be appropriate by common usage.

Construction Code – Means the Michigan State Construction Code or any code established in accordance with its provisions.

Critical Sand Dunes – Those areas located along the coastline or shoreline of Lake Michigan designated as such by the State of Michigan.

Deck – A structure, without a roof, either attached to the primary structure or detached and located away from the primary structure, and supported by pillars and posts at an elevation of at least 9 inches above grade. All decks shall satisfy the minimum yard (setback) requirements of the zoning district in which they are located.

Development – Any human-caused change to improved or unimproved real estate that requires a permit or approval from the Village and/or any agency of the Village, County, or State, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations and storage of materials.

District – Means “zoning district”

Dwelling – A building designed and built for residential purposes, an abode.

Dwelling Unit – 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 (1) family.

Erected – The word “erected” shall include built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and other similar construction, shall be considered a part of erection.

Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation – Any breaking of ground, except farm use, common household gardening and ground care.

Exception – See “Zoning Exception”

Family – One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than four (4) persons not so related, living together in a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this ordinance.

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

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. (As amended by ordinance number 2019-98 effective on December 23, 2019)

Filling – The depositing or dumping of any matter into or onto the ground, except common household gardening waste.

Flood Plain – That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

Floor Area, Gross (gfa) – The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

Floor Area, Usable (ufa) – The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to be occupied for habitable space or for fixtures or equipment used for display or sale of goods or merchandise, but not including areas used for or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

Frontage, Street – See “Street Frontage”

Garage, Private – An accessory building used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

Garage Sales – See “Yard Sales”

Grade – The term “Grade” shall mean a ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the existing natural grade adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the existing natural grade for each face of the building.

Greenbelt – A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a screen fence or wall.

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

Height – See “Building Height”.

Home, Motor – A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.

Home Occupation – Any use customarily conducted entirely within a dwelling, an accessory structure or an enclosed area and carried on by the inhabitants thereof, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not be permitted to make external alterations of construction features or have outdoor work areas, storage, or signs not customarily permitted in residential areas.

Junk – All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Lake – A permanent natural or man-made body of surface water of at least five (5) acres in area.

Landscaping – Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

Land Use Permit – See “Zoning Permit”

Lighting, Source of – For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

Lot – A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see “Parcel” or “Plat”). A lot shall not include road easements or road right-of-ways.

Lot Area – The total horizontal area within the lot lines of a lot or parcel.

Lot, Corner – A lot abutting two (2) streets at the intersection of the two (2) streets. A corner lot shall have two (2) front yard setbacks and two (2) side yard setbacks for the zoning district in which it is located. (As amended by ordinance number 2014-87 effective on September 8, 2014)

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. (As amended by ordinance number 2019-98 effective on December 23, 2019)

Lot Depth – The horizontal distance between the front and rear or street and waterfront lot lines, measured along the median between the side lot lines.

Lot, Double Frontage – Any lot having frontages on two (2) more or less parallel streets. All sides of said lots adjacent to a street shall be considered frontage and front yards shall be provided as required. (The Village owned right-of-way adjacent to Lake Michigan shall not be considered a street for the purposes of this definition.)

Lot, Interior – Any lot other than a corner lot.

Lot Lines – The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front – That line separating said lot from a street. In the case of a corner lot, or double frontage lot, “front lot line” shall mean that line separating said lot from each of the streets.

Lot Line, Rear – That lot line opposite the front lot line, but not in conflict with definitions determining frontage lot lines. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

Lot Line, Side – Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record – A lot or parcel recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds’ Office, shall also constitute a “lot or parcel of record”.

Lot, Waterfront or Shoreline – A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be subject to the regulations and setback requirements of the rear yard.

Lot Width – The horizontal distance between the side lot lines, measured at the two (2) points where either the required building setback line, or front lot line intersects the side lot lines.

Major Thoroughfare – A street, or highway designated as such in the Village Master Plan.

Master Plan – The plan prepared by the Planning Commission in accordance with Michigan Public Act 33 of 2008, as amended, relative to the agreed upon desirable physical land use pattern for future Village development. The Plan consists of a series of maps, plans, charts, zoning plan, and written material, representing in summary form, the soundest planning direction to the Village as to how it should grow in order to realize the very best community living environment in the Village.

Nonconforming Building or Structure – A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the dimensional requirements of the Ordinance in the zoning district in which it is located.

Nonconforming Lot – A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area, size, frontage, or dimensional requirements of the district in which the lot is located.

Nonconforming Use – A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nuisance – Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or adversely affect a human being.

Nuisance Per Se – Is a nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance.

Occupied – A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

Office – An enclosed area which has as its primary use, rooms for Village government and golf course.

Open Space – Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings or other structures, except as provided in this Ordinance.

Open Space Uses – Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Village Construction Code or any construction requirement of the Village Ordinances, Rules or Regulations, except as provided in this Ordinance.

Other Planning Documents – Means and includes the Zoning District Map and all maps, charts, tables and text of the Master Plan, including those for land use, transportation, utilities, facilities and other elements of the Master Plan, Subdivision or Plan Regulations and Public Works Capital Improvement Programs adopted by the Village Council.

Parcel – See “Lot”.

Parking, Off-street – Vehicular parking provided on a lot or parcel, but not within a highway or street right-of-way.

Parking, Off-street, Lot – A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than five (5) automobiles.

Parking, Off-street, Space – An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private street right-of-way.

Parking Space – A land area of not less than nine (9) feet by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.

Pet – Shall mean only such animals as may commonly be housed within domestic living quarters.

Planned Unit Development (PUD) – A unique type of development allowing for negotiation of standard zoning and subdivision regulations with the intent of achieving a higher quality of development responsive to the natural features and resources of the property on which the development is located.

Planning, Documents, Other – See “Other Planning Documents”.

Plat – A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of the Statute and Regulations of the State of Michigan and the Subdivision regulations of the Village.

Plot – A land survey map or plan for a single lot or parcel.

Pond – A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose ground water.

Porch, Enclosed – (includes patio) – A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open – (includes patio and deck) – A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Practical Difficulties – Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape, or natural or existing characteristics and such lots or parcels are different in the sense of these characteristics from other typical lots located in the same district. (As amended by ordinance number 2012-83 effective on October 9, 2012)

Primary Living Area - The dwelling floor upon which is located the kitchen, living room, den, dining room or a majority of square footage of such space.

Private Street – See “Street, Private”.

Public Utility – Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection and treatment.

Recreation Vehicle – A motorized vehicle primarily designed and used as temporary living quarters for recreational camping or a vehicle used for recreational purposes mounted on or drawn by another vehicle, including motor homes, camp trailers, house trailers, etc.

Removable Structure – See “Structure, Removable”.

Residential Facility, State Licensed – See “State Licensed Residential Facility”.

Right-of-way, Street – Any public thoroughfare dedicated for the use of the public.

Salvage – Means the same as junk (see definition of Junk).

Setback – The minimum distance between a front, side, or rear lot line and the nearest point of the closest building projected to the ground if it is not already on the ground. This shall include any attached projections such as bay windows, cantilevers, roof eaves, window-mounted air conditioners, and decks. Each zoning district provides minimum setback requirements for each yard (see Yard).

Shoreline or Coastline – The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner or the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean water level elevation.

Short Term Rental – Any rental of a residential nature for periods of less than one year.

Sign – Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other device of any kind or character whatsoever, placed for the purpose of outdoor advertising on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term “placed” as used in this definition shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever.

Sign, Lighted – Any sign visible to the outdoors having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Single Family Dwelling – A building or structure having accommodations for, and occupied exclusively by one family. If rental, with a minimum rental term of three (3) months.

Site Plan – A plan showing all significant features of a proposed development so that it may be evaluated in order to determine whether or not it meets the provisions of this Ordinance.

Special Land Use – A use with specified conditions having greater than usual impact on adjacent uses and the environment, the community and/or the neighboring property holders, which must be reviewed and approved by the Planning Commission and Village Council, after the plans for development have been presented at a public hearing, and reviewed by all government agencies required to review, approve, or license such uses.

Special Use Permit – A permit issued by the Village Council to a person or persons intending to undertake the operation of an activity upon land or within a structure which is specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Village's inhabitants and the District within which it is permitted to be located.

State Licensed Residential Facility – A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, Michigan Public Act 218 of 1979 or Michigan Public Act 116 of 1973, and provides residential services for six (6) or fewer persons under twenty-four (24) hour supervision or care.

Street – Any public or private thoroughfare dedicated, accepted and used and maintained for the use and operation of vehicular traffic and which meets the minimum standards of construction of the Village.

Street Block – Means that portion of both sides of a street located between two intersecting streets and having no other intersecting street between them.

Street, Collector – A street specified in the Master Plan which connects to minor streets.

Street, Connecting – A street specified in the "Master Plan" for the Village.

Street Frontage – The legal line which separates a dedicated street right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.

Street, Hard Surface – A street built to the concrete or asphalt surface street building specifications of the Village.

Street, Local Arterial – A street specified in the "Master Plan" for the Village which provides for the handling of large volumes of local traffic over extended distances.

Street, Minor – A street specified in the "Master Plan" for the Village which provides for the handling of small volumes of local traffic to individual lots and parcels.

Street, Private – A non-public street is one which serves at least two (2) separately owned lots or parcels and which meets the Village streets construction standards.

Street Right-of-way Line – The line which forms the outer limits of a street right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Structure – See "Building", and in addition, any man-made surface or designed earth feature including drives, swimming pools, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts located on a permanent foundation, but excluding lot or parcel boundary fences, walls, berms and screens, and other finished grading or drainage or landscaping.

Structure, Removable – Any building less than two hundred (200) square feet, not constructed on a permanent foundation.

Structural Alterations – Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

Swimming Pool – Any permanent, non-portable structure or container located below grade designed to hold water to depth greater than 18 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Television Satellite Dish – An outdoor structure used for the purpose of receiving television signals and programs from space satellites.

Temporary Use – See "Use, Temporary".

Tent – As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, but shall not include those types of small tents used solely for children’s recreational purposes.

Travel Trailer – A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers, but does not include mobile homes.

Use – The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Use, Accessory – A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas such as drives, walks, court game areas, play apparatus areas, and other types of paved surfaces.

Use, Institutional – Any of the public or private organizational uses permitted in this Ordinance.

Use, Land – The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

Use, Principal – The one primary or dominant use or activity to which a lot or parcel is put.

Use, Public – Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

Use, Residential – Any of the uses permitted in the “R” Residential Zones in this Ordinance.

Use, Temporary – A use, activity, building, dumpster, pod, construction vehicle or construction trailer that may be permitted to exist during period of construction of the main building or use, or for special temporary or transient events. (As amended by ordinance number 2012-83 effective on October 9, 2012)

Variance – See “Zoning Variance”.

Village – Means the Village of Grand Beach, Berrien County, Michigan.

Wetland – Means those bogs, swamps and marshes which are defined in Michigan Public Act 203 of 1979, “The Wetland Protection Act” per MCL 281.702(g)I-iii.

Wind Energy Conversion System – A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower, as well as related electrical equipment. This shall include both On-Site Systems intended to primarily serve the needs of the consumer at that site as well as Utility Grid Systems designed to generate electricity from one or more towers to serve institutions, communities, or larger cooperative organizations.

Yard – The required open spaces on the same lot with the principal and accessory building and structures, which remain permanently unoccupied and unobstructed above and below the ground, except as otherwise provided in this Ordinance.

Yard, Front – The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point on the front wall projected to the ground surface of the closest building.

Yard, Rear – The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building in which the principal use is located. The distance shall be measured to the nearest point on the building projected to the ground surface if it is not at the ground.

Yard, Required – The area established between the property line and the minimum setback requirement.

Yard, Side – The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the closest building. The distance shall be measured to the nearest point on the building projected to the ground surface if it is not at the ground.

Yard, Waterfront – The waterfront yard shall be the yard between the ordinary high water mark and the nearest part of the closest building to the shore. For those properties separated from Lake Michigan by only the platted right of way owned by the Village of Grand Beach, the yard between the principal structure and the right of way to the west shall be considered a waterfront yard. Setback standards and requirements of the rear yard shall be applied to the waterfront yard.

Yard Sales – The sale of goods on a private residential lot through display of goods in garages, or driveways and in yards.

Zone (s) – Means the same as Zoning District(s).

Zoning Administrator – Means the same as Building Inspector, but is the Village Council appointed official designated to administer and enforce duties and responsibilities as specified in this Ordinance.

Zoning Appeal – An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

Zoning Board of Appeals – As used in this Ordinance, means the Village Zoning Board of Appeals.

Zoning District – A portion of the incorporated area of the Village within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

Zoning Exception – See “Zoning Interpretation” and “Zoning Variance.”

Zoning Interpretation – A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required in accordance with the procedures and provisions of this Ordinance.

Zoning Permit – A permit for land use issued by the Zoning Administrator in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance and an approved site plan.

Zoning Variance – The term “Variance” shall mean a modification of literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals.

ARTICLE III
GENERAL PROVISIONS

Section 3.01– Establishment of Zoning Districts

The Village is hereby divided into the following Zoning Districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this ordinance.

- Article IV LDR – Low Density Residential District
- Article V MDR – Medium Density Residential District
- Article VI HDR – High Density Residential District
- Article VII ED – Environmental Overlay District

Section 3.02 – Provisions for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled: “Zoning Map of Village of Grand Beach” adopted by the Village Council, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set fourth herein.

Section 3.03 – Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Michigan Public Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be made by the Village Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Village Council. Other changes in the Zoning map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Village Clerk with the assistance of the Zoning Administrator.

Section 3.04 – Authority of Official Zoning Map

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Village Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Village.

Section 3.05 – Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the Village shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following the established or median shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.

- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

Section 3.06 – Application and Interpretation of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article XVI of this Ordinance and MCL 125.3601-125.3607, as amended.

This Zoning Ordinance is intended to be specific as to its uses permitted and the applications of its regulations. It is intended to limit the use of discretion wherever and whenever possible, except for minor discretion's by the Village Council and interpretations and variances by the Zoning Board of Appeals.

Section 3.07 – Scope of Regulations

- A. Except as may otherwise be provided in Article VIII, herein every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of any building or other codes.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various Zoning Districts or is similar to such listed uses. Accessory uses are permitted as listed in the various Zoning Districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed and if the required conditions are met. Only one principal use and its normal accessory uses shall be permitted on a single lot or parcel, except as otherwise provided in this Ordinance.
- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the Zoning District in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall at least meet the minimum requirements established herein.
- G. No lot, out lot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the applicable Ordinances, Regulations and Laws of the Village and the State of Michigan.

- H. No activities or development such as: grading, land filling, removal of trees or other vegetation on vacant land will be allowed until a site plan is approved by the Village Zoning Administrator or other appropriately designated official or body and a Zoning Permit has been issued.

Section 3.08 – Conformance to Other Public Laws, Rules and Regulations

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of this Zoning Ordinance.

