

**ARTICLE IV
ZONING DISTRICTS AND MAPPING INTERPRETATION**

Section 4.1.1 -- ZONING DISTRICTS: The Village of Grass Lake is hereby divided into zones or districts as shown on the Official Zoning Map and shall include the following zoning districts:

R-1	Single-Family Residential District
R-2	Two-Family Residential District
RM-1	Multiple-Family Residential District
C-1	General Commercial District
C-2	Central Business District
I-1	Light Industrial District
OS-1	Open Space District
OS-W	Wetlands District
MU-1	Municipal Utilities District (effective January 17, 2000.)

Section 4.1.2 -- MAPS: The boundaries of these districts are shown upon the Official Zoning Map of the Village of Grass Lake and made a part of this Ordinance. The Official Zoning Map shall be maintained and kept on file with the Village Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.

The Zoning Map is contained within two distinct maps - an underlying and an overlying map. The underlying map represents the zoning districts R-1, R-2, RM-1, C-1, C-2, I-1, OS-1 and MU-1 districts which are regulated strictly under the provisions of this Ordinance. The overlying map shows the OS-W Zoning District - the presence of the OS-W District reflects the presence of wetlands as defined by the Michigan Department of Natural Resources (MDNR), which are regulated by said Agency. (Amended, effective January 17, 2000.)

Section 4.1.3 -- INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;

- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other similar bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to, or extensions of, features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A through F above, the Board of Appeals shall interpret the district boundaries.

R-1, Single-Family Residential District

Section 4.2.1 --STATEMENT OF PURPOSE: The (R-1) Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings. The R-1 District is intended for the retention of existing single-family neighborhoods and the protection of these neighborhoods from conflicting and higher-intensity uses.

Section 4.2.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Single Family Residential District. Any use not expressly permitted is prohibited.

1. Single-family detached dwellings
2. Home businesses (amended, effective September 16, 1999)
3. Public parks and/or playgrounds
4. Public libraries and museums
5. Public and private cemeteries
6. Secondary schools and colleges
7. Family day care homes
8. Accessory uses and buildings customarily incidental to the above permitted principal uses and structures. (Renumbered, effective September 27, 1999)

Section 4.2.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission according to Section 5.3.

1. Owner-occupied bed and breakfasts, tourist homes subject to the conditions set forth in Section 5.3.9 (C).
2. Churches, synagogues, temples subject to the following conditions:
 - a) A minimum lot area of one (1) acre is required;
 - b) A minimum lot width of one-hundred fifty (150) feet is required;
 - c) All structures shall be set back a minimum of fifty (50) feet from any lot line; and
 - d) A landscaped, maintained transition strip of fifteen (15) feet in width shall be

provided on the side and rear yards and said strip of twenty (20) feet shall be provided in the front yard.

3. Child care centers subject to the conditions set forth in Section 5.3.9 (D). (Amended, effective September 27, 1999.)
4. Conversions to two-family subject to the condition that the unit is owner-occupied.
5. Elementary schools subject to the conditions set forth in Section 5.3.9 (E).
6. Group day care homes subject to the conditions set forth in Section 5.3.9 (K). (Effective September 27, 1999.)

Section 4.2.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements unless otherwise specified shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

R-2, Two-Family Residential District

Section 4.3.1 -- STATEMENT OF PURPOSE: The (R-2) Two-Family Residential District is established as a district intended to serve as a mixed low-density residential and office district. The R-2 District is also intended to act as a buffer between the Single-Family Residential District and higher-intensity districts.

Section 4.3.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Two-Family Residential District. Any use not expressly permitted is prohibited. (Amended, effective September 27, 1999).

1. All uses allowed as permitted uses in the R-1 District.
2. Two-family dwellings and conversions to two-family units.
3. Offices
4. Accessory uses and buildings customarily incidental to the above permitted principal uses and structures.

Section 4.3.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission according to Section 5.3.

1. Churches subject to the conditions set forth in Section 5.3.9 (G).
2. Funeral homes and mortuaries subject to the conditions set forth in Section 5.3.9 (F).
3. Owner-occupied bed and breakfasts, tourist homes subject to the conditions set forth in Section 5.3.9 (C).
4. Child care centers subject to the conditions set forth in Section 5.3.9 (D). (Amended, effective September 27, 1999.)
5. Elementary schools subject to the conditions set forth in Section 5.3.9 (E).
6. Group day care homes subject to the conditions set forth in Section 5.3.9 (K). (Effective September 27, 1999.)

Section 4.3.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements, unless otherwise specified, shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

RM-1, Multiple-Family Residential District

Section 4.4.1 -- STATEMENT OF PURPOSE: The (RM-1) Multiple-Family Residential District is established as a district in which the principal use of land is for both lower- and higher-density residential uses and office uses. As such, the RM-1 district is intended to act as both a mixed-density office/residential district and as a buffer between R-1 and R-2 districts and non-residential zoning districts.