Section 3.09 – Conflicting Regulations

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most restrictive local or the one imposing the most definite standard shall prevail.

Section 3.10 – Zoning – Not a Vested Right

Any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this ordinance, and is subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Village.

ARTICLE IV

LDR LOW DENSITY RESIDENTIAL DISTRICT

Section 4.01 – Purpose

The purpose of this Low Density Residential Zoning District is to provide for large lot single family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the resident families living within such residential land use areas. The size for lots and parcels should be planned so that they can provide for connections to public systems.

Section 4.02 – Permitted Principal Uses

- A. Single family dwellings of conventional or manufactured construction in accordance with Section 4.11 on separate lots which meet the requirements of Section 4.06.
- B. Essential Public Services of the Village.
- C. State licensed residential facilities, but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.
- D. Family day care homes.

Section 4.03 – Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and those additional normal waterfront accessory uses and activities, such as docks, decks, beaches, beach equipment and apparatus, boat moorings, and other existing accessory uses, with the additional approval of applicable public agencies when required.
- B. Normal accessory uses to permitted and approved “Special Land Uses” and those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved “Special Land Uses” with the additional approval of applicable public agency when required.
- C. Swimming Pools

Private pools of 18 inches or more in depth shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

1. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall unless a greater separation is required below.
2. The swimming pool shall satisfy the rear yard setback standard of the district in which it is located.
3. There shall be a distance of not less than ten (10) feet between the outside pool wall and any structure located on the same lot with the exception of an apron immediately surrounding the pool area no greater than four inches taller than the pool wall.
4. No pool shall be located less than fifty (50) feet from any front lot line.
5. If electrical service drop conductors or other utility wires cross under or over a proposed pool 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 pool is located at least ten (10) feet from the nearest power line or any accessory to it.
6. No pool shall be located in an easement.
7. For the protection of the public, all yards containing pools shall be enclosed by a fence six (6) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside

of the gate not readily available for children to open. Gates shall be capable of being securely locked. All pool fences shall be located within twenty (20) feet of the exterior pool wall; provided, however, that if the entire pool yard area of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

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.

(This section was adopted by ordinance number 2019-98 effective on December 23, 2019)

E. Television Satellite Dish Antennas

Subject to the following conditions, satellite dish antennas are permitted accessory uses:

1. Satellite dishes must comply with all yard and height requirements of this Ordinance.
2. No satellite dish that exceeds 24 inches in diameter shall be constructed or installed on any roof area.
3. No satellite dish antenna including any separate platform or structure upon which the antenna is mounted shall exceed twelve (12) feet in height.
4. The satellite dish antenna shall be permanently attached to a foundation.
5. No part of the satellite dish antenna shall exhibit any message, graphic representation, or other writing of an offensive or obscene nature.

- F. 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. (As amended by ordinance number 2019-98 effective on December 23, 2019)

Section 4.04 – Special Land Uses with Conditions

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XII:

1. Churches subject to the following provisions:
 - a. A minimum lot area of one (1) acre and lot width of one hundred fifty (150) feet shall be required.
 - b. For every foot of height by which the building, exclusive of a spire, exceeds the maximum height limitations of the district, an additional foot on front, side, and rear yard setbacks shall be provided.
 - c. The lot shall be located on a major thoroughfare, minor thoroughfare, or collector street.
2. Public and private educational institutions.
3. Group day care homes subject to the following provisions:
 - a. The group day care home shall not be located closer than 1,500 feet to any of the following:
 - i. Another licensed group day care home.
 - ii. An adult foster care small group home or large group home licensed under the Adult Foster Care Licensing Act.
 - iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.
 - iv. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - b. Appropriate fencing shall be provided for the safety of the children in the group day care home, as determined by the Village of Grand Beach.
 - c. The property shall be maintained consistent with the visible characteristics of the neighborhood.
 - d. A group day care home shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
 - e. Off-street parking shall be provided for employees and shall meet the requirements of Section 4.10 of this Ordinance.
 - f. A State licensed or registered facility or group day care home that operated before March 30, 1989 is not required to comply with the above requirements.
4. Home occupations, including giving instruction in a craft or fine art within the residence.
5. Short term rental; provided, the property owner shall be strictly liable for the conduct of their tenants and guests.

Section 4.05 – Accessory Building Provisions

Accessory buildings shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to the main building.

- B. Accessory buildings shall not be erected in any required setback area, and also may not be located in front of any portion of the principal structure.
- C. Accessory buildings shall not exceed seventy-five (75%) percent of the height of the main building. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet.
- D. The size of the accessory building or buildings shall not exceed any of the following:
 - thirty-three (33%) percent of the area of the rear yard;
 - fifty (50%) percent of the ground floor area of the dwelling (measured based on the foundation walls);
 - 1,100 square feet.
- E. No detached accessory building shall be located closer than ten (10) feet to any main building. In those instances where the rear lot line is in common with an alley right-of-way, the accessory building shall not be closer than twenty (20) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- F. When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot.
- G. No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot. All principal and accessory buildings shall be required to be setback the distance for front yard setbacks specified in the Districts in which they are located from each street upon which they front or abut.

Section 4.06 – Dimensional Requirements

- A. Lot Area: Minimum of 15,000 square feet per dwelling unit with sanitary septic or sewer and potable water accessible from each lot or parcel.
- B. Lot Width: Minimum of 100 feet at the building setback line and at the street.
- C. Lot Coverage: Maximum of 30%.
- D. Gross Floor Area: The minimum floor area of a dwelling shall be 1800 square feet.
- E. Yard and Setback Requirements:
 1. Front Yard: Minimum of forty (40) feet from the street right of way line unless otherwise approved or provided for herein.
 2. Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a street right-of-way, the minimum shall be the same as for the front yard.
 3. Rear Yard: Minimum of thirty (30) feet.
 4. Waterfront Yard: For Waterfront Yards, the minimum setback requirement along the shoreline frontage shall be the same as that required for the rear yard unless a greater setback is required by the Michigan Department of Natural Resources and Environment or other public agency.

5. Corner Lot: A corner lot shall have two (2) front yard setbacks and each shall be a minimum of forty (40) feet from the street right of way line unless otherwise approved or provided for herein, and shall have two (2) side yard setbacks and each shall be a minimum of fifteen (15) feet. (As amended by ordinance number 2014-87 effective on September 8, 2014)
- F. Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet. (As amended by ordinance number 2012-83 effective on October 9, 2012)
- G. Exceptions to Height Limitations: Uninhabitable, inaccessible structural or decorative elements may be added to the roof of the structure that exceed the maximum height limits of the zoning district provided the element is no larger than four feet by four feet in size and is no greater than four feet above the peak of the roof.
- H. Area Limitations: In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.
- I. Dwelling Lots or Sites: Every dwelling shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.
- J. Frontage on Public or Private Street or Highway: Every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private street right-of-way that meets all of the requirements for street.
- K. Minimum Floor Area Exceptions for Accessory Structures: All accessory structures or buildings located on a lot or parcel, which has a principal structure or building located upon it, which are less than 150 square feet of floor area, and which are not to be used for human habitation, shall not be required to apply for or obtain a zoning permit under the provisions of this Zoning Ordinance, but must be located upon the lot or parcel in accordance with the provisions of this Zoning Ordinance.
- L. 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. (As amended by ordinance number 2019-98 effective on December 23, 2019)
- M. Use of Yard Space: No required yard surrounding a dwelling, building or structure utilized for dwelling purposes shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of not more than five (5) licensed and operable motor vehicles when parked on a designated paved parking area for each vehicle, but in no case shall any yard be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures.

Section 4.07 – Fences

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required.
- B. 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.

(As amended by ordinance number 2019-98 effective on December 23, 2019)

Section 4.08 – Exterior Lighting

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and be shielded from adjacent residential properties, and also be so arranged as to not affect driver visibility adversely on adjacent public streets. Lighting of parking areas is required when the number of parking spaces is more than five (5).

Section 4.09 – Driveway Entrances and Gates

In driveway entrances or gateway structures; including, but not limited to walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 4.06(M), provided that such entranceway structures shall comply with all codes and ordinances of the Village, be able to accommodate all emergency vehicles, and shall be approved by the Zoning Administrator.

Section 4.10 – Off-Street Parking Requirements

There shall be provided off-street parking spaces for automotive and motorized vehicles as follows:

- A. Plans and specifications showing required off-street parking places shall be submitted to the Zoning Administrator for review at the time of application for a Building Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 150 feet for single family.
- B. Off-street outdoor parking of motor vehicles shall be a minimum of two (2) spaces and no more than five (5) passenger vehicles per dwelling unit. The outdoor parking of Motor Homes, Travel Trailers, Recreational Vehicles, etc. is prohibited for periods in excess of two (2) weeks. Vehicles, including travel trailers, motor homes and other recreation vehicles shall be permitted for a period of time not exceeding two weeks, upon application by the owner for the issuance of a "Temporary Permit" by the Zoning Administrator (or the Clerk or Police Chief if the Zoning Administrator is unavailable). Application shall be made at least seven (7) days prior to the date of arrival. A "Temporary Permit" may only be issued to one (1) recreation vehicle at a time in any one location and shall be valid for the maximum period of two weeks. Extensions of time shall not be permitted and the recreation vehicle shall be removed from the property on or before the expiration of the permit period. The vehicle may park but is not to be lived in.

Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the front yard only on an established driveway. Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the side or rear yard. This seasonal parking is limited to five (5) such vehicles per dwelling unit. No boats and/or boat trailers longer than 6 meters (20 feet) will be permitted to be stored in the Village unless such item is stored in a fully enclosed and weather-tight accessory building or private garage. All vehicles must be properly registered and licensed if required by law.

- C. Each off-street parking space for automobiles shall not be less than 160 square feet in area, exclusive of access drives or parking space access aisle. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than ten (10) feet to any property line, except at ground level.
2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of surfaces as approved by the Zoning Administrator.
3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public streets, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
4. No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this ordinance.

Section 4.11 – Dwelling Unit Requirements

All dwelling units shall have a minimum cross-section of the primary living area that is twenty-four (24) feet wide and twenty-four (24) feet long.

Section 4.12 – Yard Sales

Yard, garage, basement or other on-site sale of goods on a residential lot is permitted by the occupant of the principal dwelling, provided that the duration of such sales shall not be for more than two (2) days at any one time period, shall not be conducted on Sunday, and such sales shall not occur more than two (2) times each calendar year.

Section 4.13 – Wind Energy Conversion Systems

Due to the residential character of the Village, the tight density of the existing development, the lack of open space available to be dedicated to this use, the size of the Village, and the availability of larger, undeveloped parcels outside of the Village, Wind Energy Conversion Systems shall not be permitted in the Village of Grand Beach.

Section 4.14 – 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.

(This section was adopted by ordinance number 2019-98 effective on December 23, 2019)

ARTICLE V

MDR MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 5.01 – Purpose

It is the purpose of the Medium Density Residential Zoning District to provide for medium sized lot single family residential neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the resident families living within such residential land use areas. The size of lots and parcels should be planned so that they can be served by healthful and sanitary water supply and wastewater disposal systems through public systems.

Section 5.02 – Permitted Principal Uses

- A. Single family dwellings of conventional or manufactured construction in accordance with Section 5.11, on separate lots which meet the requirements of Section 5.06.
- B. Essential Public Services of the Village.
- C. State licensed residential facilities, but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.
- D. Family day care homes.

Section 5.03 – Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and those additional normal waterfront accessory uses and activities, such as docks, decks, beaches, beach equipment and apparatus, boat moorings, and other existing accessory uses, with the additional approval of applicable public agency when required.
- B. Normal accessory uses to permitted and approved “Special Land Uses” and those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved “Special Land Uses” with the additional approval of applicable public agency when required.
- C. Swimming Pools

Private pools of 18 inches or more in depth shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

1. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall unless a greater separation is required by a setback standard below.
2. The swimming pool shall satisfy the rear yard setback requirement for the zoning district in which it is located.
3. There shall be a distance of not less than ten (10) feet between the outside pool wall and any structure located on the same lot with the exception of an apron immediately surrounding the pool area no greater than four inches taller than the pool wall.
4. No pool shall be located less than fifty (50) feet from any front lot line.
5. If electrical service drop conductors or other utility wires cross under or over a proposed pool 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 pool is located at least ten (10) feet from the nearest power line or any accessory to it.
6. No pool shall be located in an easement.

7. For the protection of the public, all yards containing pools shall be enclosed by a fence six (6) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked. All pool fences shall be located within twenty (20) feet of the exterior pool wall; provided, however, that if the entire pool yard area of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

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.

(This section was adopted by ordinance number 2019-98 effective on December 23, 2019)

E. Television Satellite Dish Antennas

Subject to the following conditions, satellite dish antennas are permitted accessory uses:

1. Satellite dishes must comply with all yard and height requirements of this Ordinance.
2. No satellite dish that exceeds 24 inches in diameter shall be constructed or installed on any roof area.
3. No satellite dish antenna including any separate platform or structure upon which the antenna is mounted shall exceed twelve (12) feet in height.
4. The satellite dish antenna shall be permanently attached to a foundation.
5. No part of the satellite dish antenna shall exhibit any message, graphic representation, or other writing of an offensive or obscene nature.

- F. 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. (As amended by ordinance number 2019-98 effective on December 23, 2019)

Section 5.04 – Special Land Uses with Conditions

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XII:

1. Churches subject to the following provisions:
 - a. A minimum lot area of one (1) acre and lot width of one hundred fifty (150) feet shall be required.
 - b. For every foot of height by which the building, exclusive of a spire, exceeds the maximum height limitations of the district, an additional foot on front, side, and rear yard setbacks shall be provided.
 - c. The lot shall be located on a major thoroughfare, minor thoroughfare, or collector street.
2. Public and private educational institutions.
3. Group day care homes subject to the following provisions:
 - a. The group day care home shall not be located closer than 1,500 feet to any of the following:
 - i. Another licensed group day care home.
 - ii. An adult foster care small group home or large group home licensed under the Adult Foster Care Licensing Act.
 - iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.
 - iv. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - b. Appropriate fencing shall be provided for the safety of the children in the group day care home, as determined by the Village of Grand Beach.
 - c. The property shall be maintained consistent with the visible characteristics of the neighborhood.
 - d. A group day care home shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
 - e. Off-street parking shall be provided for employees and shall meet the requirements of Section 5.10 of this Ordinance.
 - f. A State licensed or registered facility or group day care home that operated before March 30, 1989 is not required to comply with the above requirements.
4. Home occupations, including giving instruction in a craft or fine art within the residence.
5. Short term rental; provided, the property owner shall be strictly liable for the conduct of their tenants and guests.

Section 5.05 – Accessory Building Provisions

Accessory buildings shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to the main building.

- B. Accessory buildings shall not be erected in any required setback area, and also may not be located in front of any portion of the principal structure.
- C. Accessory buildings shall not exceed seventy-five (75%) percent of the height of the main building. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet.
- D. The size of the accessory building or buildings shall not exceed any of the following:
 - thirty-three (33%) percent of the area of the rear yard;
 - fifty (50%) percent of the ground floor area of the dwelling (measured based on the foundation walls);
 - 1,100 square feet.
- E. No detached accessory building shall be located closer than ten (10) feet to any main building. In those instances where the rear lot line is in common with an alley right-of-way, the accessory building shall not be closer than twenty (20) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- F. When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot.
- G. No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot. All principal and accessory buildings shall be required to be setback the distance for front yard setbacks specified in the Districts in which they are located from each street upon which they front or abut.

Section 5.06 – Dimensional Requirements:

- A. Lot Area: Minimum of 12,000 square feet per dwelling unit with sanitary septic or sewer and potable water accessible from each lot or parcel.
- B. Lot Width: Minimum of 75 feet at the building setback line and at the street.
- C. Lot Coverage: Maximum of 30%.
- D. Gross Floor Area: The minimum floor area of a dwelling shall be 1200 square feet.
- E. Yard and Setback Requirements:
 1. Front Yard: Minimum of thirty (30) feet from the street right-of-way line unless otherwise approved or provided for herein.
 2. Side Yards: Minimum of ten (10) feet for each side yard, except where a side yard abuts a street right-of-way, the minimum shall be the same as for the front yard.
 3. Rear Yard: Minimum of twenty (20) feet.
 4. Waterfront Yard: For Waterfront Yards, the minimum setback requirement along the shoreline frontage shall be the same as that required for the rear yard unless a greater setback is required by the Michigan Department of Natural Resources and Environment or other public agency.
 5. Corner Lot: A corner lot shall have two (2) front yard setbacks and each shall be a minimum of thirty (30) feet from the street right of way line unless otherwise approved or provided for herein, and shall have two (2) side yard setbacks and each shall be a minimum of ten (10)

feet. (As amended by ordinance number 2014-87 effective on September 8, 2014)

- F. Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet. (As amended by ordinance number 2012-83 effective on October 9, 2012)
- G. Exceptions to Height Limitations: Uninhabitable, inaccessible structural or decorative elements may be added to the roof of the structure that exceed the maximum height limits of the zoning district provided the element is no larger than four feet by four feet in size and is no greater than four feet above the peak of the roof.
- H. Area Limitations: In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.
- I. Dwelling Lots or Sites: Every dwelling shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.
- J. Frontage on Public or Private Street or Highway: Every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private street right-of-way that meets all of the requirements for street.
- K. Minimum Floor Area Exceptions for Accessory Structures: All accessory structures or buildings located on a lot or parcel, which has a principal structure or building located upon it, which are less than 150 square feet of floor area, and which are not to be used for human habitation, shall not be required to apply for or obtain a zoning permit under the provisions of this Zoning Ordinance, but must be located upon the lot or parcel in accordance with the provisions of this Zoning Ordinance.
- L. 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. (As amended by ordinance number 2019-98 effective on December 23, 2019)
- M. Use of Yard Space: No required yard surrounding a dwelling, building or structure utilized for dwelling purposes shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of not more than five (5) licensed and operable motor vehicles when parked on a designated paved parking area for each vehicle, but in no case shall any yard be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures.

Section 5.07 – Fences

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required.
- B. 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.

(As amended by ordinance number 2019-98 effective on December 23, 2019)

Section 5.08 – Exterior Lighting

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and be shielded from adjacent residential properties, and also be so arranged as to not affect driver visibility adversely on adjacent public streets. Lighting of parking areas is required when the number of parking spaces is more than five (5).

Section 5.09 – Driveway Entrances and Gates

In driveway entrances or gateway structures; including, but not limited to walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 5.06(M), provided that such entranceway structures shall comply with all codes and ordinances of the Village, be able to accommodate all emergency vehicles, and shall be approved by the Zoning Administrator.

Section 5.10 – Off-Street Parking Requirements

There shall be provided off-street parking spaces for automotive and motorized vehicles as follows:

- A. Plans and specifications showing required off-street parking places shall be submitted to the Zoning Administrator for review at the time of application for a Building Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 150 feet for single family.
- B. Off-street outdoor parking of motor vehicles shall be a minimum of two (2) spaces and no more than five (5) passenger vehicles per dwelling unit. The outdoor parking of any other type of Motor Homes, Travel Trailers, Recreational Vehicles, etc. is prohibited for periods in excess of two (2) weeks. Vehicles, including travel trailers, motor homes and other recreation vehicles shall be permitted for a period of time not exceeding two weeks, upon application by the owner for the issuance of a "Temporary Permit" by the Zoning Administrator (or the Clerk or Police Chief if the Zoning Administrator is unavailable). Application shall be made at least seven (7) days prior to the date of arrival. A "Temporary Permit" may only be issued to one (1) recreation vehicle at a time in any one location and shall be valid for the maximum period of two weeks. Extensions of time shall not be permitted and the recreation vehicle shall be removed from the property on or before the expiration of the permit period. The vehicle may park but is not to be lived in.

Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the front yard only on an established driveway. Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the side or rear yard. This seasonal parking is limited to five (5) such vehicles per dwelling unit. No boats and/or boat trailers longer than 6 meters (20 feet) will be permitted to be stored in the Village unless such item is stored in a fully enclosed and weather-tight accessory building or private garage. All vehicles must be properly registered and licensed if required by law.

- C. Each off-street parking space for automobiles shall not be less than 160 square feet in area, exclusive of access drives or parking space access aisle. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than ten (10) feet to any property line, except at ground level.
2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of surfaces as approved by the Zoning Administrator.
3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public streets, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
4. No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this ordinance.

Section 5.11 – Dwelling Unit Requirements

All dwelling units shall have a minimum cross-section of the primary living area that is twenty-four (24) feet wide and twenty-four (24) feet long.

Section 5.12 – Yard Sales

Yard, garage, basement or other on-site sale of goods on a residential lot is permitted by the occupant of the principal dwelling, provided that the duration of such sales shall not be for more than two (2) days at any one time period, shall not be conducted on Sunday, and such sales shall not occur more than two (2) times each calendar year.

Section 5.13 – Wind Energy Conversion Systems

Due to the residential character of the Village, the tight density of the existing development, the lack of open space available to be dedicated to this use, the size of the Village, and the availability of larger, undeveloped parcels outside of the Village, Wind Energy Conversion Systems shall not be permitted in the Village of Grand Beach.

Section 5.14 – 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.

(This section was adopted by ordinance number 2019-98 effective on December 23, 2019)

ARTICLE VI

HDR HIGH DENSITY RESIDENTIAL DISTRICT

Section 6.01 – Purpose

The purpose of this High Density Residential District is to provide for small lot single family housing. The relatively small size of existing lots and parcels in this district should be limited in development to comply, at the minimum, with the requirements of this Ordinance and with which will require each dwelling to have connection to, if available, public water supply and sanitary sewer system.

Section 6.02 – Permitted Principal Uses

- A. Single family dwellings of conventional or manufactured construction in accordance with Section 6.11, on separate lots which meet the requirements of Section 6.06.
- B. Essential Public Services of the Village.
- C. State licensed residential facilities, but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities.
- D. Family day care homes.

Section 6.03 – Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and those additional normal waterfront accessory uses and activities such as docks, decks, beaches, beach equipment and apparatus, boat moorings, and other existing accessory uses, with the additional approval of the applicable public agencies when required.
- B. Normal accessory uses to permitted and approved “Special Land Uses” and those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved “Special Land Uses” with the additional approval of applicable public agency when required.
- C. Swimming Pools

Private pools of 18 inches or more in depth shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

1. There shall be a distance of not less than ten (10) feet between the adjoining property line and outside of the pool wall unless a greater separation is required by a setback standard below.
2. The swimming pool shall satisfy the rear yard setback requirement for the zoning district in which it is located.
3. There shall be a distance of not less than ten (10) feet between the outside pool wall and any structure located on the same lot with the exception of an apron immediately surrounding the pool area no greater than four inches taller than the pool wall.
4. No pool shall be located less than fifty (50) feet from any front lot line.
5. If electrical service drop conductors or other utility wires cross under or over a proposed pool 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 pool is located at least ten (10) feet from the nearest power line or any accessory to it.
6. No pool shall be located in an easement.

For the protection of the public, all yards containing pools shall be enclosed by a fence six (6) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside

of the gate not readily available for children to open. Gates shall be capable of being securely locked. All pool fences shall be located within twenty (20) feet of the exterior pool wall; provided, however, that if the entire pool yard area of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

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.

(This section was adopted by ordinance number 2019-98 effective on December 23, 2019)

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Subject to the following conditions, satellite dish antennas are permitted accessory uses:

1. Satellite dishes must comply with all yard and height requirements of this Ordinance.
 2. No satellite dish that exceeds 24 inches in diameter shall be constructed or installed on any roof area.
 3. No satellite dish antenna including any separate platform or structure upon which the antenna is mounted shall exceed twelve (12) feet in height.
 4. The satellite dish antenna shall be permanently attached to a foundation.
 5. No part of the satellite dish antenna shall exhibit any message, graphic representation, or other writing of an offensive or obscene nature.
- F. 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. (As amended by ordinance number 2019-98 effective on December 23, 2019).

Section 6.04 – Special Land Uses with Conditions

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1. Churches subject to the following provisions:
 - a. A minimum lot area of one (1) acre and lot width of one hundred fifty (150) feet shall be required.
 - b. For every foot of height by which the building, exclusive of a spire, exceeds the maximum height limitations of the district, an additional foot on front, side, and rear yard setbacks shall be provided.
 - c. The lot shall be located on a major thoroughfare, minor thoroughfare, or collector street.
2. Public and private educational institutions.
3. Group day care homes subject to the following provisions:
 - a. The group day care home shall not be located closer than 1,500 feet to any of the following:
 - i. Another licensed group day care home.
 - ii. An adult foster care small group home or large group home licensed under the Adult Foster Care Licensing Act.
 - iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.
 - iv. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - b. Appropriate fencing shall be provided for the safety of the children in the group day care home, as determined by the Village of Grand Beach.
 - c. The property shall be maintained consistent with the visible characteristics of the neighborhood.
 - d. A group day care home shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
 - e. Off-street parking shall be provided for employees and shall meet the requirements of Section 6.10 of this Ordinance.
 - f. A State licensed or registered facility or group day care home that operated before March 30, 1989 is not required to comply with the above requirements.
4. Home occupations, including giving instruction in a craft or fine art within the residence.
5. Short term rental; provided, the property owner shall be strictly liable for the conduct of their tenants and guests.

Section 6.05 – Accessory Building Provisions

Accessory buildings shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to the main building.
- B. Accessory buildings shall not be erected in any required setback area, and also may not be located in front of any portion of the principal structure.
- C. Accessory buildings shall not exceed seventy-five (75%) percent of the height of the main building. An exception to this requirement shall be granted for accessory structures serving as

garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet.

- D. The size of the accessory building or buildings shall not exceed any of the following:
 - thirty-three (33%) percent of the area of the rear yard;
 - fifty (50%) percent of the ground floor area of the dwelling (measured based on the foundation walls);
 - 1,100 square feet.
- E. No detached accessory building shall be located closer than ten (10) feet to any main building. In those instances where the rear lot line is in common with an alley right-of-way, the accessory building shall not be closer than twenty (20) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- F. When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot.
- G. No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.
- H. One removable structure per lot is permitted to be located within the rear yard setback area provided it remains at least 10 feet from the rear property line.

When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot. All principal and accessory buildings shall be required to be setback the distance for front yard setbacks specified in the Districts in which they are located from each street upon which they front or abut.

Section 6.06 – Dimensional Requirements

- A. Lot Area: Minimum of 6,000 square feet per dwelling unit with sanitary septic or sewer and potable water accessible from each lot or parcel.
- B. Lot Width: Minimum of 40 feet at the building setback line and at the street.
- C. Lot Coverage: Maximum of forty (40%) percent.
- D. Gross Floor Area: The minimum floor area of a dwelling shall be 1200 square feet.
- E. Yard and Setback Requirements:
 - 1. Front Yard: Minimum of twenty (20) feet from the street right-of-way line, unless otherwise approved or provided for herein.
 - 2. Side Yards: Minimum of five (5) feet for each side yard, except where a side yard abuts a street right-of-way, the minimum shall be the same as for the front yard.
 - 3. Rear Yard: Minimum of twenty (20) feet.
 - 4. Waterfront Yard: For Waterfront Yards, the minimum setback requirement along the shoreline frontage shall be the same as that required for the rear yard unless a greater setback is required by the Michigan Department of Natural Resources and Environment or other public agency.
 - 5. Corner Lot: A corner lot shall have two (2) front yard setbacks and each shall be a minimum of twenty (20) feet from the street right of way line unless otherwise approved or provided for herein, and shall have two (2) side yard setbacks and each shall be a minimum of five (5) feet. (As amended by ordinance number 2014-87 effective on September 8, 2014)

- F. Height Limitations: Maximum of thirty (30) feet for all residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet. (As amended by ordinance number 2012-83 effective on October 9, 2012)
- G. Exceptions to Height Limitations: Uninhabitable, inaccessible structural or decorative elements may be added to the roof of the structure that exceed the maximum height limits of the zoning district provided the element is no larger than four feet by four feet in size and is no greater than four feet above the peak of the roof.
- H. Area Limitations: In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.
- I. Dwelling Lots or Sites: Every dwelling shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.
- J. Frontage on Public or Private Street or Highway: Every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private street right-of-way that meets all of the requirements for street.
- K. Minimum Floor Area Exceptions for Accessory Structures: All accessory structures or buildings located on a lot or parcel, which has a principal structure or building located upon it, which are less than 150 square feet of floor area, and which are not to be used for human habitation, shall not be required to apply for or obtain a zoning permit under the provisions of this Zoning Ordinance, but must be located upon the lot or parcel in accordance with the provisions of this Zoning Ordinance.
- L. 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. (As amended by ordinance number 2019-98 effective on December 23, 2019)
- M. Use of Yard Space: No required yard surrounding a dwelling, building or structure utilized for dwelling purposes shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of not more than five (5) licensed and operable motor vehicles when parked on a designated paved parking area for each vehicle, but in no case shall any yard be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures.

Section 6.07 – Fences

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required.
- B. 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 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.

(As amended by ordinance number 2019-98 effective on December 23, 2019)

Section 6.08 – Exterior Lighting

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and be shielded from adjacent residential properties, and also be so arranged as to not affect driver visibility adversely on adjacent public streets. Lighting of parking areas is required when the number of parking spaces is more than five (5).

Section 6.09 – Driveway Entrances and Gates

In driveway entrances or gateway structures; including, but not limited to walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 6.06(M), provided that such entranceway structures shall comply with all codes and ordinances of the Village and shall be approved by the Zoning Administrator.