Section 4.4.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Multiple-Family Residential District. Any use not expressly permitted is prohibited. (Amended, effective September 27, 1999).

1. All uses allowed as permitted uses in the R-1 and R-2 zoning districts. One-family dwellings may follow the area, yard, and bulk requirements as set forth in the R-1 district and two-family dwellings may follow the area, yard, and bulk requirements as set forth in the R-2 district. R-1 and R-2 uses shall not be required to provide landscaping, parking, open space, and other requirements as required for multiple-family developments as shown in appropriate sections of this ordinance.
2. Multiple-family residential developments
3. Conversions to two- and multi-family units.
4. Mobile home parks in accordance with P.A. 96 of 1987, Mobile Home Commission Act, and amendments thereto.
5. Accessory uses and buildings customarily incidental to the above permitted principal uses and structures.

Section 4.4.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission according to Section 5.3.

1. Churches, synagogues, temples subject to the conditions set forth in Section 5.3.9 (G).
2. Funeral homes and mortuaries subject to the conditions set forth in Section 5.3.9 (F).
3. Owner-occupied bed and breakfast, tourist homes subject to the conditions set forth in Section 5.3.9 (C).
4. Child care centers subject to the conditions set forth in Section 5.3.9 (D). (Amended, effective September 27, 1999.)
5. Elementary schools subject to the conditions set forth in Section 5.3.9 (E).

6. Mobile home subdivisions subject to the following conditions:
- a) Each mobile home approved for erection on a mobile home subdivision lot shall be mounted on a solid concrete apron no less than twelve (12) feet in width, seventy (70) feet in length and four (4) inches in thickness or a suitable foundation;
 - b) Lot areas where a mobile home is to be erected, altered, or used as a single-family dwelling shall contain not less than 10,000 square feet of lot area for each mobile home;
 - c) The minimum lot width shall be eighty (80) feet;
 - d) The maximum lot coverage shall not exceed thirty (30) percent;
 - e) Each mobile home in the subdivision shall have a front yard setback of at least thirty (30) feet;
 - f) Each mobile home in the subdivision shall have side yard setbacks of at least eight (8) feet;
 - g) Each mobile home in the subdivision shall have a rear yard setback of at least twenty (20) feet;
 - h) No building or structure, or part thereof, shall be erected to a height exceeding fifteen (15) feet;
 - I) All mobile homes to be erected and used in a mobile home subdivision shall contain a gross floor area of not less than eight-hundred forty (840) square feet.
7. Group day care homes subject to the conditions set forth in Section 5.3.9 (K). (Effective September 27, 1999.)

Section 4.4.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements unless otherwise specified shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

C-1, General Commercial District

Section 4.5.1 -- STATEMENT OF PURPOSE: The (C-1) General Commercial District is established as a district intended to serve the commercial needs of the Village outside of the downtown area. As such, this district will serve both a convenience and a general retail purpose for the Village. It is intended that uses will have as little impact as possible when adjacent to less intensive districts.

Section 4.5.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the General Commercial District. Any use not expressly permitted is prohibited.

1. Bakeries
2. Banks, loan, and finance offices
3. Barber shops, beauty shops, and similar uses
4. Bookstores
5. Medical or dental clinics
6. Clothing stores
7. Department stores
8. Drugstores
9. Dry cleaners
10. Residential uses, when secondary to primary use permitted in district and located in the same building.
11. Garden and lawn supply store
12. Gift shops
13. Grocery stores, supermarkets, and meat markets
14. Hardware stores
15. Public libraries and museums
16. Offices

17. Paint and wallpaper stores
18. Resource centers, but excluding drug and alcohol treatment, crime counseling, halfway houses, and similar uses.
19. Restaurants, except those serving alcoholic beverages and drive-thru restaurants.
20. Animal hospitals and veterinary clinics
21. Funeral homes
22. Liquor stores
23. Theaters, of a non drive-in nature
24. Schools (elementary, secondary, college, and business)
25. Appliance stores
26. Automobile parts stores
27. Greenhouses and nurseries
28. Automobile service stations
29. Private clubs, lodges, or halls
30. Rental establishments
31. Other generally recognized retail and service uses carried on within a completely enclosed building similar in nature to the above permitted uses.
32. Accessory structures customarily associated with the above permitted uses.

Section 4.5.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission according to Section 5.3.