Section 6.10 – Off-Street Parking Requirements

There shall be provided off-street parking spaces for automotive and motorized vehicles as follows:

- A. Plans and specifications showing required off-street parking places shall be submitted to the Zoning Administrator for review at the time of application for a Building Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 150 feet for single family.

- B. Off-street outdoor parking of motor vehicles shall be a minimum of two (2) spaces and no more than five (5) passenger vehicles per dwelling unit. The outdoor parking of any other type of Motor Homes, Travel Trailers, Recreational Vehicles, etc. is prohibited for periods in excess of two (2) weeks. Vehicles, including travel trailers, motor homes and other recreation vehicles shall be permitted for a period of time not exceeding two weeks, upon application by the owner for the issuance of a "Temporary Permit" by the Zoning Administrator (or the Clerk or Police Chief if the Zoning Administrator is unavailable). Application shall be made at least seven (7) days prior to the date of arrival. A "Temporary Permit" may only be issued to one (1) recreation vehicle at a time in any one location and shall be valid for the maximum period of two weeks. Extensions of time shall not be permitted and the recreation vehicle shall be removed from the property on or before the expiration of the permit period. The vehicle may park but is not to be lived in.

Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the front yard only on an established driveway. Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the side or rear yard. This seasonal parking is limited to five (5) such vehicles per dwelling unit. No boats and/or boat trailers longer than 6 meters (20 feet) will be permitted to be stored in the Village unless such item is stored in a fully enclosed and weather-tight accessory building or private garage. All vehicles must be properly registered and licensed if required by law.

- C. Each off-street parking space for automobiles shall not be less than 160 square feet in area, exclusive of access drives or parking space access aisle. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than ten (10) feet to any property line, except at ground level.
2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of surfaces approved by the Zoning Administrator.
3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public streets and no source of light shall be observable beyond the lot lines of the property upon which it is located.
4. No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this ordinance.

Section 6.11 – Dwelling Unit Requirements

All dwelling units shall have a minimum cross-section of the primary living area that is twenty-four (24) feet wide and twenty-four (24) feet long.

Section 6.12 – Yard Sales

Yard, garage, basement or other on-site sale of goods on a residential lot is permitted by the occupant of the principal dwelling, provided that the duration of such sales shall not be for more than two (2) days at any one time period, shall not be conducted on Sunday, and such sales shall not occur more than two (2) times each calendar year.

Section 6.13 – Wind Energy Conversion Systems

Due to the residential character of the Village, the tight density of the existing development, the lack of open space available to be dedicated to this use, the size of the Village, and the availability of larger, undeveloped parcels outside of the Village, Wind Energy Conversion Systems shall not be permitted in the Village of Grand Beach.

Section 6.14 – 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.

A. 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.

(This section was adopted by ordinance number 2019-98 effective on December 23, 2019)

ARTICLE VII

ENVIRONMENTAL OVERLAY DISTRICT

Section 7.01 – Purpose

The purpose of this Article is to promote the conservation of important nonrenewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, shorelines, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical or agricultural significance for present and future generations for the purpose of preserving or conserving specific features and areas of these natural resources and environments.

Section 7.02 – Natural Environment

It is the general requirement of this Article to conserve in the most careful and well-planned manner possible in accordance with the provisions of Michigan Public Act 451 of 1994, "The Natural Resource and Environmental Protection Act" and regulation promulgated there under.

Section 7.03 – Wetlands

All areas designated as wetlands by the Michigan Department of Natural Resources are hereby declared to be part of the "Environmental Overlay District" in the Village and are subject to the provisions of this Ordinance as follows: All lands in the Environmental Overlay District in the Village are hereby subject to the provisions of Michigan Public Act 203 of 1979, "The Wetlands Protection Act" in order to encourage the proper conservation, use and preservation of the wetlands.

Section 7.04 – Environmental Overlay District – Area Established

- A. The Village Council has designated the area shown on the zoning map as an Environmental Overlay District that includes findings as to the following:
1. Rare or valuable ecosystems.
 2. Significant undeveloped water regeneration or watershed areas.
 3. Wooded and related land which require long stability for continuing renewal.
 4. Scenic or historical sites, buildings, roads or areas.
 5. Additional areas may be determined by the Federal Government, the State of Michigan or the Village to be of Environmental significance and designated as an Environmental Overlay District.
- B. General Requirements for Environmental Overlay District.

All permit applications in the Environmental Overlay District, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area as follows:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the County Health Officer or Wastewater Division of the Michigan Department of Natural Resources and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks on property at furthest point from wetlands, from water bodies, height above water level, or other related criteria.

3. The applicant shall provide evidence that the cutting and removing of trees and other natural vegetation will be performed according to the following standards:
 - a. Cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
 - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
 - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Village Council.
 - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species or trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Zoning Administrator, that provides data concerning the physical development and extent of disruption to the site as may be required by the Zoning Administrator. The Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and copies of all permits required by any state or federal agency. The review of the site plan will be made in such a manner as to:
 1. Determine whether the application conforms to the standards regarding cutting of trees and other vegetation, erosion and sedimentation control, or other applicable regulation.
- D. Any applicant desiring relief, waiver, or exemption from any aspect of requirement of this Section may request such provided that such request is made in their original application request when submitted to the Village Clerk and prior to a decision on their application for development. Such relief may be temporary or permanent, partial or complete. The burden of proving the need for the requested relief is solely on the applicant, and the applicant shall demonstrate by clear and convincing evidence that, if granted the relief, the development will continue to satisfy the purpose and intent of the Overlay District and will not be detrimental to the health, safety, and welfare of the residents of the community.
- E. All developments located in the Environmental Overlay District shall also meet the development standards and requirements of the underlying zoning district unless otherwise superseded by a similar standard in this Article.

ARTICLE VIII

FLOOD PLAIN DISTRICT

Section 8.01 – Purpose

To protect the public health, safety and welfare and the lands and resources of the Village of Grand Beach there is hereby established a Flood Plain District.

Section 8.02 – Flood Plain District Boundaries

The Flood Plain District and its boundaries are identified by the most recent report entitled “The Flood Insurance Study for the Village of Grand Beach” with accompanying Flood Insurance Rate Map and Flood Boundary and Floodway Boundary Map serve as the basis for delineation of the flood hazard area, and together with any amendments are adopted by reference and declared to be part of this Ordinance.

Section 8.03 – District and Intent

All land lying within the Flood Plain District is subject to the regulations of this district for the purpose of protecting against flood damage or destruction to structures which might otherwise be constructed in flood hazard area, and for the purpose of meeting the requirements of Michigan Public Act 167 of 1968, and rules promulgated therefore. Any construction within this district shall be subject to compliance with the Soil and Sedimentation Control Act, Michigan Public Act 347 of 1972, and rules and regulations promulgated thereto.

Section 8.04 – Permitted Principal Uses

Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted or structurally altered, and no land and/or structure shall be used in a Flood Plain District except for one or more of the following uses:

- A. Gardening, horticulture, open recreational uses such as parks, playgrounds, play fields, athletic fields, golf courses, bridle trails and nature paths.
- B. In the area above the 100-year Flood Plain, uses permitted by the zoning district otherwise established for the lot, subject to the regulations of such district; provided, however, the elevation of the lowest floor designed or intended for human use or habitation, including basements, shall be at least three (3) feet above the elevation of the nearest point of the 100-year Flood Plain designated on the Zoning map.
- C. In the area below the 100-year Flood Plain, land may be used to supply open space or lot area requirements of a lot partially located above; provided, however, no building or structure shall be located below the 100-year Flood Plain.

Section 8.05 – Permitted Accessory Use

Below the 100-year Flood Plain area off-street parking is permitted as a use accessory to a principal use above the 100-year Flood Plain on the same lot. However, no building, structure, or equipment other than boundary monuments are permitted below the 100-year Flood Plain as an accessory use.

Section 8.06 – Uses Requiring Special Land Use Permit Approval

- A. In the area below the 100-year Flood Plain, dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the Flood Plain, the flow and impoundment capacity of the Flood Plain will be maintained or improved and unless all applicable state regulations are met.
- B. In the area below the 100-year Flood Plain, the construction or location of bridges, outdoor play equipment, bleachers, and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause any significant obstruction to the flow or reduction in the Flood Plain.

- C. Approval of a Special Land Use for any of the above shall be subject to an engineering finding by a registered engineer that the above requirements are satisfied.

Section 8.07 – Building Permit Requirement

No building or structure shall be erected, converted or structurally altered and no land or structure used in a Flood Plain District, unless a permit therefore shall have first been obtained from the Village of Grand Beach Zoning Administrator after due compliance shown with all Village Ordinances, state statutes and federal regulations.

Section 8.08 – Sewer Systems and Appurtenances

All on site new and replacement water and sewer systems and appurtenances in the Flood Plain shall be designed to minimize infiltration of flood waters and so constructed so as to avoid impairment that might otherwise result from flooding.

Section 8.09 – Alteration of Watercourse

No alteration of any watercourse in the Flood Plain District shall be undertaken unless and until neighboring communities and the Michigan Department of Natural Resources shall have first been notified and provided with detailed plans and specifications prepared by a registered engineer. Such plans shall show full compliance with local Ordinances, state statutes, state regulatory agencies and federal regulations and shall make provisions for maintaining the full carrying capacity of the altered watercourse.

Section 8.10 – Penalties

Any building or structure which is erected, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. The Village of Grand Beach and the duly authorized attorney for the Village of Grand Beach and the prosecuting attorney for the County may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance or use of lands in the Flood Plain District.

ARTICLE IX
SITE CONDOMINIUMS

Section 9.01 – Purpose

The purpose of this Article is to regulate the creation and use of site condominium developments within the Village and to promote and protect the health, safety and general welfare of the public. These regulations and controls shall in no way repeal, annul or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

Section 9.02 – General Requirements

The following general requirements shall apply:

- A. Compliance with Federal, State and Local Laws: All site condominium developments shall comply with all applicable Federal, State and local laws and ordinances.
- B. Zoning Standards: Site condominium developments shall comply with all of the zoning standards of this Ordinance.
- C. Residential Design: The design of single-family units in a site condominium development shall provide a varied street scene and eliminate the reuse of identical or substantially similar buildings in close proximity. The following restrictions shall apply in new residential developments.
 - 1. Identical or similar buildings shall not be repeated more frequently than every fourth (4th) house along the same side of any street.
 - 2. Buildings shall be considered similar if they have similar building mass and building form.
- D. Required Review and Approval: Prior to the recording of a master deed, required by Section 72 of the Condominium Act, as amended, the project shall undergo Site Plan Review and approval in accordance with Article XIII of this Ordinance. Approval under this Article shall be required as a condition to the right to construct, expand, or convert a site condominium development in the Village.
- E. Compliance with Lot Regulations: For the purposes of these regulations, each unit in a site condominium development shall be considered as a single lot and shall comply with all of the regulations for a “lot” of the Zoning District in which it is located, or if in a Planned Unit Development, the requirements as approved under the Planned Unit Development. In a site condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a lot and no dwelling unit shall be located on a lot with any other principal structure or use. Required yards shall be measured from the boundaries of a site condominium unit.
- F. Easements for Utilities: Road rights-of-way shall be dedicated to the public or an association. The rights-of-way shall be for roadway purposes and for maintaining, repairing, altering, replacing, and/or removing pipelines, wires, poles, mains, conduits, and other installations of a similar nature, hereinafter collectively called “public infrastructure,” for the purpose of providing public utilities, including electric, communications, water, drainage and sewers.

Section 9.03 – Procedures for Site Plan Review

The following procedures shall apply:

- A. Required Information
 - 1. All site condominium developments shall include the information required by the respective Acts and all other information required under the regulations pertaining to the Zoning District in which the site condominium development is proposed or located.

2. In the case of a site condominium development consisting of single-family detached dwelling units, the location and dimensions of the condominium lots and units and required yards shall be shown on the Site Plan.

B. Site Plan Review

1. A site condominium development shall be reviewed and approved consistent with the procedures and requirements for site plan review in Article XIII of this Ordinance.
 - a. The plan submitted for Preliminary Plan review shall demonstrate the entire development plan for the entire development area.
 - b. The plan submitted for Final Plan review may demonstrate development on the entire site or just a specific phase of the development.
2. The Preliminary Plan review shall include a public hearing before the Planning Commission prior to the Commission making a recommendation on the Plan. The procedures and noticing requirements for the hearing shall be consistent with the requirements presented in Section 10.05.C
3. For site condominium developments, the application for Final Site Plan review shall also include a copy of the proposed master deed and bylaws. These condominium documents shall be reviewed with respect to all matters subject to regulation by the Village, including but not limited to: the description, boundaries, use and preservation of common elements; the maintenance of drainage, retention ponds, wetlands and other natural areas; and the maintenance of landscaping in common areas of the project. These documents shall be reviewed and approved by the Village Council and thereafter recorded with the County Register of Deeds.

C. Performance Guarantees: As a condition of approval of the Site Plan for a site condominium development, the Village Council may require surety by the developer to make improvements shown on the Site Plan and to insure completion of filing requirements in accordance with the requirements in Section 13.17

D. Additional Filings Required: Subsequent to the recording of the master deed and bylaws for a site condominium development, and subsequent to the construction of improvements, the developer shall file the following information with the Village Clerk:

1. As-built plans submitted per Section 13.19.
2. Two (2) copies of the master deed for a site condominium development with all pertinent attachments. The master deed shall ensure that the Village will not be responsible for maintenance or liability of the non-dedicated portions of the site condominium development, that all private roads will be properly maintained, that snow removal will be provided and there will be adequate access and turnaround for emergency vehicles. Responsibility for the maintenance of storm water retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas shall be clearly stated.
3. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.
4. Upon fulfillment of all requirements, the developer shall apply to the Village Clerk for release of performance guarantees.

ARTICLE X

PLANNED UNIT DEVELOPMENT, PUD

Section 10.01 – Purpose

As used in this section, “planned unit development” (PUD) means cluster zoning, planned development, planned residential development, and other similar planned development. The purposes of a PUD are:

- A. To accomplish the objectives of the Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To permit flexibility in the regulation of land development.
- C. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage useful open space and provide better housing opportunities particularly suited to the needs of the residents of the Village.

Section 10.02 – Use and Area Regulations

- A. **Permitted Uses:** Planned unit developments shall be permitted in any zoning district with the approval of a special use permit.
- B. **Area Regulations:** Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.
 - 1. **Perimeter Setbacks:** The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying zoning district.
 - 2. **Open Space:** A PUD project shall provide open space areas of significant size, both individually, and in total, throughout the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of thirty (30%) percent of the provided open space and landscape area devoted to perimeter setbacks.
 - 3. **Height Regulations:** The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying zoning district.
 - 4. **Other Dimensional Regulations:** To promote creativity and flexibility in site design, the Village Council upon recommendation of the Planning Commission may modify the other dimensional regulations, as required by the underlying zoning district, including but not limited to frontage requirements, minimum lot size, density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the Village as a whole.

Prior to approving a reduction in dimensional regulations, the Village Council and/or the Planning Commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the modification will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the Village as a whole.