1. Automobile repair garage and/or sales, truck, trailer, farm, or industrial machinery sales and repair with the following conditions:
 - a) The minimum lot area is ten thousand (10,000) square feet;

- b) The minimum street frontage is one hundred (100) feet;
 - c) Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of two streets; and
 - d) Exterior lighting shall be hooded or shielded so as to be deflected away from adjacent property.
2. Bowling alleys, skating rinks, dance clubs, exercise clubs, amusement arcades, and similar uses subject to the conditions set forth in Section 5.3.9 (H).
 3. Crating and packaging when done within a completely enclosed building.
 4. Child care centers subject to the conditions set forth in Section 5.3.9 (D). (Amended, effective September 27, 1999.)
 5. Hotels and motels under the conditions set forth in Section 5.3.9 (I).
 6. Drive-in or drive-thru businesses subject to the conditions set forth in Section 5.3.9 (A).
 7. Drive-in theaters subject to the following conditions:
 - a) Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least six (6) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously;
 - b) All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line;
 - c) All traffic ingress and egress shall be on a Major Street and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
 8. Radio and television studios on the condition that all broadcasting antennas or towers are set back one (1) foot for every foot that tower exceeds the height limitation of the district.
 9. Hospitals, convalescent homes, nursing homes, orphanages, sanitariums, and charitable institutions for human care subject to the following conditions:
 - a) All such institutions shall be developed only on sites consisting of at least ten (10) acres in area or 1,500 square feet per bed, whichever is greater;

- b) The proposed site shall have at least one property line abutting a Major Street. All ingress and egress to the off-street parking area, for guests, employees, staff as well as other uses of the facilities, shall be directly on said Major Street;
 - c) In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two stories or more;
 - d) The minimum distance from any street line shall be not less than forty (40) feet for buildings containing two stories or less, while buildings above two stories shall be set back an additional one foot for every five feet of height above two stories;
 - e) The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet. Ambulance and delivery areas shall be obscured from all residential view with a wall six (6) feet in height; and
 - f) Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.
10. Adult uses subject to the following conditions:
- a) No such use shall be located nearer than five hundred (500) feet from any residence, church, school, or park;
 - b) No such use shall be located nearer than five hundred (500) feet from any other such use; and
 - c) The use shall not result in blight nor an adverse affect on health, safety, welfare, or morals of the citizenry of the Village.
11. Recycling collection centers subject to the conditions set forth in Section 5.3.9 (B).
12. Bed and breakfasts establishments and tourist homes subject to the conditions set forth in Section 5.3.9 (C).
13. Establishments serving alcoholic beverages subject to the condition that such building is placed no nearer than one hundred (100) feet to any residential property line.
14. Self service storage facility (SSSF) subject to the conditions set forth in Section 5.3.9 (J).
(Effective October 6, 1994).

Section 4.5.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements, unless otherwise specified shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

C-2, Central Business District

Section 4.6.1 -- STATEMENT OF PURPOSE: The (C-2) Central Business District is established as a district intended to meet the commercial needs of the Village of Grass Lake Downtown area. As such, the limitations of available space, parking, loading, and other factors are taken into consideration. Because of limitations of space available on lots within the downtown area and because of a desire for conformity with existing buildings, some requirements are less stringent for the Central Business District than within the C-1 zoning district.

Section 4.6.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Central Business District. Any use not expressly permitted is prohibited. Any use within the C-2 district shall be granted a reduction in required parking spaces if the use has frontage on a street with available public on-street parking. The reduction shall be in accordance with Section 5.4.9 (Off-Street Parking Requirements in Central Business Zoning District).

1. Bakeries
2. Barber shops, beauty shops, and similar uses
3. Bookstores
4. Dry cleaners
5. Residential uses, when secondary to primary use (required parking spaces for residential use shall be included in required parking calculation)
6. Gift shops
7. Public libraries and museums
8. Paint and wallpaper stores
9. Parks and/or playgrounds
10. Banks, loan, and finance offices
11. Drugstores
12. Hardware stores
13. Liquor stores

14. Automobile parts stores
15. Resource centers, including drug and alcohol treatment, crime counseling centers, halfway houses, and other such similar uses.
16. Offices
17. Rental establishments
18. Restaurants (Effective September 27, 1999.)
19. Other generally recognized retail and service uses carried on within a completely enclosed building similar in nature to above permitted uses.
20. Accessory buildings customarily associated with the above permitted uses.

Section 4.6.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission according to Section 5.3. (Amended, effective September 27, 1999).

1. Bowling alleys, skating rinks, dance clubs, exercise clubs, arcades, and similar uses subject to the conditions set forth in Section 5.3.9 (H).
2. Child care centers subject to the conditions set forth in Section 5.3.9 (D). (Effective September 27, 1999.)
3. Hotels and motels subject to conditions set forth in Section 5.9.3 (I).

Section 4.6.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements, unless otherwise specified, shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

I-1, Light Industrial District

Section 4.7.1 -- STATEMENT OF PURPOSE: The (I-1) Light Industrial District is established as a district intended to meet the industrial needs of the Village of Grass Lake. Industrial uses shall be accommodated in this district with as few adverse effects as possible on neighboring residential, commercial, and open space areas.