Section 10.03 – Planned Unit Development Eligibility Requirements

To be eligible for a planned unit development, a parcel shall meet all of the following:

- A. The parcel shall be five (5) acres or more in area.
- B. The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
- C. The proposed uses within the PUD shall be consistent with the Village of Grand Beach Master Plan for the subject parcel.

Section 10.04 – Pre-Application Conference

An applicant may request a meeting with the Planning Commission for the purpose of conducting a non-binding pre-application discussion with the applicant/developer to assist them in understanding the site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Village. No engineered plans will be accepted at or before the pre-application meeting. This meeting may also include the Zoning Administrator, Village Council members, and/or consultant(s) as appropriate.

This conference shall not be mandatory, but is recommended of small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Village to make a proper review.

Section 10.05 – Preliminary Plan Review Process

PUD Plans shall undergo a two-step plan review process beginning with Preliminary Plan review. Preliminary Plan review shall follow the requirements and procedures described in Article XIII for a preliminary site plan with those additional requirements described below.

- A. Preliminary PUD
The Preliminary PUD Plan shall depict the conceptual layout of the overall development plan for the entire development area.
- B. Application Requirements
The application requirements for the Preliminary PUD Plan shall be the same as those for a Preliminary Site Plan as described in Section 13.08. In addition, the following items shall be submitted with the Preliminary PUD Plan.
 - 1. A narrative statement describing:
 - a. The objectives of the proposed PUD and how they relate to the intent of the Ordinance.
 - b. The relationship of the proposed PUD to the Village of Grand Beach Master Plan.
 - c. Phases of the development, if any, and the approximate timeframe for the start and completion of construction of each phase.
 - d. Anticipated dates for the start and completion of construction of the PUD.
 - e. Substantial benefits to the community provided by the proposed PUD.
 - f. The location, type, and size of areas to be dedicated for common open space.
 - 2. Provided setbacks from adjacent zoning districts.
 - 3. Location and type of sanitary sewage disposal system.

4. Proposed methods of surface water drainage, including surface and subsurface facilities.
5. Location and type of proposed lighting on the site.
6. Percentage of the total site devoted to open space, the location of open space, and proposed uses of that open space.

C. Public Hearing

The Planning Commission shall hold a public hearing for all PUD requests, same as any other special use permit request, as required by the Michigan Public Act 110 of 2006, as amended.

1. A notice of the public hearing shall be published in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request, to all persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request, and to the occupants of all structures within three-hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
2. The notice shall do all of the following:
 - a. Describe the nature of the planned unit development request.
 - b. Indicate the property which is the subject of the planned unit development request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the planned unit development request will be considered.
 - d. Indicate when and where written comments will be received concerning the planned unit development request.

D. Preliminary PUD Review Procedures

A Preliminary PUD Plan shall be approved per the procedures described in Section 13.08; thus, a Preliminary PUD Plan shall be recommended by the Planning Commission, following the Public Hearing, for approval, approval with conditions, or denial to the Village Council. That recommendation will then be forwarded to the Village Council who will make a final decision to approve, approve with conditions, or deny the Preliminary PUD Plan.

E. Effect of Approval

Approval of a Preliminary PUD Plan shall grant the applicant one (1) year to apply for Final PUD Plan approval. Preliminary PUD Plan approval shall expire if an application for Final Plan approval has not been submitted within this period. Such approval may be extended by the Village Council by up to one (1) year upon request if the Council determines that action will be taken during that time and that there is a legitimate reason for the delay.

Section 10.06 – Final PUD Plan Review Process

The second step in the review process is Final PUD Plan Review. Depending on the size and scope of the development, the Final PUD Plan may cover the entire development area or just one phase at a time.

A. Final PUD/Amendments

The Final PUD Plan shall be consistent with the approved Preliminary PUD Plan for the site. Minor amendments to the Preliminary PUD Plan shall be reviewed by the Planning Commission during initial review of the Final PUD Plan per the description provided in Section 13.09. Major amendments to the Preliminary PUD Plan, as defined in Section 13.12, shall be required to be approved as a new Preliminary PUD Plan through the process described above in Section 10.05.

B. Application Requirement

The application requirements for the Final PUD Plan shall be the same as those for a Final Site Plan as described in Section 13.09. In addition, the following items shall be submitted with the Final PUD Plan.

1. Proposed master deed, deed restrictions, covenants, or similar legal requirements to be used within the PUD.
2. A proposed PUD agreement setting forth the terms and conditions negotiated and to be agreed upon by the applicant and the Village of Grand Beach and upon which approval of the PUD proposal will be based.

C. Final PUD Review Procedures

Per the procedures described in Section 13.09, a Final PUD Plan shall be recommended by the Planning Commission for approval, approval with conditions, or denial to the Village Council. That recommendation will then be forwarded to the Village Council who will make a final decision to approve, approve with conditions or deny the Final PUD.

D. Effect of Approval

1. An approved PUD shall expire one (1) year following final approval by the Village Council, unless authorized construction has begun on the PUD project prior to that time or the property owner applies to the Village Council for an extension prior to the expiration of the PUD. The Village Council may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:
 - a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - b. The PUD requirements and standards that are reasonably related to the development have not changed.
2. If the PUD approval expires pursuant to 10.06.D.1 above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall be subject to the zoning classification of the property as it exists at that time as if no PUD approval had ever been granted.

Section 10.07 – Standards for PUD Approval

As a use subject to special use permit, a PUD shall be subject to the review and approval procedures specified in Article XIII, "Site Plan Review Procedures and Requirements", and Article XII, "Special Land Uses", and the following:

A. Standards for PUD Approval: A proposed PUD must meet all of the following for approval:

1. The planned unit development shall be consistent with the Village of Grand Beach Master Plan.

2. The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
3. The planned unit development shall be designed so that its pedestrian, non-motorized, and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
4. The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
5. The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.
6. The design of the planned unit development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
7. The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
8. Nothing here in shall relieve the PUD applicant from complying with all applicable local, state and federal regulations.

10.08 – Continuing Adherence to Approved PUD Application

- A. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in Section 15.08 of this Ordinance.
- B. Performance Guarantees. As a condition of approval of the Final PUD Plan for a PUD development, the Village Council may require a surety by the developer to make improvements shown on the plan and to ensure completion of filing requirements, in accordance with the requirements for Performance Guarantees in Section 13.17.

10.09 – Recording of Action

After approval of the proposed development and prior to occupancy of all or part of the completed development, the applicant shall submit as-built plans to the Village as presented in Section 13.19.

The applicant shall record an affidavit acceptable to the Village attorney with the Berrien County Register of Deeds that contains the full legal description of the project site, specifies the date of final village approval, specifies the description or identification number which the Village has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Village Council approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the Village attorney that contains all of the information described above, describes the amendment, specifies the date the Village Council approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed by the applicant with the Berrien County Register of Deeds and copies of recorded documents filed by the applicant with the Zoning Administrator.

10.10 – Amendment of an Approved Planned Unit Development

See Section 13.12 of this Ordinance.

ARTICLE XI
SIGN REGULATIONS

Section 11.01 – Purpose

The purpose of this Article is to regulate signs and outdoor advertising to protect the health, safety and general welfare, to protect property values, and to protect the health, and to protect the character of the various neighborhoods and the Village generally.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays.

Section 11.02 – Definitions

- A. **Abandoned Sign**: A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. **Canopy or Marquee Sign**: Any sign attached to or constructed within or on a canopy or marquee.
- C. **District**: Zoning District as established by the Village Zoning Ordinance.
- D. **Free Standing Sign**: A sign supported by a structure independent of any other structure.
- E. **Height of Sign**: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- F. **Off-Site Sign**: (off-premises sign) – A sign other than an on-site sign.
- G. **On-Site Sign**: (on-premises sign) – A sign which identifies only the premises where located.
- H. **Sign**: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants of premises are excepted from this definition and the requirements for Zoning permits.
- I. **Temporary Sign**: A sign that is intended to be displayed for a limited period of time.
- J. **Wall Sign**: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- K. **Window Sign**: A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- L. **Portable Sign**: Any sign not permanently attached to the ground or a building.

Section 11.03 – General Sign Regulations

The following regulations shall apply to all signs in the Village:

- A. Prior to the erection or structural alteration of sign, a scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Building Inspector so that he may insure that the provisions of the Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding pylon signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Inspector.
- B. No sign projecting into public right-of-way or dedicated easement, except those erected by the Village, County, State or Federal government, except when such buildings shall front the public right-of-way or dedicated easement line.
- C. Signs shall not be illuminated.
- D. All signs and sign structures shall be properly maintained and kept in a good state of repair.
- E. The provisions of this Section are not intended to conflict with provisions controlling signs regulated under the authority of Michigan Public Act 106 of 1972, the Highway Advertising Act, as amended.

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. (As amended by ordinance number 2019-98 effective on December 23, 2019)
- 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.

(As amended by ordinance number 2019-98 effective on December 23, 2019)

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

Section 11.05 – Signs on US-12

Along US-12 between National Rail right-of-way and the highway, only the following signs shall be permitted:

Billboards are permitted as a principal use subject to the provisions of Michigan Public Act 106 of 1972, the Highway Advertising Act, as amended.

Further, billboards regulated by Michigan Public Act 106 of 1972, as amended, shall be regulated as follows:

1. They shall be located a minimum of two thousand (2000) feet to another sign structure;
2. They shall be located a minimum of twenty-five (25) feet from the road right-of-way;
3. They shall not exceed fifty (50) square feet in area; and,
4. They shall not exceed thirty (30) feet in height.
5. They shall not be illuminated.

Section 11.06 – Village of Grand Beach Signage

The provisions of this Article shall not apply to Village of Grand Beach bulletin boards, traffic or beach signage or other signs authorized by the Village Council of a public nature.

Section 11.07 – Deleted (As amended by ordinance number 2014-87 effective on September 8, 2014)

ARTICLE XII
SPECIAL LAND USES

Section 12.01 – Purpose

The formulation and enactment of this Zoning Ordinance is based upon the division of the Village into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

Section 12.02 – Authority to Grant Permits

Applications for special land uses shall be submitted to the Village Clerk on a form prepared for the purpose, which shall be available from the Village Clerk. Each application shall be made by the fee owner and any other owner of record of the lot/lots on which the proposed special land use is to exist, or be conducted, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Village Council to cover the cost of processing the application.

Section 12.03 – Data Required

- A. Each application form shall contain the following information:
1. Name of applicants which shall include the fee owner and any other owner(s).
 2. Address at which applicant shall receive any and all required notices and/or decisions of the Village Council.
 3. A full legal description of the property on which the proposed special use is to exist or be conducted.
 4. A listing of all adjoining lot owners located within three hundred (300) feet of the lot lines of the property on which the proposed special use is to exist, or be conducted, together with their addresses.
 5. A detailed description of the proposed special use for which the permit is requested.
 6. A statement, which may be included in the site plan, setting forth the location and height of existing and proposed structures both on-site and on adjacent properties, as well as an indication of the total acreage involved in said property.
 7. Plans to prevent any additional storm-water runoff to other properties. Demonstrate in the site plan, that there exists sufficient protection to ensure that there will be no additional storm-water runoff created by the proposed special land use; or that adequate and full measures have been taken to accommodate such storm-water runoff on the proposed site location. For purposes of this standard, the storm-water runoff shall be consistent with Village regulation.
- B. A detailed site plan that satisfies all requirements set forth in Sections 13.08 and 13.09, Preliminary and Final Site Plan Requirements and Section 13.10, Site Plan Review Standards.
- C. If an applicant requests a Special Land Use Permit for a Short Term Rental as provided in this Ordinance, the applicant shall be required to provide all of the information requested in the Special Land Use Application for Short Term Rentals. (As amended by ordinance number 2014-87 effective on September 8, 2014)

The Zoning Administrator shall review each application to determine whether all required information has been furnished. In the event the application is deficient, the Zoning Administrator shall reject the application, setting forth the specific items that must be addressed. In the event the Zoning Administrator determines that the application is complete, the application shall be put on the agenda for the earliest Planning Commission meeting practicable, for consideration and recommendation to the Village Council.

Section 12.04 – Procedure upon Receipt of Application

- A. Upon receipt of an application, the Planning Commission shall schedule a public hearing. A notice of the public hearing shall be published in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request, to all persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request, and to the occupants of all structures within three-hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
- B. The notice shall do all of the following:
 - 1. Describe the nature of the special land use request.
 - 2. Indicate the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - 3. State when and where the special land use request will be considered.
 - 4. Indicate when and where written comments will be received concerning the special land use request.
- C. After review of the application and public hearing or written comments, if any, the Planning Commission shall recommend approval, approval with conditions, or denial of the permit based upon the standards of the special use as set forth in the appropriate use district. The recommendation on a special land use application shall be incorporated in a statement of findings and conclusions relative to the special land use permit which specified the basis for the decision and any conditions imposed.
- D. The recommendation shall be forwarded to the Village Council which shall approve, approve with conditions, or deny the permit at its next regularly scheduled meeting.
- E. This review and approval of the special use permit can occur concurrent with or separate from review of a site plan for the proposed development, conducted in accordance with the procedures in Article XIII.

Section 12.05 – Governing Standards

In deciding to grant or to deny a special land use application, the Village Council shall establish that the following standards shall have been satisfied, together with other requirements of the Ordinance. The decision shall be contained in a written statement of findings and conclusions relative to the special land use which specify the basis for the decision and any conditions imposed. The standards enumerated herein are intended to promote the intent

and purpose of the Ordinance and to ensure that the land use or activity authorized shall be compatible with services and facilities affected by the proposed land use. These standards shall ensure that the proposed land use or activity is consistent with the public health, safety and welfare of the Village.

Each of the proposed special land uses at the proposed location shall:

- A. Be designed, constructed, operated, and maintained so that such use shall be consistent and harmonious with the essential character of the district classification in which it is proposed.
- B. Be served adequately by essential public facilities and services, including but not limited to streets, police, fire protection, drainage district, refuse disposal, water and sewage facilities, and schools.
- C. Not exceed the capacities of public services and facilities affected by the proposed special use, nor result in additional public cost for the creation of facilities and services not otherwise available.

Section 12.06 – Conditions and Safeguards

Conditions and safeguards may be imposed by the Village Council to ensure compatibility with adjacent uses of land and to promote the use of the land in a consistent manner with the spirit and intent of this Ordinance and the Master Plan, if any, of the Village. The conditions shall be designed to ensure that public services and facilities affected by the proposed land use, structure, or activity will be capable of accommodating the proposed use, structure or activity.