Section 4.7.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Light Industrial District. Any use not expressly permitted is prohibited.

1. Machinery sales, farm or industrial
2. Trucking freight terminals
3. Electrical equipment and motor assembly
4. Warehousing
5. Wholesale of any commodity made or processed in the same district
6. Manufacturing
7. Feed and fertilizer, sales and storage
8. Building supplies sales and supply yards
9. Crating and packaging yards
10. Other uses similar in nature to the above permitted uses.
11. Accessory structures customarily associated with above permitted uses.

Section 4.7.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission according to Section 5.3.

1. Automobile wrecking and salvage yards subject to the following conditions:
 - a) No portion of the wrecking and salvage operation may be closer than two hundred (200) feet from any residentially-zoned property;
 - b) The open storage of any industrial equipment, vehicles, and materials including wastes, shall be screened from public view, from a public street by an enclosure

consisting of an obscuring wall or fence not less than eight (8) feet in height. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or obscuring fence of at least eight (8) feet in height;

- c) No vehicles intended for dismantling or storage shall be stored outside of the obscured open storage area for a period greater than one (1) day;
- d) Stacking of vehicles to a height exceeding eight (8) feet is prohibited;
- e) There shall be emission of no noxious, toxic, or corrosive fumes or gases, in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury to property or business;
- f) All outdoor storage shall comply with Section 5.6 -- Outdoor Storage of Materials and all other Village ordinances;
- g) All waste including oil, fuel, grease, or any other substances shall be disposed of in a safe and sanitary manner;
- h) No such use shall carry on any operation that would produce heat and glare beyond the boundary line of the industrial district; and
- I) No such use shall use lighting in a manner that produces glare on public highways and/or neighboring property.

2. Contractor's yards for vehicles, equipment, and materials

- a) No portion of the wrecking and salvage operation may be closer than two hundred (200) feet from any residentially-zoned property;
- b) The open storage of any industrial equipment, vehicles, and materials including wastes, shall be screened from public view, from a public street by an enclosure consisting of an obscuring wall or fence not less than eight (8) feet in height. Whenever such storage is adjacent to a residential zone in either a front, rear, or side lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or obscuring fence of at least eight (8) feet in height;
- c) No vehicle, equipment, or materials may be stored outside of the obscured open storage area for a period to exceed one (1) day; and

- d) All outdoor storage of materials shall comply with Section 5.6 -- Outdoor Storage of Material and all other Village ordinances.
3. Helicopter landing pads
- a) All such pads shall be located no nearer than two hundred (200) feet from any residential zoning district;
 - b) All requirements of the Federal Aeronautics Administration (FAA) concerning the placement, operation, maintenance, and other requirements of such pads shall be met;
 - c) The helicopter pad shall be located on the parcel to minimize potential negative effects of noise, air movement, and blowing dust and debris;
 - d) Aircraft refueling, repair, maintenance, and storage shall be prohibited; and
 - e) Landing and take-off approach to pad shall not be permitted over residential zones.
4. Bulk storage of explosives or flammable liquids subject to the condition that permit for such activity is obtained from the Michigan Department of State Police Fire Marshall's Office.
5. Recycling centers subject to the conditions set forth in Section 5.3.9 (B).
6. Self service storage facility (SSSF) subject to the conditions set forth in Section 5.3.9 (J).
(Effective October 6, 1994).

Section 4.7.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements, unless otherwise specified shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

MU-1, Municipal Utilities District

Section 4.7A.1 -- STATEMENT OF PURPOSE: The MU-1 (Municipal Utilities) District is established as a district intended to include all properties involved in support of the municipal utilities system and provision of essential services to the residents of the Village.

Section 4.7A.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Municipal Utilities District. Any use not expressly permitted is prohibited.

1. Structures involved in provision of essential utility services, including municipal water wells, distribution facilities, and towers; electrical substations; telephone switching facilities; Department of Public Works buildings and material storage areas, and wastewater treatment facilities.

Section 4.7A.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the Planning Commission in accordance with Section 5.3.

1. Communications Towers, including cellular communications, subject to the conditions set forth in Section 5.3.9 (M).

Section 4.7A.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements, unless otherwise specified shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

(Effective January 17, 2000)

OS-1, Open Space District

Section 4.8.1 -- STATEMENT OF PURPOSE: The OS-1 (Open Space) District is established as a district intended to serve the low-density residential and recreational needs of the Village of Grass Lake. As such, the OS-1 District shall have larger lot areas than other districts and shall include residential and recreational uses as permitted uses.

Section 4.8.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Open Space District. Any use not expressly permitted is prohibited.

1. Single family residences with front, side, and rear yard setbacks identical with those found in the R-1 zoning district (see Section 4.10).
2. Public parks and/or playgrounds
3. Home businesses (Amended September 27, 1999)
4. Family day care homes (Effective September 27, 1999.)
5. Other uses similar in nature to the above permitted uses. (Renumbered, effective September 27, 1999.)
6. Accessory structures customarily associated with the above uses. (Renumbered, effective September 27, 1999.)

Section 4.8.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the Planning Commission in accordance with Section 5.3.

1. Golf courses and accessory uses customarily associated with such use subject to the condition that a fifty (50) foot buffer strip is placed around the periphery, or any portion, of the golf course.
2. Kennels subject to the conditions set forth in Section 5.3.9 (L). (Effective September 27, 1999.)
3. Child care centers subject to the conditions set forth in Section 5.3.9 (D). (Effective September 27, 1999.)

Section 4.8.4 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: Area, yard, height, and bulk requirements, unless otherwise specified shall follow the guidelines set forth in Section 4.10, Schedule of Regulations.

OS-W, Wetlands District

Section 4.9.1 -- STATEMENT OF PURPOSE: The OS-W (Wetlands) District is established as an overlay district intended to protect wetland areas as defined by the Michigan Department of Natural Resources (MDNR). As such, uses on protected wetland areas, under the jurisdiction of the MDNR shall comply with appropriate state statutes governing such areas. Further, the intent of the Wetlands District is to assist in the coordination of local activities regarding wetland areas with MDNR and, if necessary permits are secured, to allow more intensive land uses. The effect of the OS-W District is to supersede the zoning on the underlying zoning map unless and until necessary permits can be secured from the MDNR.

Section 4.9.2 -- PRINCIPAL PERMITTED USES: The following provisions apply in the Wetlands District. Any use not expressly permitted is prohibited (uses as permitted in the Goemaere-Anderson Wetlands Protection Act, P.A. 203 of 1979).

- a) Fishing or trapping;
- b) Swimming or boating;
- c) Hiking;
- d) Maintenance or operation of serviceable structures in existence on the effective date of Public Act 203 of 1979 (October 1, 1980) or constructed pursuant to same;
- e) Construction or maintenance of farm or stock ponds;
- f) Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - 1. An existing private agricultural drain;
 - 2. That portion of a drain legally established pursuant Act Number 40 of the Public Acts of 1956, as amended, being Sections 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes;
 - 3. A drain constructed pursuant to other provisions of Act 203 of 1979.
- g) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized;
- h) Drainage necessary for the production and harvesting of agricultural products if the

wetland is owned by a person who is engaged in commercial farming and the land is to be used in the production and harvesting of agricultural products. Except as otherwise provided in Act 203 of 1979, land improved under this subdivision after the effective date of Act 203 shall not be used for non-farming purposes without a permit from the Michigan Department of Natural Resources (MDNR). This subdivision shall not apply to a wetland which is contiguous to a lake or stream, or to a wetland which the Department of Natural Resources has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case the permit shall be required;

- I) Maintenance or improvement of public streets, highways, or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the right-of-way; or deviating from the existing location of the street, highway, or road;
- j) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines have a diameter of six (6) inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized;
- k) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized;
- l) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980 or constructed pursuant to Act 209 of 1979;
- m) Construction of iron and copper mining tailings basins and water storage areas.

Section 4.9.3 -- CONDITIONAL USES: The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission and the Michigan Department of Natural Resources (MDNR), if necessary. All conditional use approvals shall be in accordance with Section 5.3.

- 1. Permitted or conditional uses in the underlying zoning district.

Section 4.9.4 -- PROCEDURE: The following procedure shall be followed in administering applications in the OS-W District:

1. It is determined by the Village of Grass Lake Zoning Administrator that a proposed development falls within the OS-W zoning district. The area to be developed is therefore determined to be a wetland under the jurisdiction of the Michigan Department of Natural Resources (MDNR) under the requirements of P.A. 203 of 1979 (Goemaere-Anderson Wetland Protection Act) governing wetlands.
2. If the applicant for a building permit so chooses, the procedure continues when the applicant applies for all necessary permits with the Michigan Department of Natural Resources.
3. If the necessary permits are secured from the MDNR, the application then falls under the provisions of this Ordinance governed by the provisions of the underlying zone.
4. All uses shall be conditional uses whether permitted or conditional in the underlying zone. All regulations found in the underlying zones for such uses shall apply as well as the condition that all necessary permits must be secured from the MDNR. As with all conditional uses, a public hearing shall be held by the Planning Commission.
5. The conditional use permit and rezoning process shall ensue according to P.A. 201 of 1921, and amendments thereto.