Any conditions so imposed shall address the following objectives:

- A. Be designed to minimize the variation to the strict requirements of this Ordinance to maintain as much as possible the objectives of the Ordinance while allowing property owners a reasonable use of their property.
- B. Be designed to promote the master plan of the Village.
- C. Be designed to minimize any adverse impact on Village residents or lot owners adjoining the proposed special land use, structure, or activity, including but not limited to requirements such as “screening” or the erection of natural or artificial barriers, or limitations on the hours of the special use or activity.
- D. Be related to the standards established for land use, structure, or activity permitted in the district.
- E. Ensure compliance with any part of the application received and approved by the Village Council.
- F. Be recorded in the record of Berrien County Register of Deeds and filed with the Village Clerk. These conditions shall remain unchanged except upon the mutual consent of the Village Council and the landowner. The Council shall maintain a record of all changes in conditions which it approves.

Section 12.07 – Ramifications of Approval

All special land use permits approved by the Village Council pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be modified, altered, expanded or otherwise changed except through and with the consent of the Village Council by re-application. Further, all conditions shall run with the land, and be binding on the land owner(s), successors, heirs, and assigns.

In the event of the applicant’s failure to develop the property within one (1) year, in accordance with the special use permit, and with any conditions imposed as part of the issuing of the permit, then and in that event the special land use permit shall be considered null and void. The council may provide for up to a one (1) year extension for completion of the development if it determines that a longer period of time is in the interests of the residents of the Village and will allow for the completion of the development.

If at any time during the existence of the special land use(s) permitted, the lot(s) and/or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a zoning violation and the permit shall be considered revoked.

ARTICLE XIII
SITE PLAN REVIEW PROCEDURES
AND REQUIREMENTS

Section 13.01 – Purpose

The purpose of this article is to establish uniform requirements of procedure for all developments in the Village so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Village officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

Condominium projects shall require the approval of the Village Council and shall be limited to only those which subdivide land in accordance with the Zoning District lot sizes prescribed in each Residential Zoning District (site condominiums), and further shall be developed exclusively for occupancy and use by the owner of each dwelling unit, but no central management for the sale, rental and resale, sublease or time sharing shall be permitted subsequent to the initial sale of a condominium dwelling unit to an initial owner/occupant, and only individual owner/occupants can through their individual efforts and contracting resell, rent, or sublease their individually owned condominium dwelling units.

Section 13.02 – Developments Requiring Site Plan Approval

The following land, building and structural uses require “Site Plan Approval”:

- A. All subdivisions, amendments to existing subdivisions, or other similar developments subject to the Subdivision Control Act and the Village Subdivision Ordinance.
- B. All site condominium developments.
- C. All cooperative housing associations.
- D. All special uses and their accessory uses in all districts.
- E. All planned unit developments.
- F. All non-residential development or residential development other than a single-family home and its accessory structure.

Section 13.03 – Developments not Requiring Site Plan Approval

- A. Single family homes and their accessory uses to be located on existing individual lots of record in the LDR, MDR, and HDR districts.

Section 13.04 – Role of the Zoning Administrator

The Zoning Administrator shall not issue a Zoning Permit for construction of, or addition to, any use until a final site plan has been approved by the Village Council and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Village Council and a Zoning Permit has been issued for it.

Section 13.05 – Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits that do not require Site Plan Approval be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

- A. The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.

- B. The location, shape, and size of all buildings or other structures to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
- C. The location and configuration of the lot access and driveway, drawn to scale.
- D. The existing and intended use of the lot and of all such structures upon it.
- E. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 13.06 – Site Plan Approval Required Prior to Starting Construction or Use of Land

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence until a final site plan is approved and is in effect, except as provided in this article.

Section 13.07 – Preliminary Conference on Proposed Site Plan

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regular scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting. This meeting may also include the Zoning Administrator, Village Council, and/or consultant(s) as appropriate.

Section 13.08 – Preliminary Site Plan Requirements

- A. Intent: The intent of Preliminary Site Plan review is to demonstrate the conceptual layout, intent, and character of the development prior to the applicant undertaking the significant engineering or legal requirements that are required.
- B. Application: Any person may file a request for preliminary site plan approval by filing required forms with the Village Clerk, payment of the review fee, and at least twelve (12) copies of a preliminary site plan drawing(s) and other documents. Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) and other documents to the Zoning Administrator.
- C. Information Required for Review: Every preliminary site plan submitted under this Article shall include the information provided below. The Zoning Administrator and/or Planning Commission may waive a particular requirement if it is determined that that information is unnecessary for the specific application..
 1. The name, address, and telephone number of the property owner or applicant.
 2. Date of preparation, including revisions, of the site plan.
 3. The name, address, and telephone number of the individual or firm responsible for the preparation of the site plan. All plans shall include the architect, engineer, surveyor, landscape architect, or planner's seal.
 4. Scale and north point.
 5. Location map drawn to scale.
 6. Address, tax identification number, and legal description of the property and all property lines shown and dimensioned.
 7. Signature of the applicant
 8. Signature of the property owner if different from the applicant

9. Proof of property ownership
10. Title of proposed project
11. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, amount of recreational open space, type of recreation facilities to be provided, and related information as may be pertinent or as may otherwise be required by this Ordinance.
12. Project completion schedule
13. Existing buildings, structures, and other improvements, including drives, utility poles, easements, ditches, and culverts; clearly delineate all improvements proposed to remain and to be removed.
14. Owner, use, and zoning classification of adjacent properties; include the existing location and outline of buildings, drives, parking lots, and other improvements on adjacent properties within one-hundred (100) feet of the property boundaries.
15. Existing natural features such as trees, wooded areas, creeks, marshes, streams, lakes, ponds, and wetlands; clearly delineate all natural features proposed to remain and to be removed.
16. Existing topography (minimum contour interval 10 feet) and preliminary grading and drainage plan illustrating proposed method of grading and draining site to properly dispose of stormwater.
17. Existing and proposed utilities on or serving the property, including water, sanitary sewer, storm sewer, drains, wells, septic tanks; include the location of existing drainage courses and associated bodies of water, on and off-site.
18. Name and right-of-way of existing streets, private roads, and/or recorded easements on or adjacent to the property; include surface type and width.
19. Zoning classification of the subject property; location of required yards (setbacks); total ground floor area and lot coverage (percent).
20. Location and exterior dimensions to proposed buildings and structures; distances between buildings; height in feet and stories; and all required setbacks.
21. Floor plans of principal buildings
22. Location, alignment, width, and surface material of all proposed streets and drives; right-of-ways where applicable.
23. Location, dimensions, number of spaces, preliminary drainage plan, and surface materials of proposed parking lots.
24. Location and size of proposed improvements (if any) of open space and recreation areas.
25. Location, width, and surface of proposed sidewalks and pedestrian ways, if any.
26. Location, type, height, materials, and dimensions of fences, walls, trash containers, and signs.
27. Location, type, and size of plant materials.
28. Location, type, direction, and intensity of outside lighting.
29. Such other information as is necessary to enable the Planning Commission or Zoning Administrator to determine the site plan will conform to the provisions of this Ordinance.

- D. Zoning Administrator Action: Upon submittal of the application, the Zoning Administrator shall review the packet and application and shall, within 10 days of the filing date, indicate whether or not it is a complete application satisfying all of the requirements of Section 13.08.B & C. If complete, the packet shall be forwarded to the Planning Commission for review at the next meeting. If incomplete, the Zoning Administrator shall notify the applicant of the missing information.
- E. Professional Review: Prior to review or a decision by the Planning Commission, the Zoning Administrator and/or the Planning Commission may distribute the proposed application and materials to the Public Works Director, Police Chief, Fire Chief, Village Engineer, Village Planner, Village Attorney, and/or other staff or consultants as appropriate and necessary. If such plans are distributed, these parties shall review the materials and provide feedback and recommendations prior to the next meeting to ensure the Village maintains its meeting schedule and the Commission is well informed at the meeting.
- F. Planning Commission Review and Recommendation: The Planning Commission shall review the application package and make a recommendation to the Village Council to approve, approve with conditions, or deny the application. If a public hearing is required for the application, it shall occur at this stage per the requirements described for that type of review.
- G. Village Council Review and Decision: Upon receiving the recommendation from the Planning Commission, the Village Council shall review the application at their next available meeting and make a decision to approve, approve with conditions, or deny the site plan.
- H. Effect of Approval: Approval of a preliminary site plan by the Village Council shall indicate that the proposed layout meets the minimum standards of this ordinance. With this approval, the Zoning Administrator may, with appropriate conditions attached, authorize issuance of a grading permit. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, waiver of the Village from any liability if final plan is not approved, and for furnishing a financial guarantee for restoration of the site, if work does not proceed. Preliminary site plan approval requires the applicant meet all of the requirements of the Michigan "Soil Erosion and Sedimentation Control Act", Michigan Public Act 347 of 1972, MCL 282.101 et seq.
- I. Expiration and Extension of Approvals: Approval of a preliminary site plan shall be valid for a period of one year from the date of approval, unless otherwise indicated, and shall expire and be of no effect unless an application for final site plan approval is filed with the Village Clerk within that time period. A one (1) year extension may be granted upon written request of the applicant and approval of the Village Council. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

Section 13.09 – Final Site Plan Requirements

- A. Intent: The intent of the Final Site Plan review is to demonstrate the final development layout with specific engineering details and any additional legal requirements necessary for the particular application.
- B. Application: Following approval of a preliminary site plan, the applicant shall submit twelve (12) copies of a final site plan as well as other data and exhibits hereinafter required to the Village Clerk, the review fee, and completed application form. The Clerk, upon receipt of the application and special meeting fee shall promptly transmit the final site plan to the Planning Commission with a copy to the Zoning Administrator.
- C. Information Required for Review: Every final site plan submitted for review under this Article shall contain information as required for a Preliminary Site Plan (see Section 13.08.C) as well as the items identified here. The Zoning Administrator and/or Planning Commission may waive a particular requirement if it is determined that that information is unnecessary for the specific application.

1. Evidence of compliance with any other rules or regulations applicable to the project site enforceable by any other County, State, or Federal agency, as may be demonstrated by either a letter of compliance from the particular agency or an approved permit. If a certain permit from an outside agency is required for development of the site, that permit shall be approved prior to approval of the final site plan. (If the Planning Commission and Village Council is comfortable, receipt of this permit may be made a condition of approval.)
 2. All legal documents required for the particular development, if any, such as Master Deeds, covenants, bylaws, development agreements, and/or deed restrictions.
 3. Architectural elevations drawn to scale; finished floor elevations; contact grade elevations.
 4. Final engineering details and alignment of all proposed streets and drives illustrating compliance with minimum requirements of Village and County as applicable. Details shall include a profile of road.
 5. Final design and specifications for proposed parking lot and drainage illustrating how drainage will be accomplished on site.
 6. Engineering details and profile for all proposed sidewalks and pedestrian ways.
 7. Landscape detail showing specific locations, types of materials, amounts, and sizes of landscaping proposed..
 8. Existing topography (minimum contour interval of two feet); grading plan showing finished contours at a minimum interval level of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required; all finished contours lines are to be connected to existing contour lines at or before the property lines.
 9. All site plans shall comply with the terms of the most recent version of the "Guidelines for Stormwater Management, Berrien County, Michigan" as published by the Berrien County Drain Commissioner. It shall be the applicant's responsibility to provide documentation of compliance with these guidelines.
 10. Location of proposed retaining walls; dimensions and materials of same, fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- D. Zoning Administrator Action: Upon submittal of the application, the Zoning Administrator shall review the packet and application and shall, within five (5) days of the filing date, indicate whether or not it is a complete application satisfying all of the requirements of Section 13.09.B & C. If complete, the packet shall be forwarded to the Planning Commission for review at the next meeting. If incomplete, the Zoning Administrator shall notify the applicant of the missing information.
- E. Professional Review: Prior to review or a decision by the Planning Commission, the Zoning Administrator and/or the Planning Commission may distribute the proposed application and materials to the Public Works Director, Police Chief, Fire Chief, Village Engineer, Village Planner, Village Attorney, and/or other staff or consultants as appropriate and necessary. If such plans are distributed, these parties shall review the materials and provide feedback and recommendations prior to the next meeting to ensure the Village maintains its meeting schedule and the Commission is well informed at the meeting.
- F. Planning Commission Action: The Planning Commission shall review the Final Site Plan and make a recommendation to the Village Council to approve, approve with conditions, or deny the final site plan. The Planning Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance.
- G. Village Council Action: The final site plan and recommendation of the Planning Commission shall be transmitted to the Village Council, who shall make a determination to approve, approve with conditions, or deny the final site plan request. Upon Village Council approval of the final site plan, the applicant and owner(s) of record, and the President of the Village Council or his designated representative shall sign the approved plan. The Village Council shall transmit one (1) signed copy

of the approved final site plan to the Zoning Administrator, Village Clerk, and to the applicant. If the final site plan is disapproved, the Village Council shall notify the applicant and the Village Clerk, in writing, of such action and reasons.

- H. Effect of Approval: Approval of a final site plan authorizes the Zoning Administrator to issue a Zoning Permit. Approval shall expire and be of no effect after one (1) year following approval by the Village Council, unless a Zoning Permit is applied for and granted within that time period. Approval of the final site plan shall also expire and be of no effect one (1) year following the date of approval unless authorized construction has begun on the property in conformance with the approved final site plan. A one (1) year extension may be granted by the Village council upon written request of the applicant and approval of Council.

Section 13.10 –Site Plan Review Standards

In reviewing a preliminary or final site plan, the Planning Commission and Village Council shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following standards:

- A. Preservation of Natural Environment: Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing vegetation and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
- B. Relations of Proposed Land; Building; and Structural Uses to Environment: Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.
- C. Drives, Parking and Circulation, Vehicular and Pedestrian Circulation, Including Walkways, Interior Drives and Parking: Special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.
- D. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas. Also, the applicant shall demonstrate in the site plan that there exists sufficient protection to ensure that there will be no additional storm-water runoff created by the proposed special land use other than that which is natural to the lot or parcel and existed prior to development; or that adequate and full measures have been taken to accommodate any additional storm-water runoff on the proposed site location.
- E. Utility Service: Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed methods of water supply, fire hydrants, and sanitary sewage disposal for all buildings shall be indicated.
- F. Additional Requirements: All other standards and requirements of this Article must be met by site plans presented for review.

Section 13.11 – Modification of Procedure

An applicant may, at his or her discretion and risk, seek to combine the preliminary and final site plan review steps in their application for approval. Upon such a request, the portion of the review process covering the preliminary site plan application and review may be waived by the Planning Commission.

However, all information, materials, data, etc. required for preliminary review that is not already required for final review shall also be submitted. Therefore, the Village will have all of the same information they would have received otherwise. Also, if a public hearing is required for the proposed development and was scheduled to occur during the preliminary review, this will not bypass that requirement. The hearing will be held during the consolidated review.

The Planning Commission shall make a determination whether to allow for the consolidation of the procedures based on the complexities in the application and/or the scale of the site and the proposed development and determine if it warrants the need for both the preliminary and final site plan review and approval procedures.

Section 13.12 – Amendment of an Approved Site Plan

A site plan may be amended upon application and in accordance with the procedure provided in Section 13.08 herein for a preliminary site plan, and Section 13.09 herein, for a final site plan, provided that the change will not exceed the requirements of the zoning district, or if in a Planned Unit Development, the requirements as approved under the Planned Unit Development. Such an amendment shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval nor will it result in the violation of a standard of the Zoning Ordinance. A minor change in a preliminary site plan may be incorporated into a final site plan with the approval of the Zoning Administrator. Minor changes shall include the following:
 1. Reduction of the size of any building and/or sign
 2. Movement of buildings and/or signs by no more than 10 feet.
 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five percent (5%) of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Changes related to items 1 through 5 above required or requested by the Village of Grand Beach, Berrien County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 7. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under Section 13.12.A above shall be processed in the same manner as the original preliminary or final site plan application.

Section 13.13 – Modification During Construction

All improvements shall conform to the approved final site plan. If the applicant chooses to make any material changes in the development in relation to the approved final site plan, he shall notify the Zoning Administrator prior to making the changes to ensure that the changes satisfy the requirements of the Zoning Ordinance.

Section 13.14 – Phasing of Development

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan, by showing the entire development area, shall clearly indicate the location, size, and character of each proposed phase. The individual phases shall be approved through the final site plan review process (Section 13.09). A final site plan for each phase shall be submitted for approval.

Section 13.15 – Inspection

All subgrade improvements, such as utilities, subbase and base installations for streets, drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator or other appropriate official and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Village Council, in writing, when a development for which a final site plan was approved which does not pass inspection with respect to conformance with the approved final site plan, and shall advise the Council of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Village Council of progress towards compliance with the approved final site plan, and when compliance is achieved.

Section 13.16 – Fees

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Village Council. The fee schedule established by the Village Council shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Village inspections of such projects as required under the provisions of this Ordinance.

Section 13.17 – Financial Guarantees

Surety bonds, cash deposits, irrevocable bank or finance company's letters of credit, certified checks or other acceptable forms of security may be required of the applicant and approved by the Village Council after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, streets or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the Village Council, and shall be administered by the Village Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Village Council shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding, bank or finance company.

Section 13.18 – Violations

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance as specified in Article XV.

Section 13.19 – As-Built Site Plan

Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Village Clerk one electronic copy and three prints of an "as-built" site plan, certified by the engineer or surveyor, at least one week prior to the anticipated occupancy of any building. The Village Clerk shall circulate the as-built plans among the appropriate persons for review to insure conformity with the approved final site plan and other Village of Grand Beach requirements. Once those persons have approved the as-built plans, the final inspection prior to the issuance of the Occupancy Permit may occur.

ARTICLE XIV

NONCONFORMING LOTS, USES, AND STRUCTURES

Section 14.01 – Purpose

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land as they were existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the Village shall be subject to the conditions and requirements set forth in this section.

Section 14.02 – Nonconforming Lots

- A. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. Any such development of a nonconforming lot shall conform to the regulations of the district in which it is located.
- B. If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of said lots or parcels shall be used or occupied by a principal use which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 14.03 – Nonconforming Uses of Land

- A. No nonconforming uses of land shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article, except as otherwise provided for in this Article.
- B. No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendments of this Article.
- C. Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished.

Section 14.04 – Nonconforming Structures

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should the structure be destroyed by any means – on purpose or by act of God – it may be reconstructed provided there is no increase in the footprint of the original structure. For purposes of this paragraph, “footprint of the original structure” shall be limited to the structure’s foundation and shall not include roof eaves, cantilevers, decks, or other attached projections. All other zoning requirements in the zoning district must be met. (As amended by ordinance number 2012-83 effective on October 9, 2012)
- C. Should the structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- D. Whenever a nonconforming structure has been destroyed or damaged and remains uninhabitable for one (1) year, such shall be considered conclusive evidence of an intention to abandon legally the nonconforming structure. Any future use or occupancy shall be in conformity with the provisions of this Ordinance.

Section 14.05 – Nonconforming Uses of Structures and Land

- A. No existing structure devoted to a use not permitted by this Article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for its use, and which existed at the time of adoption or amendment of this Article, but no use shall be extended to occupy any land outside the building.
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which the structure is located, and the nonconforming use may not thereafter be resumed.
- D. Whenever a nonconforming use of land and structures has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- F. Change to Another Lesser Nonconforming Use
 - 1. The Village Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use or modification of a nonconforming structure to a lesser nonconformity, provided that the proposed use or structure would be more suitable to the zoning district in which it is located than the nonconforming use or structure which it is replacing.
 - 2. In permitting the change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the purpose of this Article.

Section 14.06 – Modification to Nonconforming Uses or Structures

- A. General Provisions No nonconforming use or structure shall be enlarged, extended, expanded, or structurally altered, nor shall any accessory use, building or structure be established therewith unless the resultant use or structure conforms to the provisions of this Ordinance for the district in which it is located except as provided below.
- B. Repairs, Improvements and Modernization
 - 1. Required Repairs: Repairs or maintenance necessary to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful, as determined by the Building Official, due to lack of maintenance and repairs, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
 - 2. Additional Permitted Improvements: Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not result in enlargement of the cubic content of the nonconforming structure.
- C. Enlargement, Extension, or Alteration

1. Increase in Nonconformity Prohibited: Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - i. An increase in the total amount of space devoted to a nonconforming use, or
 - ii. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.
2. Alterations that Decrease Nonconformity: Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.
3. Variations to Dimensional Requirements: If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the dimensional requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.
4. Expansion in Conforming Areas: A nonconforming structure may be expanded if the proposed expansion conforms with all current development regulations for the district in which it is located.

Section 14.07 – Prior Construction Approval

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

Section 14.08 – Illegal Nonconforming Uses

Those nonconforming uses which are created after the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal. The Village, upon discovery of a violation of this section may initiate action to eliminate the illegal nonconforming use or structure in the Circuit Court for Berrien County as a nuisance per se.

Section 14.09 – Changes in Zoning District

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 14.10 – Elimination of Nonconforming Uses

The Village Council may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Village for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources or revenue.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

Section 15.01 – Purpose

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

Section 15.02 – Administration

The provisions of this Ordinance shall be administered by the Village Council, Planning Commission, Zoning Board of Appeals, and such personnel as designated by the Village Council in accordance with the Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended, and this Zoning Ordinance.

The Village Council shall employ a Zoning Administrator who shall act as the officer responsible to carry out the administration and enforcement of this Ordinance, except as otherwise provided in this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Village Council.

Section 15.03 – Village Council

The Village Council shall have the following responsibilities and authority pursuant to this Ordinance:

- A. Adoption of Zoning Ordinance and Amendments: In accordance with the intent and purposes expressed in the Preamble of this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Village Council shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction.
- B. Review and Approval of Plans: Village Council review and approval shall be required for all Site Plans, in accordance with Article XIII. Village Council review and approval shall be required for all Special Land Uses, in accordance with Article XII. Village Council review and approval shall be required for all Planned Unit Developments, in accordance with Article X. Village Council review and approval shall be required for all site condominiums in accordance with Article IX.
- C. Setting of Fees: The Village Council shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Village Council to set a fee for a specific permit or application, the appropriate Village administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. Approval of Planning Commission Members: In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Village President with approval of the Village Council.

Section 15.04 – Planning Commission

- A. Creation: The Village Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended. The Planning Commission shall have all the powers and duties for zoning commissions created pursuant to Michigan Public Act 110 of 2006, as amended.
- B. Jurisdiction: The Planning Commission shall discharge the following duties pursuant to this Ordinance:
 1. Zoning Ordinance: The Planning Commission is hereby designated as the commission specified in the Michigan Public Act 110 Of 2006, as amended, and shall perform the zoning duties of said commission as provided in the statute. The Planning Commission shall be

responsible for formulation of the Zoning Ordinance; formulation, review, and recommendation of amendments to the Zoning Ordinance; hold hearings on a proposed Zoning Ordinance or amendments thereto; and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to Village Council.

2. Site Plan Review: The Planning Commission shall be responsible for reviewing all applications for site plan approval in accordance with Article XIII and making a recommendation to the Village Council to grant approval, grant approval subject to conditions, or deny the application of site plan approval.
3. Special Land Use Review: The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Article XII and making a recommendation to the Village Council to grant approval, grant approval subject to conditions, or deny the application of special land use approval.
4. Planned Unit Development Review: The Planning Commission shall be responsible for holding hearings and review of all applications for planned unit development approval in accordance with Article X and making a recommendation to the Village Council to grant approval, grant approval subject to conditions, or deny the application of planned unit development approval.
5. Master Plan: The Planning Commission is hereby designated as the commission specified in Michigan Public Act 33 of 2008, as amended, and shall perform the planning duties of said commission as provided in the statute.
6. Review of Matters Referred by the Village Council: The Planning Commission shall be responsible for review of plats and other matters relating to land development referred to it by the Village Council. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. Report on Operation of the Zoning Ordinance: In accordance with Michigan Public Act 110 of 2006, as amended, the Planning Commission shall at least once per year prepare for the Village Council a report on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Zoning Ordinance.

Section 15.05 – Duties of the Zoning Administrator

- A. Receive and review all applications for Zoning Permits and approve or deny such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Village Council and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special uses and planned unit development applications and amendments to the Zoning Ordinance.
- C. The Village Clerk with the assistance of the Zoning Administrator shall be responsible to update the Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Village Council a written record of all zoning and building permits issued during each month. The record shall state the owner's name, location of property, intended use and estimated cost of construction for each permit. In addition, the Zoning Administrator shall notify the Council member in charge of building and zoning at the time of issuance of the permit as well as when any problems arise.
- E. Maintain written records of all actions taken by the Zoning Administrator.

Section 15.06 – Zoning Permits

- A. Permit Required
 1. The following actions shall not commence until a zoning permit has been issued by the Zoning Administrator:

- a. The excavation, alteration, or filling of land.
 - b. The new use or change in use of land.
 - c. The new use or change in use of an existing building or structure.
 - d. Construction or expansion of a structure, including accessory structures and parking lots.
2. Except upon a written order of the Zoning Board of Appeals, no zoning permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
 3. No building permit shall be issued until the Zoning Administrator has determined that the building, structure, or use of land, if constructed or used as planned and proposed, will conform to the provisions of this Ordinance, as evidenced by issuance of a zoning permit.
 4. Accessory buildings being constructed, expanded, or otherwise modified in a manner requiring a zoning permit at the same time as the principal structure or other accessory buildings shall require separate zoning permits if they are detached and separate accessory buildings. However, where applicable, required documentation can be combined.
- B. Application Requirements. Application for a zoning permit shall be submitted at least 10 days prior to a contemplated new use or change of use of a building or land. Application for a zoning permit shall be made in writing to the Zoning Administrator, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. For those uses requiring a site plan, the Zoning Administrator shall not issue a zoning permit until the provisions of Article 13, have been satisfied.
- For those uses not requiring a site plan, there shall be submitted to the Zoning Administrator with all applications for zoning permits, two (2) copies of a plot plan, in accordance with Section 13.05.
- C. Evidence of Ownership. All applicants for zoning permits shall have available for the Zoning Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Zoning Administrator.
- D. Revocation of permit. The applicant shall be notified in writing of the revocation of a permit within ten (10) working days of such action by the Zoning Administrator. The reasons for the action shall be provided in the written notice. Any permit issued under the provisions of this Ordinance may be revoked by the Zoning Administrator if the permit holder has:
1. Made false or fraudulent statement in the application or exercise of a permit.
 2. Violated, or failed to satisfy, any of the provisions of this Ordinance or any condition of approval.
 3. Performed work or used materials that do not conform to the approved plans or specifications.
 4. Caused, created or maintained, in the exercise of a permit, a nuisance or danger to the public health, safety or welfare.
- E. Application Fee. A fee in accordance with the duly adopted schedule of fees shall be paid to the Zoning Administrator at the time of filing the application for zoning permit. The purpose of the fee is to cover any necessary administrative and inspection costs incurred in connection with the application.
- F. Zoning inspections. It shall be the duty of the holder of every permit to notify the Zoning Administrator of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Zoning Administrator to inspect work performed under an approved permit to verify compliance with the provisions of this Ordinance.
- G. Issuance of a Permit. Within 10 days after the receipt of any application, the Zoning Administrator shall either issue a permit if the proposed work is in conformance with the terms and provisions of

this Ordinance; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case the permit or the written reason(s) or causes(s) for denial shall be transmitted to the owner or his agent.

- H. Duration of permit. A permit issued by the Zoning Administrator shall expire six (6) months following the date of issuance. If work is not commenced at the conclusion of the six (6) month period, the applicant may apply for a 90-day extension from the Zoning Administrator, which shall begin upon expiration of the original permit. The applicant must apply for the extension no more than 10 days after the permit expires. The Zoning Administrator may grant one (1) such extension per permit

To be granted an extension, the applicant must demonstrate that progress has been made, and that work will continue diligently to conclusion. An acceptable explanation as to why the original construction period was insufficient must also be provided.

- I. Availability of Record. The Zoning Administrator shall keep a record of zoning permits on file with the Village Clerk.

Section 15.07 – Violations

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

Section 15.08 – Penalties

The violation of any provision of this Ordinance by any person, firm, corporation, or agent, employee, contractor, or subcontractor of the same or anyone else acting on behalf of said person, firm, or corporation shall be a municipal civil infraction as provided by the Village of Grand Beach Municipal Civil Infractions Bureau Ordinance. Any person, firm, corporation, or agent, employee, contractor, subcontractor of same, or anyone else acting on behalf of said person, firm, or corporation responsible for a violation of this Ordinance shall also be subject to civil proceedings for fines pursuant to the fee schedule in the Municipal Civil Infractions Bureau Ordinance, damages and/or injunctive relief by the Village. Commencement of any such civil proceedings shall not be construed or considered an election of remedies under this section; rather shall be in addition to any other remedy provided by law. In addition to the foregoing the following shall also apply:

- A. The imposition of any fines, costs, damages, or other sanction shall not exempt the offender from compliance with the requirements of this Ordinance.
- B. Any violation of this Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.
- C. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.

It shall be the duty of the property owner and all persons having responsibility for the establishment and/or property that any use or construction, alteration, or demolition of any structure or site is not in violation of this Ordinance. Persons having responsibility for any use or construction, alteration, or demolition of any structure or site in violation of this Ordinance shall be responsible for such violations to the same extent as the property owner. The cost of prosecution shall be assessed against the violator. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 15.09 – Enforcement Procedure

In addition to the enforcement actions provided in this Article XV, the following additional enforcement procedures may be applicable in the instances of violations of (1) provisions of this Zoning Ordinance, (2) approved special uses, (3) approved site plans, (4) approved planned unit developments, or (5) decisions of the Zoning Board of Appeals, Village Council, District Court, or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:

- A. When a violation is initially determined by the Zoning Administrator or Village Police Chief (or other Village of Grand Beach Police Officer upon his approval), it shall be the Administrator's or Chief's

responsibility to issue a notice of violation, issue a municipal civil infraction, request the Village Council to initiate other court of legal proceedings, and/or issue an order to correct the violation to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. The notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:

1. Date and location of each violation observed by the Zoning Administrator or Village Police Chief.
 2. Name(s) and addresses of owner(s) and occupants(s).
 3. Specific sections of the Zoning Ordinance which have been violated. If more than one violation, list each violation and each section violated.
 4. Length of time allowed before formal prosecution of the violation(s).
- B. Failure to correct zoning violation as provided above may then be followed by any of the legal remedies available by statute or this Ordinance.
- C. The Village Council may also use any other means prescribed by law available to them for seeking correction of violations of this Ordinance.