Section 4.9.5 -- AREA, YARD, HEIGHT, AND BULK REQUIREMENTS: If approval is secured from the Michigan Department of Natural Resources and the Village of Grass Lake, area, yard, height, and bulk requirements of the underlying district as set forth in Section 4.10, Schedule of Regulations.

PUD, Planned Unit Development Overlay District

Section 4.9A.1 - STATEMENT OF PURPOSE: The provisions of this Section provide enabling authority and standards for the submission, review and approval of applications for planned unit developments. The purpose of this Section is to permit flexibility in the regulation of land development; to encourage the use of land in accordance with its character and adaptability; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage provision of useful open space; provide enhanced employment, housing, shopping, and traffic circulation to meet the needs of the residents of the Village of Grass Lake; encourage the use, reuse and improvement of existing sites and buildings when uniform regulations contained in base zoning districts do not provide adequate protection and safeguards for the site or surrounding area, and; bring about a greater compatibility of design and use between neighboring properties. To that end, the provisions of this Section are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to ensure appropriate, fair, and consistent decision making.

Section 4.9A.2 - LOCATION OF THE PUD OVERLAY ZONING DISTRICT

A PUD District is hereby established and shall be located as an overlay district in any residential or open space zoning district of the Village of Grass Lake. This overlay district is intended to replace the underlying zoning districts upon formal application to the Planning Commission and approval of the Village Council. Denial of an application for PUD shall not change the underlying zoning district and regulations.

Section 4.9A.3 - PUD PERMITTED USES

All residential uses may be permitted in the PUD overlay district in accordance with regulations stated below. All PUD projects must be compatible with the spirit and intent of the Master Plan and must not result in any unreasonable economic impact upon surrounding properties in the underlying zoning districts.

Section 4.9A.4 - PUD REGULATIONS

The applicant for a PUD must demonstrate as a condition to being entitled to PUD approval that:

- A. Granting of the PUD overlay zoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.

- B. In relation to underlying zoning, the proposed type of density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
- C. The proposed development shall be consistent with the Village of Grass Lake Master Plan, and shall be consistent with the intent and spirit of the Zoning Ordinance.
- D. The proposed development shall not result in any unreasonable negative economic impact upon surrounding properties.
- E. The proposed development shall contain at least as much usable open space as would be required in this Ordinance in relation to the most dominant use in the development.

Section 4.9A.5 - PUD OWNERSHIP

The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

Section 4.9A.6 - PROJECT DESIGN STANDARDS

Based upon the following standards, the Planning Commission may recommend denial or approval, and the Village Council may deny or approve the proposed PUD.

Subject to the following subparagraph A of this Section, all ordinances applicable to lot size, lot width, lot coverage, setback, minimum floor area, building height, parking and loading, general provisions, and to other requirements and facilities; shall be as follows:

- 1. Single-family detached residential uses shall meet the ordinances applicable in the R-1, R-2, or OS-1 districts.
 - 2. Multiple-family residential uses shall meet the ordinances applicable in the RM-1 district.
- A. Consistent with the planned unit development concept, and to encourage flexibility and creativity, departures from compliance with the regulations above may be granted at the discretion of the Village Planning Commission as part of the approval of a planned unit development. Departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Village Planning Commission designed into the project to achieve the objectives intended with respect to each of the ordinances being departed from.

- B. The development shall be designed so as to promote preservation of natural resources and natural features.
- C. The Village Planning Commission shall take into account the following considerations and insure compliance with all relevant applicable ordinances: perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; pedestrian circulation system; and an integrated development with respect to signage, lighting, landscaping and building materials.

Section 4.9A.7 - PROCEDURE FOR PUD REVIEW AND APPROVAL

The granting of a planned unit development application shall require a rezoning, i.e., an amendment of the zoning map constituting a part of this Ordinance so as to designate the property which is the subject of the application as planned unit development. Further, an approval granted under this Section, including all aspects of the final plan, and conditions imposed, shall constitute an inseparable part of the zoning amendment.

- A. The Planning Commission shall hold a hearing at which the petitioner shall present the proposed PUD development plan and the Planning Commission shall provide the petitioner with its comments within thirty (30) days after holding such a hearing. No fees shall be charged for said preliminary hearing.
- B. The petitioner shall next submit to the Clerk five (5) copies of the PUD development plan together with the base application fee. Copies of the plan as submitted shall be distributed to the appropriate reviewing agencies (e.g. village engineer, village planning consultant, county drain commissioner, Michigan Department of Environmental Quality (if wetlands are involved), etc.) for review to determine if the development concept can be accommodated by the existing public utility, street, and general service facilities as necessary for the project and determine if additional impact studies are required. Any costs incurred for additional reviews are the responsibility of the applicant.
- C. The Chairman of the Planning Commission or Village Clerk shall notify the petitioner of any questions raised by the reviewing agencies during said review and shall submit like information to the Planning Commission for its consideration, along with a report from the village planning consultant which evaluates the planning aspects of the project and its impact on the present and future development of that part of the Village in which it is located.
- D. The Planning Commission shall, after holding public hearings on said PUD development plan and reviewing said reports, make its recommendation to Village Council on said plan within sixty (60) days of its date of filing unless said time is agreed to be extended

by the petitioner in writing; provided that the Planning Commission may extend this time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.

- E. If the PUD development plan is rejected by the Planning Commission, its reasons therefore shall be specified in a letter from the Planning Commission to the applicant.
- F. The Planning Commission's recommendations and all related reports shall be submitted to the Village Council for its consideration. The Council shall, after holding a public hearing on the PUD development plan and petition, take final action on said plan and petition within thirty (30) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.
- G. If the site plan is rejected by the Council, its reasons shall be based upon the standards of review listed above, specified in writing, and approved by the Council.
- H. Approval of the final PUD site plan by the Council shall constitute approval of the rezoning request and shall entitle the applicant to apply for building permits.

Section 4.9A.8 - PUD APPLICATIONS

Preliminary plans shall include the following:

- A. Applicant's name and address.
- B. The name of the proposed development.
- C. Common description of property and complete legal description.
- D. Dimensions of land: width, length, acreage and frontage.
- E. Existing zoning and zoning of all adjacent properties.
- F. Statement of intent of proposed use of land and any phasing of the project.
- G. Name, address, city and phone number of: firm or individual who prepared the plan; owner of the property; and applicant, if other than owner.
- H. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
- I. Proposed acceleration, deceleration, and passing lanes.

- J. Location of existing drainage courses, flood plains, lakes, streams, and wetlands.
- K. Intentions with respect to water and sewer.
- L. All parking areas and number of spaces by size.
- M. The number and location of areas to be preserved as open or recreational space.
- N. All known natural resources and natural features to be preserved.
- O. Fair representation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate location of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
- P. Specification of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought.
- Q. The Planning Commission and/or Village Council may require a topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to review.

Final site plans shall include the following:

- A. All requirements for site plan review under this Ordinance.
- B. A site plan showing the type, location, and density of all uses.
- C. All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas.
- D. Evidence of market need for the use(s) and economic feasibility of the project.
- E. A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development Section. This specification should include ordinance provisions from which deviations are sought, and if the applicant elects to be governed by Section 4.9A, the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified.
- F. In the event the property on which the project is to be situated consists of 25 acres or

more, a community impact statement may be required as part of the application.

- G. A detailed landscaping plan.
- H. A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.

Section 4.9A.9 - PUD CONDITIONS

Reasonable conditions may be required with the approval of planned unit development, to the extent authorized by law, for the purpose of insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

Section 4.9A.10 - PHASING AND COMMENCEMENT OF CONSTRUCTION

- A. Phasing: Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare, of the users of the planned unit development and the residents of the surrounding area.
- B. Commencement and Completion of Construction: Construction shall be commenced within one year following final approval of a planned unit development, or within one year of any other necessary approvals which have been actively pursued. Each phase of the project shall be commenced within one year of the schedule established for same in the application submitted for the planned unit development. If construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided an extension for a specified period may be granted by the Village Council upon good cause shown if such request is made to the Village Council prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Village Council shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as planned unit development, a new application shall be

required, and shall be reviewed in light of the then existing and applicable law and ordinance provisions.

Section 4.9A.11 - EFFECT OF APPROVAL OF PUD

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and use shall be in conformity with such amendment. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the Village of Grass Lake upon the request and/or approval of the applicant's transferees and/or assigns.

Section 4.9A.12 - PUD FEES

There shall be an advance payment of review fees at the time the preliminary plan is submitted. No review fee shall be required for the preliminary hearing with the Planning Commission except rezoning fees required upon application for a rezoning. There shall also be an advance payment of review fees at filing for the final plan. The amount of such fees shall be established by the Village Council of the Village of Grass Lake by ordinance or resolution.

(Effective September 27, 1999)

Section 4.10

**TABLE 1
DISTRICT AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Minimum Floor Area (Square Feet)	Building Height		Minimum Transition Strip
		Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear		Principal Buildings	Accessory Buildings	
Single-Family Residential	R-1	10,000 square feet	80'	30%	30'	8'	45'	1,000	35' or 2 ½ stories	16' to peak	n/a
Two-Family Residential	R-2	8,000 square feet	60'	30%	25'	8'	25'	(a)	35' or 2 ½ stories	16' to peak	(f)
Multiple-Family Residential	RM-1	2 acres	120'	30%	25'	20' (b)	25' (b)	(b)	35'	16' to peak	(b)
General Commercial	C-1	n/a	n/a	n/a	20'	20' (C)	30' (C)	n/a	35'	35'	C)
Central Business	C-2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	35'	35'	(d)
Light Industrial	I-1	n/a	n/a	n/a	40'	(e)	(e)	n/a	35'	35'	(e)
Open Space	OS-1	1 acre	100'	n/a	n/a	n/a	n/a	n/a	35' or 2 ½ stories	16' to peak	n/a
Municipal Utilities	MU-1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Planned Unit Development	PUD	10 acres	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

(Amended, effective September 27, 1999, January 17, 2000 and December 30, 2000)

SECTION 4.10 -- FOOTNOTES TO SCHEDULE OF REGULATIONS

a) The minimum square footage of residential units in R-2 zoning districts shall be as follows:

- One-Family Residential -- 1,000 square feet
- Duplexes and conversions -- 650 square feet per living unit

b) Multiple-family developments shall follow the following guidelines:

1. Setbacks as shown in Table 1 shall be followed except when multiple-family developments adjacent to an R-1 or R-2 District in which case a 60' setback will be required from all R-1 and R-2 zoning district boundary lines. (Amended , effective February 15, 1996).
2. Minimum square footage for apartment units shall be as follows:
 - Efficiency -- 550 Square Feet
 - 1 Bedroom -- 650 Square Feet
 - 2 Bedrooms -- 750 Square Feet
 - 3 Bedrooms -- 900 Square Feet
 - 4 Bedrooms -- 1,050 Square Feet
3. In no case shall apartment buildings be within 35' of one another on the same property.
4. The minimum land area required for each dwelling unit in the RM-1 District shall be:

<u>Dwelling Unit Size</u>	<u>Area in Square Feet</u>	
	<u>Apartment</u>	<u>Townhouse</u>
Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	7,200
Four or more bedroom unit	7,200	7,200

5. The maximum number of living units in each building shall be sixteen (16).

6. When a multiple-family development lies adjacent to any R-1, R-2, or OS-1 district, a landscaped strip not less than 10' in width shall be provided. This strip shall contain a hedge at least 3' in height, a berm 4' in height, or a combination thereof. The strip shall contain one tree for each 35', or fraction thereof, of its length. Trees shall be at least 2 ½" in circumference at the root ball and shall be of a coniferous species which provides sufficient screening to neighboring areas.

As an alternative screening measure, a 6' to 8' masonry wall, decorative fence, or combination thereof may be substituted for the requirement for the 10' landscaped strip containing the required hedge and/or berm. (Amended, effective February 15, 1996).

- c) When C-1 developments abut residential districts, a 10' landscaping strip shall be provided. This strip shall contain a hedge at least 3' in height, or a berm 4' in height, or a combination thereof. The strip will also contain one tree for every 35' of its length. Trees shall be at least 2 ½" in circumference at root ball and shall be of a coniferous species which provides sufficient screening to neighboring areas. (Amended, effective December 30, 2000).
- d) The C-2 district is intended to serve the downtown area. This district is intended to be complimentary with existing buildings in the downtown area. As such, no front, rear, or side setbacks are required for existing and new buildings. In addition, no minimum transition strip will be necessary except for those required for parking areas as required for all conditional uses in the C-2 district.
- e) Side and rear setbacks shall not be required in I-1 provided that required parking, loading, and landscaping shall be provided in a reasonable manner and according to the regulations found within this ordinance. In cases where developments abut areas zoned R-1, R-2, RM-1, OS-1, C-1, and C-2 the following setbacks shall apply:

Side Yard -- 60'
Rear Yard -- 75'

Further, when I-1 developments abut non-industrial districts, a 50' landscaping strip shall be required. This strip shall contain a hedge at least 3' in height, or a berm at least 4' in height, or a combination thereof. The strip shall also contain one tree for every 35' of its length. Trees shall be at least 2 ½" in circumference at the root ball and shall be of a coniferous species which provides sufficient screening from neighboring areas.

- f) When offices in the R-2 district abut a R-1 or R-2 residential property, the following landscape shall be provided:
 1. A landscaped strip not less than 10' wide with one tree for each 35', or fraction thereof, of the common boundary of abutting residential property, and a continuous screen at least 3' high measured from the surface of the ground consisting of either a hedge, berm, or combination thereof.

2. Parking lots which are visible from the public right-of-way must include the following between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across the public alley):
 - a. A landscaped strip at least 5' in width;
 - b. One tree for every 35', or fraction thereof, of street frontage of the parking lot;
 - c. A hedge forming a continuous screen at least 3' above the street grade, or a berm, wall, fence, or combination forming a continuous screen at least 30" above the street grade, and located in the buffer area to provide maximum screening of the parking lot. (Amended, effective February 15, 1996).