ARTICLE XVI

ZONING BOARD OF APPEALS (ZBA)

Section 16.01 – Establishment of Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided by Michigan Public Act 110 of 2006, as amended and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 16.02 – Membership and Terms of Office

The Village Council shall serve as the Zoning Board of Appeals for the Village of Grand Beach unless otherwise established by the Council in accordance with the Michigan Zoning Enabling Act.

The Village Council may appoint up to two (2) alternate members from among the electors in the Village for three (3) year terms to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member is absent from or unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member of the Zoning Board of Appeals for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate members having been appointed shall serve in the case until the final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

A member of the Zoning Board of Appeals may be removed from the ZBA by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

A member of the Zoning Board of Appeals who is also a member of another Board or Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the other Board or Commission. However, the member may consider and vote on other unrelated matters involving the same property.

Section 16.03 – Rules of Procedure

The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meeting and activities. The Zoning Board of Appeals, at the first regular meeting of the calendar year, if there is one, shall elect its own Chairperson, and in his or her absence, an acting chairperson. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Village Council made in enforcement of this Ordinance, to decide in favor of the applicant on a matter upon which they are required to pass under this Ordinance, or to grant a variance from the terms of this Ordinance. The Zoning Board of Appeals shall render its decision within sixty (60) days of filing notice of appeal, interpretation, or request for a variance unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the applicant and a majority of the members of the Zoning Board of Appeals present. The decision of the Zoning Board of Appeals shall be final.

Section 16.04 – Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in its bylaws may specify. The Zoning Board of Appeals shall not conduct business, unless a majority of the regular members are present.

Section 16.05 – Public Meeting and Minutes

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and date relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall

accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Village Clerk, and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Village Clerk shall act as the depository for all official files of the Board.

Section 16.06 – Powers and Duties

The Zoning Board of Appeals shall have powers to interpret the provision of this Ordinance and to grant variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance.

- A. The Zoning Board of Appeals shall have the authority to hear and decide appeals from and review any administrative order, requirement, decision or determination made by the Village Council or Zoning Administrator in the administration of this Ordinance as hereinafter provided; shall have the authority to hear and decide appeals or requests for interpretation of this Ordinance, including the zoning map; and, have the authority in specific cases to grant dimensional or non-use variances from the strict application of any of the provisions of this Ordinance.
 - 1. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto. See Section 3.03.
 - 2. To grant dimensional or non-use variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties (see definition) in the application of this Ordinance. No variance shall be granted to permit the establishment within a district of any non-use variance, which is not included in this Ordinance or for which a special use approval by the Village Council is required.
 - 3. Determine the classification of off-street parking and locating requirements in Articles IV, V, and VI.

Section 16.07 – Variances

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted to the Village Clerk, demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask for the same or similar change through the Zoning Appeal procedure.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
 - 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provision of this Ordinance to other lands, structures, or buildings in the same Zoning District.
 - 4. That nonconforming use of other land, structures, or buildings in the same zoning district, and permitted uses of land, structures or buildings in other zoning districts, shall not be considered grounds for the issuance of a variance. (As amended by ordinance number 2012-83 effective on October 9, 2012)
 - 5. Non-use variances must demonstrate a showing of practical difficulty.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have or have not been met in the Zoning District in which it is located by the applicant for the variance requested.

- C. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify or do not justify the granting of the variance, and the variance if justified shall be the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.
- D. The Zoning Board of Appeals shall further make a finding that the requested variance(s) will or will not be in harmony with the general purpose and intent of this Ordinance, and will or will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards.
- F. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.
- G. The Zoning Board of Appeals shall have no jurisdiction over the design or layout of a site plan, except when variances are needed from specific dimensional and use variances prescribed in the zoning districts and other provisions in this Ordinance.

Section 16.08 – Voiding of and Reapplication for Variances

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless: The use and construction authorized by such variance and zoning permit has been commenced within one year (1) after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 16.09 – Procedure for Appealing to the Zoning Board of Appeals (Appeals, Interpretations, or Variances)

- A. Appeals, How Taken: An aggrieved person or an officer, department, board, or bureau of the Village, County, or State may appeal to the Zoning Board of Appeals in the following manner:
 1. The owner or agent thereof making the appeal, shall file in writing to the Village Clerk a letter stating what the specific appeal is and the reasons for said appeal. This filing shall occur within 30 days of the action or decision that is being appealed.
 2. Upon receipt of a notice of appeal, the Village Clerk shall within 10 days transmit the written appeal, along with all papers constituting the record from which the action appealed was taken to the Zoning Board of Appeals.
- B. Fee for Appeal: A fee prescribed by the Village Council shall be submitted to the Village Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Village General Fund.
- C. Stay of Proceedings: An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the Notice or Appeal shall have been filed, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- D. Hearing by the Zoning Board of Appeals – Request, Notice, and Hearing: When a request for an appeal has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing. A notice of the public hearing shall be published in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of such hearing. A notice shall also be sent by mail or

personal delivery to the owners of property that is the subject of the request. If the request for an appeal involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request and to all occupants of all structures within three-hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

1. Describe the nature of the request.
 2. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- E. Representation at Hearing: During a hearing, any party or parties may appear in person or by agent or by attorney.
- F. The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator and Village Council from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon.

Section 16.10 – Appeal of the Zoning Board of Appeals Decision

- A. Appeal: Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Berrien County Circuit Court. The Circuit Court shall review the record and decision to ensure the decision meets all of the following requirements:
1. Complies with the constitution and the laws of the state.
 2. Is based on proper procedure.
 3. Is supported by competent materials and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by the law to the Zoning Board of Appeals.
- B. Circuit Court Review: If the court finds the record inadequate to make the review required or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision. The court may make other orders as justice requires.

- C. Filing: An appeal from a decision of the Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing by the Chairperson, or within twenty-one (21) days after the approval of the minutes of its decision.

ARTICLE XVII

AMENDING THE ZONING ORDINANCE

Section 17.01 – Changes and Amendments

Only the Village Council may amend this Ordinance. Proposals for amendments or changes may be initiated by the Village Council on its own motion, on recommendation by the Planning Commission, or by petition of one (1) or more owner(s) of property seeking the proposed amendment.

Section 17.02 – Procedures

The procedure for making amendments to this Ordinance shall be in accordance with Michigan Public Act 110 of 2006, as amended and in accordance with the Village Charter of the Village of Grand Beach.

A petition, together with a completed and signed application and fees, shall be filed with the Village Clerk. The Clerk, and/or his or her designee, shall review the application as to form and, when it is approved, transmit same to the Planning Commission for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as indicated below. If the application is initiated by the Planning Commission or Village Council, the procedures shall be the same with the Village preparing the application materials.

- A. A public hearing notice on the proposed Ordinance amendment shall be published in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of the hearing.
1. If an individual property or ten (10) or fewer adjacent properties are included in the proposal, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owner(s) of the property that is the subject of the request. In these cases, written notice shall also be sent to all persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request and to all occupants of all structures within three-hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

- i. Describe the nature of the request.
 - ii. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - iii. State when and where the request will be considered.
 - iv. Indicate when and where written comments will be received concerning the request.
2. If eleven (11) or more adjacent properties are included in the proposal, a notice must be published as required above but shall not be required to be distributed to property owners and residents within 300 feet.
The notice shall do all of the following:

- i. Describe the nature of the request.
 - ii. Indicate the property which is the subject of the request.
 - iii. State when and where the request will be considered.
 - iv. Indicate when and where written comments will be received concerning the request.
- B. After the public hearing, the Planning Commission shall consider the comments received from the public and the criteria contained in Section 17.05 in addition to the other standards of this Ordinance. The Commission may then make a recommendation to the Village Council to approve, approve with modifications, or deny the proposed amendment.
- C. Upon receipt of the recommendation from the Planning Commission, the Village Council may choose to hold an additional public hearing on the proposed amendment. Notice of such hearing shall be posted and distributed in the same manner as the previous public hearing. In addition, the Village Council shall grant a public hearing on the proposed Ordinance amendment to an interested property owner who requests a hearing by certified mail, addressed to the Village Clerk. Written notice of a public hearing called in this manner shall be given to the interested property owner. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

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

Section 17.03 – Information Required

The applicant shall submit a complete application package to the Village Clerk. This shall include a detailed description of the proposed amendment and their rationale for the desired change. When the petition involves a change in the Zoning Map, the applicant shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the applicant.
- D. The applicant's interest in the property, and if the applicant is not the owner; the name and address of the owner.
- E. Date of filing with the Village Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

Section 17.04 – Steps in Making a Change

- A. Applicant submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing.
- C. Planning Commission holds hearing, makes a recommendation to the Village Council to approve or not to approve the proposed amendment.
- D. Village Council either enacts or rejects proposed change as an Ordinance amendment, and publishes the text, or property description or zoning map of the change in the newspaper.

Section 17.05 – Findings of Fact Required

In reviewing any application for a zoning amendment, the Planning Commission shall base its recommendation and the Village Council shall factor into its decision all factors relevant to the petition, and shall report its findings in full, along with its decision regarding the application, within sixty (60) days of the filing date of the request.

The facts to be considered by the Planning Commission and Village Council shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- B. The precedent, and the possible effects of such precedent, which might likely result from approval or denial of the petition.
- C. The ability of the Village or other government agencies to provide any services, facilities, and/or programs that might be required if the amendment petition were approved.
- D. Effect of approval of the amendment petition on the adopted developmental policies of the Village and other government units.
- E. The relationship between the proposed change and the goals and objectives of the Village Master Plan (including all possible uses of the land under the proposed amendment to the Village Zoning Map, if applicable).
- F. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Village Council. An amendment shall not be approved, unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the Village, or of other civil divisions where applicable.

Section 17.06 – Effective Date and Publication

Following Village Council approval to amend the Zoning Ordinance, notice of the amendment shall be filed with the Village Clerk and notice of the amendment shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice of adoption shall include the following information:

- A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the amendment.
- C. The place where and time when a copy of the amendment may be purchased or inspected.
- D. Unless a notice of intent to file a petition is filed, the Ordinance amendment shall take effect ten (10) days after such publication.

Section 17.07 – Petition

Within seven (7) days after publication of an Ordinance amendment, a registered elector residing in the Village of Grand Beach may file with the Village Clerk a notice of intent to file a petition. The petitioner shall have thirty (30) days following publication of the Ordinance amendment to file a petition signed by a number of qualified and registered electors residing in the Village equal to not less than fifteen (15) percent of the total vote cast within the Village for all candidates for governor at the last preceding general election at which the governor was elected. The petition shall be filed with the Village Clerk requesting the submission of the Ordinance amendment to the electors residing in the Village for their approval or rejection and determining the result of the election.

Upon filing a notice of intent to petition the amendment, the Ordinance amendment shall not take effect until one (1) of the following occurs:

- A. The expiration of thirty (30) days after publication of the Ordinance amendment, if a petition is not filed within that time.
- B. If a petition is filed within thirty (30) days after publication of the Ordinance amendment, the Village Clerk determines that the petition is inadequate.
- C. If a petition is filed within thirty (30) days after publication of the Ordinance amendment, the Village Clerk determines that the petition is adequate and the Ordinance amendment is approved by a majority of the registered electors residing in the Village of Grand Beach voting on the petition at the next regular election or at any special election called for that purpose, then the Ordinance amendment shall be adopted. The Village Council shall provide the manner of submitting the Ordinance amendment to the electors for their approval or rejection and determining the result of the election.

Whenever a written protest filed against a proposed Ordinance amendment is particular to a specific parcel, it shall be duly signed by either or both the owners of at least twenty (20) percent of the area of land included in the proposed change or by the owners of at least twenty (20) percent of the land included within an area extending one-hundred (100) feet outward from any point along the boundary of the land included in the proposed change. Public land shall be excluded in calculating the twenty (20) percent land area requirement. Such Ordinance amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the entire Village Council.

CONDITIONAL REZONING

Section 17.08 – Purpose

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Michigan Public Act 110 of 2006, as amended by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Section 17.09 – Application and Offer of Conditions

- A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

- E. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- F. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- G. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

Section 17.10 – Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 17.05 of this Ordinance, may recommend approval or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

Section 17.11 – Village Council Review

After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 12.05 of this Ordinance. The Village Council may hold a public hearing as provided in Section 401 of Michigan Public Act 110 of 2006, as amended.

Section 17.12 – Approval

- A. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.
- B. The Statement of Conditions shall:
 1. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 2. Contain a legal description of the land to which it pertains.
 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 - D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the Register of Deeds of the County in which the land is located. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
 - E. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Section 17.13 – Compliance with Conditions

- A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

Section 17.14 – Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council if (1) it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

Section 17.15 – Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 17.14 above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

Section 17.16 – Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to section 17.15 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Village Clerk shall record with

the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

Section 17.17 – Amendment of Conditions

- A. During the time period for commencement of an approved development or use specified pursuant to Section 17.14 above or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
- B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

Section 17.18 – Village Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and Michigan Public Act 110 of 2006, as amended.

Section 17.19 – Failure to Offer Conditions

The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE XVIII

SEVERABILITY – CONFLICTING ORDINANCES

Section 18.01 – Severance Clause

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

Section 18.02 - Conflicting Ordinances

Ordinance No. 25a, titled the Zoning Ordinance, adopted on the 22nd day of January, 1992, as amended, and Ordinance 2006-69, also titled the Zoning Ordinance, adopted on the 18th day of October, 2006, as amended, are hereby repealed. All other ordinances of the Village of Grand Beach, to the extent that they are inconsistent with this Zoning Ordinance, are hereby repealed.

ARTICLE XIX

EFFECTIVE DATE OF ORDINANCE

Section 19.01 – Effective Date of Ordinance

Following adoption of this Ordinance by the Village Council, the Village Clerk shall publish notice of adoption in a newspaper of general circulation in the Village within fifteen (15) days after adoption. This Ordinance shall be effective ten (10) days after publication.

Adopted this 18th day of August, 2010. This Ordinance duly adopted on August 18, 2010, at a regular meeting of the Village Council of the Village of Grand Beach and will become effective September 11, 2010, as amended by ordinance number 2012-83, effective October 9, 2012, ordinance number 2014-87, effective September 8, 2014, ordinance number 2018-93 effective February 5, 2018 and ordinance number 2019-98 effective December 23, 2019.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of August, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Michigan Public Act No33 of 2008, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk