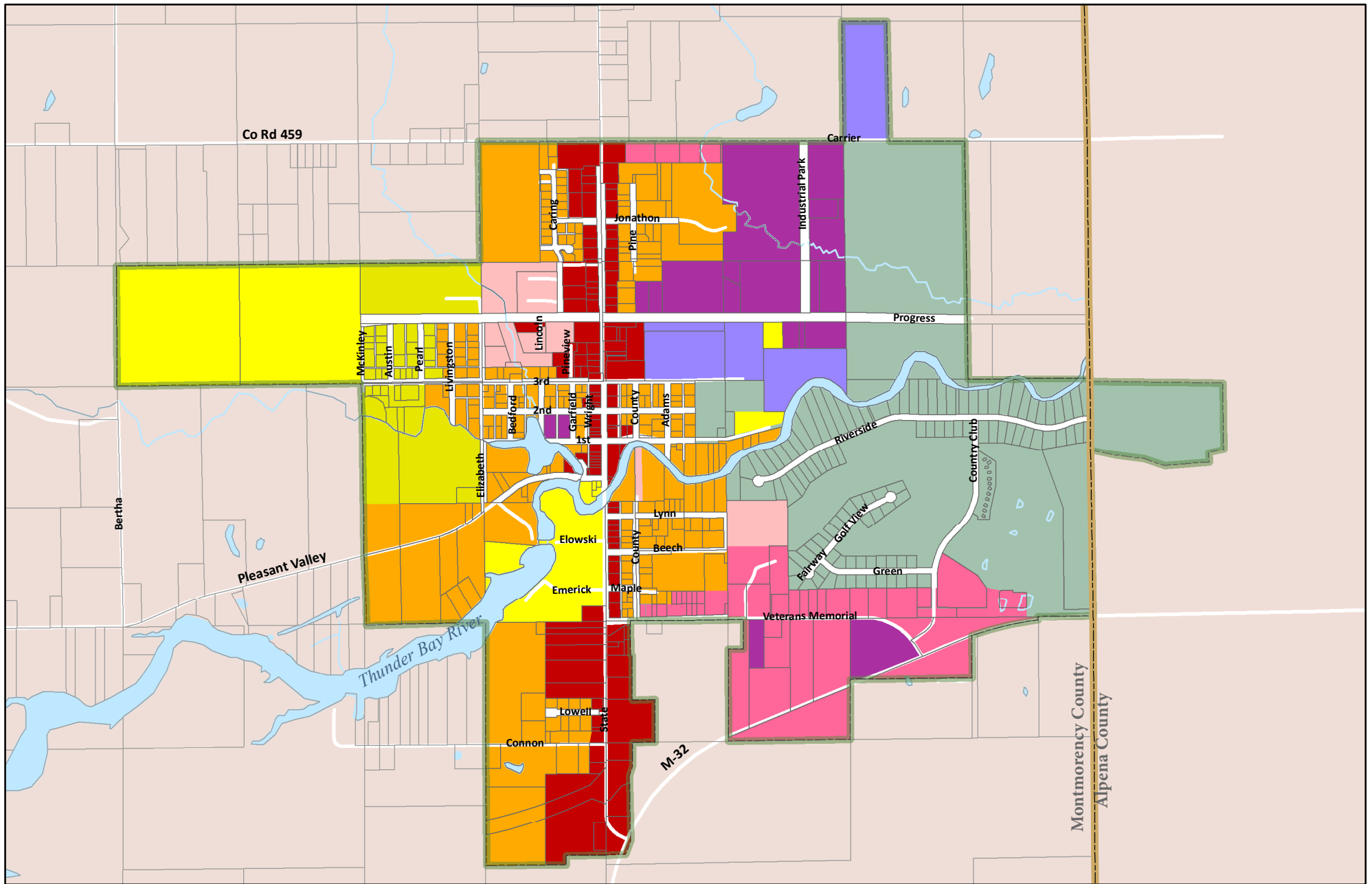










# Village of Hillman Zoning Ordinance



Village of Hillman, Michigan  
Montmorency County/Alpena County  
PO Box 96, Hillman, MI 49746  
Ph: 989-742-4751 [www.hillmanmichigan.org](http://www.hillmanmichigan.org)

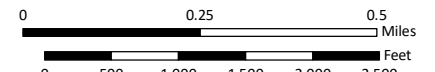


### Zoning Districts

- |  |  |  |
|--|--|--|
|  R-1: Low Density Residential District    |  B-2: General Business District   |  County Boundary  |
|  R-2: Medium Density Residential District |  B-3: Business Warehouse District |  Village Boundary |
|  R-3: High Density Residential District   |  I: Industrial District           |  Parcels          |
|  R-R: Recreational Residential District   |  Water                            |  |
|  B-1: Central Business District           |  Village Property                 |  |

# Village of Hillman

Montmorency County & Alpena County, Michigan



Adopted 11/3/15 Effective 11/18/15  
Last amended 2/4/2020 (Effective 2/20/20)

Prepared with the Assistance of:  
Northeast Michigan Council of Governments  
www.nemcog.org

# Village of Hillman ZONING ORDINANCE

Village of Hillman  
Montmorency/Alpena County  
Michigan

Adopted: November 3, 2015

Effective: November 18, 2015

## AMENDMENTS

1. Section 3.7 (A.7) Accessory Structure Height: *Amended 8/7/18; Effective 8/24/18*
2. Section 4.0 Add food/beverage processing, bottling and packaging to B-2: *Amended 8/7/18; Effective 8/24/18*
3. Section 2.1, 4.0, 5.2, 7.14, 7.26, and 7.31 Solar Energy Facilities; Small Cell Wireless Facilities; Medical Marihuana Primary Caregivers: *Amended 2/4/20; Effective 2/20/20*
4. Section 2.1, 4.0, 7.26 Wireless Communications: *Amended 5/3/22; Effective 5/18/22*
5. Section 3.19 Landscaping and Buffering: *Amended 5/3/22; Effective 5/18/22*
6. Section Section 4.0 (Dwellings with non-residential), Section 4.9 and 4.10 mixed use dwelling standards, Section 7.8 (mixed use dwellings), Section 7.17 (PUD), Section 3.19 (landscaping), Section 3.21 (stormwater), and Section 3.22 (parking lot design): *Amended 10/4/22; Effective 10/20/22*
7. Section 2.0 Solar Definitions; Section 7.31 Solar Energy: *Amended 10/18/22; Effective 11/4/22*
8. Section 4.12 (Industrial Overlay); Section 10.2 (Conditional Rezoning): *Amended 8/1/23; Effective 8/17/23*

Prepared with the Assistance of:

**Northeast Michigan Council of Governments**

[www.nemcog.org](http://www.nemcog.org)

Village of Hillman Zoning Ordinance Adopted 11/3/2015 Effective 11/18/2015	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments



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# Article 1

## Purpose & Authority

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1.2	<a href="#">Title</a>	1-1

### Section 1.0 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, morals, safety and general welfare of the People of the Village of Hillman. The provisions herein are intended to encourage the use of lands, waters, and other natural resources so as to meet the needs of the Village’s residents for food, fiber, energy and other natural resources, place of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to divide the Village into districts of number, shape, and area considered best suited to carry out this section; and to be one means of implementing the policies, goals and objectives as set forth in the Hillman Comprehensive Plan.

### Section 1.1 Authority

This Ordinance is enacted into law pursuant to [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act MCL 125.3101 et. seq.\)](#). Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

### Section 1.2 Title

This Ordinance shall be known as the Village of Hillman Zoning Ordinance of 2015 and shall be referred to herein as “this Ordinance.”

# Article 2

## Construction of Language & Definitions

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### Section 2.0 Construction of Language

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future, words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
7. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or,"

"either . . . or," the conjunction shall be interpreted as follows:

- a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.
10. "Village" shall refer specifically to the Village of Hillman.

## Section 2.1 Definitions

### A

**ABUTTING:** Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

**ACCESS:** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

**ACCESSORY USE:** See "Use, Accessory".

**ACCESSORY BUILDING OR ACCESSORY STRUCTURE:** A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building or buildings. An accessory structure attached to a main structure shall be considered part of the main structure. Fences and walls are not considered accessory structures.

**ADJACENT PROPERTY:** All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

**ADULT FOSTER CARE FACILITY:** See [State Licensed Residential Facility](#).

**AGGRIEVED PERSON:** A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."



**APPLICANT:** Any person who applies for a permit or petition.

**APPLICATION:** The process by which the owner of a parcel of land within the Village submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Village concerning such a request.

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

**ASSISTED LIVING HOME:** A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

**AUTOMOBILE REPAIR:** A structure housing any activity involving the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles or components, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**AUTOMOBILE SERVICE STATION:** A building used for the retail sale of fuel (stored only in underground tanks and to be dispensed from fixed equipment), lubricants, air, water, and other commodities designed for motor vehicles, aircraft, and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a building provided that such repair and installation are of minor nature.

**AWNING:** Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**B**

**BALCONY:** A platform having at least one (1) side open that may be covered by either a roof or another balcony, shall have no direct access to the ground, is cantilevered and not supported by columns on ground level.

**BASEMENT:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**BED AND BREAKFAST ESTABLISHMENT:** A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

**BEDROOM:** A dwelling room used or intended to be used by human beings for sleeping purposes.

**BERM:** A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

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

**BOARDING HOUSE:** See [Rooming House](#).

**BREEZEWAY:** Any covered passageway with open or enclosed sides between two buildings.

**BUFFER STRIP:** A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

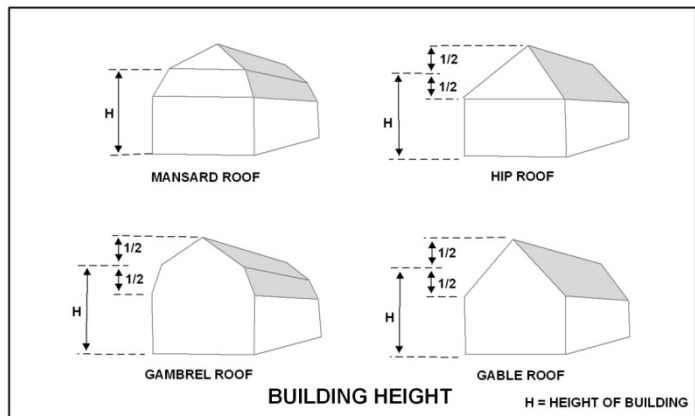
**BUILDABLE AREA:** That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING, ACCESSORY:** See [Accessory Building](#).

**BUILDING, FRONT:** That façade of the building most nearly parallel to and nearest the front lot line.

**BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. The ground level is measured at the wall line in the case of a sloping terrain.



**BUILDING LINE:** A line formed by the wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the premises on which it is situated.

**C**

**CABIN:** Any building, tent or similar structure which is maintained, offered or used for dwelling

or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

**CABIN COURT**: One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

**CAMPGROUNDS**: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

**CANOPY**: A permanent roof-like shelter that extends from part or all of a building face.

**CAR WASH ESTABLISHMENT**: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**CEMETERY**: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

**CHILD CARE FACILITY**: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under [P.A. 116 of 1973, as amended \(Child Care Organizations Act, being MCL §§ 722.111 - 722.128\)](#), and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

1. **FAMILY CHILD CARE HOME**: A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
2. **GROUP CHILD CARE HOME**: A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
3. **CHILD CARE CENTER**: A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
4. **PRIVATE HOME**: A private residence in which the registered facility operator permanently resides as a member of the household.



**CHURCH:** See Religious Institution.

**CLUB:** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, agriculture, or the like, but not operated for profit.

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COLLEGE:** A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

**COMMERCIAL:** A business use or activity at a scale greater than a home occupation involving retail or wholesale marketing of goods or services.

**COMMISSION:** Village of Hillman Planning Commission.

**COMMON AREAS, USES AND SERVICES:** Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

**COMMUNITY/EMERGENCY & OTHER RELIEF SERVICES:** Establishments engaged in providing food, clothing, medical relief, resettlement, and counseling services.

**CONDOMINIUM ACT:** [P.A. 59 of 1978, as amended \(Condominium Act, being MCL §§ 559.101 - 559.276\).](#)

**CONDOMINIUM UNIT:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.

**CONVALESCENT OR NURSING HOME:** A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

**CONVENIENCE STORE:** A retail store that sells groceries and may also sell gasoline; does not include automotive service stations or automotive repair shops.

**COTTAGE INDUSTRY:** A home occupation of which the sale of goods or products on the premises is a significant portion.

**D**

**DECK:** A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

**DENSITY:** The number of dwelling units on, or to be developed upon, a net acre of land.

**DEVELOPMENT:** All structures and other modifications of the natural landscape above and below ground or water on a particular site.

**DISTRICT:** A portion of the incorporated area of the Village of Hillman within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. "District" as used herein is synonymous with the word "zone", "zoning district", or "overlay district".

**DRIVE-THROUGH:** An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

**DRIVEWAY:** A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

**DUMPSTER, PRIVATE:** A trash receptacle of over one (1) yard capacity placed or maintained for the disposal of refuse only by residents of the site.

**DUMPSTER, PUBLIC:** A trash receptacle of over one (1) yard capacity placed or maintained for the disposal of refuse by off-site users or producers.

**DWELLING UNIT:** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**DWELLING UNIT, MANUFACTURED:** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974, as amended](#). The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this

Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

**DWELLING, ONE-FAMILY:** A building designed exclusively for and occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY OR DUPLEX:** A building designed exclusively for occupancy by two (2) families living independently of each other.

**DWELLING, MULTIPLE-FAMILY:** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**E**

**ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erected.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public or private utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, 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. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generator, public buildings and public utility substations are not included within this definition.

**EXCAVATION:** The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest, except common household gardening and ground care.

**F**

**FAÇADE:** The exterior wall of a building exposed to public view.

**FAMILY:** A person or persons living in one dwelling unit comprising a single-housekeeping unit.

**FARM:** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the production of farm products.

**FARM PRODUCT:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs,



fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the [Michigan Commission of Agriculture](#).

**FENCE:** A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

**FILLING:** The depositing or dumping of any matter onto, or into, the ground which alters the topography of the land.

**FLOOD PLAIN:** The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year floor plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by [FEMA \(Federal Emergency Management Agency\)](#).

**FLOOR AREA- USABLE:** That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

**G**

**GARAGE, COMMUNITY:** A structure, or a series of structures, for the storage of motor vehicles. having no public shop or services in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use two or more owners or occupants of property in that vicinity.

**GARAGE, PRIVATE:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

**GARAGE, COMMERCIAL:** Any structure (except private, community or storage garages) available to the public and primarily used for the storage of motor vehicles, for remuneration hire or sale, where any such vehicle or engine may also be repaired rebuilt, or equipped to operate, and where vehicles may be greased, washed, and waxed.

**GARBAGE:** Waste material which will or may decompose and become offensive or dangerous to public health.

**GRADE:** For purposes of this Ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

**GRADING:** Any stripping, excavating, filling, stockpiling, or any combination thereof, and also

included shall be the land in its excavated or filled condition.

**GREENBELT:** A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

**H**

**HAZARDOUS SUBSTANCES:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**HOME OCCUPATION:** An occupation or profession carried on by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

**HOMELESS SHELTER:** See [Residential Human Care Facility](#).

**HOSPITAL:** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

**HOTEL:** A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

**I**

**INDIVIDUAL AND FAMILY SERVICES:** Establishments engaged in providing nonresidential individual and family social assistance services.

**IMPERVIOUS SURFACE:** Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

**IMPROVEMENTS:** Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Village to protect natural resources or the health, safety and welfare of the residents of the Village, and future users or inhabitants of the proposed project or project area.

**INDUSTRIAL PARK:** A legally recorded subdivision that has been specifically designed for industrial purposes and use.

**INOPERABLE VEHICLE:** A vehicle which cannot be operated legally on a public street.

**J**

**JUNK:** All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, 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.

**JUNK YARD:** A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, disassembled, baled, exchanged, stored, or handled. Junk yards include auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment. Pawn shops and establishments which sell, purchase or store used cars, salvaged machinery, used furniture, radios, appliances, or similar household goods and the processing of used, discarded, or salvaged materials as part of manufacturing operations are not considered junk yards.

**K**

**KENNEL:** Any lot or premises on which four (4) or more dogs more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold. Kennel shall also include any lot or premise where household pets are bred or sold for remuneration.

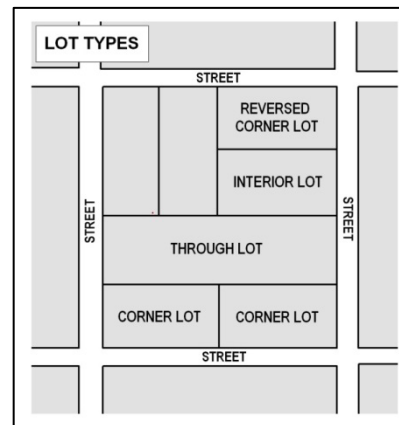
**L**

**LANDSCAPING:** Some combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

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

**LOT:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.

**LOT, CORNER:** A lot which has at least two contiguous sides abutting upon a street for their full length.



**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT, REVERSED CORNER:** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**LOT, WATERFRONT:** A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the front lot line.

**LOT AREA:** The total horizontal area within the lot lines of the lot.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, swimming pools, decks above 8" above grade, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences.

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

**LOT LINES:** The lines bounding a lot as defined herein:

1. **FRONT LOT LINE:** In the case of an interior lot, that line separating said lot from the street or right-of-way. In the case of a through lot, that line separating said lot from either street or right-of-way. In the case of a corner lot, is that line separating said lot from the narrowest street frontage. In the case of a corner lot with equal length street frontage, is that line separating said lot from the street on which an address has been assigned by the Village of Hillman.
2. **REAR LOT LINE:** That lot line opposite and most distant from the front lot line. 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 feet (10') long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Village or County Officials, and which actually exists as so shown.

**LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

**M**

**MANUFACTURED HOME:** see Dwelling, Manufactured.

**MANUFACTURED HOUSING COMMUNITY:** A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**MANUFACTURED HOUSING COMMUNITY HOMESITE:** The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

**MANUFACTURING:** The production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

**MARQUEE:** A permanent structure that extends from part or all of the building face of a motion picture or live theater and is constructed entirely of non-combustible materials and contains advertising for activities occurring within the building.

**MASTER DEED:** The condominium document recording the condominium project as approved by the Village to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.

**MASTER PLAN:** The Village of Hillman Master Plan including background information, maps, goals and objectives, and plans for the development of the Village of Hillman and including any part of such plan and any amendments to such plan or parts thereof.

**MEDICAL MARIHUANA:** The following definitions 1 through 8 are related to medical marihuana.

1. **MEDICAL MARIHUANA:** Marihuana as defined by the [Initiated Law 1 of 2008, as amended \(Michigan Medical Marihuana Act, being MCL 333.26421 et. seq.\)](#) grown, used or transferred for “medical use” as defined by the Act.
2. **ENCLOSED, LOCKED FACILITY:** That term as defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#).
3. **MARIHUANA:** A controlled substance as defined in section 7106 of the public health code, [P.A. 368 of 1978, as amended \(Michigan Public Health Code, being MCL 333.7106\)](#).
4. **MARIHUANA COLLECTIVE OR COOPERATIVE:** Any facility, structure, dwelling or other location, profit or nonprofit, where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by **two (2) or more** of the following: a registered Primary Caregiver, registered Qualifying Patient, person in possession of an identification card issued under the MMMA, or a person in possession of an application for such an identification card. A collective or cooperative shall not include the following uses: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential

hospice care facility as long as any such use complies strictly with the applicable laws and rules of the State of Michigan.

5. **MARIHUANA DISPENSARY**: Any facility, structure, dwelling or other location, profit or nonprofit, where medical marihuana is transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by a registered Primary Caregiver, registered Qualifying Patient, person in possession of an identification card issued under the MMMA, or a person in possession of an application for such an identification card. A dispensary shall not include the following uses: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility as long as any such use complies strictly with the applicable laws and rules of the State of Michigan.
6. **PRIMARY CAREGIVER**: That term defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#) who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
7. **PRIMARY CAREGIVER FACILITY**: A building in which the activities of a Primary Caregiver are conducted.
8. **QUALIFYING PATIENT**: That term defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

**MEZZANINE**: An intermediate floor in any story occupying not to exceed one-half (1/2) of the floor area of such story.

**MINI-STORAGE**: Mini-storage buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer’s goods or wares.

**MOBILE HOME**: See [Dwelling Unit, Manufactured](#).

**MOBILE HOME PARK**: See [Manufactured Housing Community](#).

**MOTEL**: A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple dwellings or hotels.

**MUNICIPALITY**: The Village of Hillman, Michigan.



**N**

**NONCONFORMING SIGN:** A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

**NONCONFORMING STRUCTURE:** A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not comply with the provisions of the Ordinance in the district in which it is located.

**NONCONFORMING USE:** A use which lawfully occupied a building or parcel of land at the effective date of this Ordinance, or amendments thereto, and that does not comply with the use regulations of the district in which it is located.

**NUISANCE:** 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 affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

**NURSERY SCHOOL OR PRE-SCHOOL:** A daytime facility which has as its main objective a development program for pre-Kindergarten children and whose staff meets the educational requirements established by the State.

**NURSING HOME:** See [Convalescent or Nursing Home](#).

**O**

**OFFICE:** A place where a business, executive, administrative or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged or sold.); Provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives. The following types of activities are not business or professional services within the context of this ordinance: retail sales of merchandise, manufacturing, entertainment, and education of students on site.

**OPEN SPACE:** Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

**OUTDOOR STORAGE:** A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

**ORDINARY HIGH WATER LINE:** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On a river or stream, the ordinary high water mark shall be the ten year flood limit line.

**OUTLOT:** A parcel of land which must be designated on a recorded plat as an outlot before it may legally be considered as such.

**OWNER:** A person holding any legal, equitable, option or contract of interest in land.

**P**

**PARCEL:** See "Lot".

**PARK:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, for recreational purposes.

**PARKING, OFF-STREET:** Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

**PARKING LOT, OFF-STREET:** A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two (2) vehicles.

**PARKING SPACE:** An area of definite length and width, said area shall be exclusive of drives, aisles, maneuvering lanes or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**PATIO:** A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property.

**PETS, DOMESTIC:** Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companion.

**PETS, EXOTIC:** Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape. Examples include monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects.

**PERFORMANCE GUARANTEE:** Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Village of Hillman.

**PLACE OF WORSHIP:** See [Religious Institution](#).

**PLANNED UNIT DEVELOPMENT (PUD):** A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix of uses resulting in more efficient and effective use of the land and infrastructure. A Planned Unit Development provides the Village with increased oversight and guidance in the design process.

**PLANNING COMMISSION:** The body appointed by the Village Council under the provisions of [P.A. 33 of 2008, as amended \(Michigan Planning Enabling Act, being MCL 125.3801 et. seq.\)](#) Refers to the Village of Hillman Planning Commission.

**PLAT:** A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

**PLOT PLAN:** The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

**PORCH, ENCLOSED:** A covered entrance to a building or structure which has a roof and/or walls 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:** An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

**PRACTICAL DIFFICULTY:** A situation in which a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the “minimum practical” standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining Practical Difficulty.

**PRINCIPAL STRUCTURE:** A building/structure in which is conducted the principal use of the lot upon which it is situated.

**PUBLIC PLACE:** Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**PUBLIC UTILITY:** A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation, or water.

**PUBLIC UTILITY BUILDINGS:** This term shall include telephone exchange buildings, transformer stations and substations, gas regulator stations and similar structures.

**R**

**RECREATIONAL EQUIPMENT:** Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents and other similar equipment.

**RECREATIONAL FACILITY:** A public or private facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, indoor and outdoor swimming pools, and similar facilities.

**RECREATIONAL VEHICLE:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and pop-up campers.

**RECREATION VEHICLE PARK (RV PARK):** A facility for the overnight, short-term or seasonal, but not permanent or year-round parking of travel trailers, recreation vehicles or tents and which can include other recreational facilities.

**RECYCLING CENTER:** See [Resource Recovery Facility](#).

**RELIGIOUS INSTITUTION:** A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

**RESIDENTIAL HUMAN CARE FACILITY:** A facility (not within a private residence) providing:

1. Emergency shelter and services for battered individuals and their children in a residential structure;
2. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
3. Emergency shelter for individuals who are homeless.
4. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

**RESIDENTIAL STRUCTURE:** Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by families or individuals.

**RESORT:** A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

**RESOURCE RECOVERY FACILITY:** Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

**RESTAURANT:** A building in which food or beverages are prepared and offered for sale in a ready to consume state, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. See also “Drive-Through” and “Drive-In Restaurant”.

**RESTAURANT, DRIVE-IN:** An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

**RETAIL AND RETAIL STORES:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**RIGHT-OF-WAY:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**ROADSIDE STAND:** An accessory and temporary structure operated for the purpose of temporarily selling goods or products.

**ROOMING HOUSE:** A residential building where rooms or suites of rooms are rented, for compensation, by arrangement for definite periods, where the renters may use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, tourist homes, two and multi-family dwellings or fraternity and sorority houses.

**S**

**SCHOOL:** A public or private educational institution for the purpose of elementary or secondary education, offering students an academic curriculum and which meets all of the requirements of the compulsory education laws of the State of Michigan. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

**SCRAP YARD:** An establishment where scrap metals are collected, processed, stored, and/or sold.

**SEASONAL USE:** Any use or activity that is not conducted during each month of the year.

**SEASONAL USE SALES:** Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

**SETBACK:** The minimum required horizontal distance from the applicable right-of-way line,

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easement, or property line of a lot within which no buildings or structures may be placed.

**SEXUALLY ORIENTED BUSINESS:** A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

1. **ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
2. **ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
  - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

3. **ADULT CABARET:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
  - a. Persons who appear in a state of nudity;
  - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  - d. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.



4. **ADULT MOTEL**: A hotel, motel or similar commercial establishment that:
  - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
  - b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
  
5. **ADULT MOTION PICTURE THEATER**: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
  
6. **ADULT THEATER**: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
  
7. **NUDE MODEL STUDIO**: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
  
8. **NUDITY OR A STATE OF NUDITY**: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
  - a. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  - b. Material as defined in [Section 2 of P.A. 343 of 1984, as amended \(Obscene Material, being MCL 752.362\)](#) of the Michigan Compiled Laws.
  - c. Sexually explicit visual material as defined in [Section 3 of P.A. 33 of 1978, as amended \(Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, being MCL 722.673\)](#) of the Michigan Compiled Laws.

9. **SPECIFIED ANATOMICAL AREAS:** Means and includes any of the following:

- a. Less than completely and opaquely covered:
  - (1) Human genitals;
  - (2) Pubic region;
  - (3) Buttocks
  - (4) Female breast below a point immediately above the top of the areola.
- b. Human male genitals in a discernible turgid state even if completely or opaquely covered.

10. **SPECIFIED SEXUAL ACTIVITIES:** Means and includes any of the following:

- a. Human genitals in a state of sexual arousal;
- b. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
- d. Excretory functions as part of or in connection with any of the activities set forth in a – c above.

**SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**SIGN:** Any device designed to inform the general public or attract the attention of person.

**SIGN:** A name, identification, announcement, declaration, billboard, description, display or illustration, letter, work, model, banner, streamer, flag, pennant, insignia, trade name, trademark, representation or device of any kind whatsoever, which is affixed to, or painted, or represented, directly or indirectly, upon a building structure or piece of land, and which attracts general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content, or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. "Sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag, and any similar device of any type or kind whether bearing lettering or not. Signs not exceeding one (1) square foot in area bearing only property numbers, mail box numbers or names of occupants of premises are excluded from this definition.

**SIGN AREA:**

- 1. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display,

together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

2. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
3. With respect to two-sided, multi-sided, or three dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing:
  - a. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
  - b. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

**SIGN HEIGHT:** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

**SIGN TYPES:** The following definitions 1 through 29 are related to signs:

1. **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.
2. **A-FRAME SIGN:** Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.
3. **ANIMATED OR MOVING SIGN:** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **AWNING SIGN:** A sign painted on, printed on, or attached flat against the surface of an awning.
5. **BANNER:** A sign made of natural or synthetic material used to call attention to a land use or product, service, or activity; however, not including pennants or flags.
6. **BUSINESS CENTER SIGN:** An on-premises sign which identifies a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group.

7. **CANOPY SIGN**: A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.
8. **CONSTRUCTION SIGN**: A sign listing the names of the project, developers, contractors, engineers, and architects on the site being developed.
9. **ELECTRONIC MESSAGE BOARD**: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
10. **FREESTANDING SIGN**: A pylon sign or monument sign.
11. **INFORMATIONAL SIGN**: A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, fuel pump information and similar features.
12. **INGRESS-EGRESS SIGN**: A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
13. **LIGHTED SIGN**: Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.
14. **MARQUEE SIGN**: Any sign attached to or supported by a marquee structure.
15. **MESSAGE BOARD, STATIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
16. **MESSAGE BOARD, ELECTRONIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
17. **MONUMENT SIGN**: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.
18. **NAME PLATE**: A sign indicating the name and/or address of a building or the name of an occupant thereof and the nature of a permitted occupation therein.
19. **OFF-PREMISE ADVERTISING SIGN (BILLBOARD)**: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.
20. **OFF-PREMISE ADVERTISING SIGN, DIGITAL (BILLBOARD - DIGITAL)**: A billboard displaying static images controlled by electronic communications.
21. **OFF-PREMISE DIRECTIONAL SIGN**: A sign which provides directions to a commercial or industrial establishment which is not located on a primary street within the Village.

- 22. **POLITICAL SIGN:** A sign relating to the election of a person to public office or relating to a political party or to a matter to be voted upon at a general election called by a public body.
- 23. **PORTABLE SIGN:** Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed.
- 24. **PROJECTING SIGN:** A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.
- 25. **PYLON SIGN:** A sign which is an elevated sign supported by one (1) or more bearing columns.
- 26. **ROOF SIGN:** A display sign which is erected, constructed, and maintained above the roof of the building provided, however, that this definition shall not include signs attached to the vertical face of a mansard roof.
- 27. **SPINNING SIGN:** A self-supporting sign that spins to attract attention and display its message.
- 28. **TEMPORARY SIGN:** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance.
- 29. **WALL SIGN:** A display sign which is painted on or attached directly to the building wall (including the vertical face of a mansard roof).
- 30. **WINDOW SIGN:** a sign affixed to a window or within three (3) feet of the window so as to be observable from the opposite side of the window to which such sign is affixed.

**SINGLE OWNERSHIP:** Ownership by a person or by two or more members of the same family of a lot.

**SITE CONDITIONS:** Shall mean or refer to height and area regulations, parking area regulations, screening, landscaping and all other items regulated by this Ordinance.

**SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION):** A method of subdivision where the sale and ownership of sites is regulated by [P.A. 59 of 1978, as amended \(Condominium Act, being MCL §§ 559.101-559.276\)](#) as opposed to the [P.A. 288 of 1967, as amended \(Land Division Act, being MCL 560.101 et. seq.\)](#). Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning Ordinance and the Village Subdivision Regulations Ordinance.

**SITE CONDOMINIUM SUBDIVISION PLAN:** Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

**SITE PLAN:** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

**SOLAR ENERGY DEFINITIONS:** (Amended 10/18/22; Effective 11/4/22)

1. **SOLAR ENERGY STRUCTURES:** A design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
2. **SOLAR ENERGY FACILITY (UTILITY SCALE):** A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale needs to generate electricity to be used primarily off-site. A solar energy collection facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. (Amended 2/4/20; Effective 2/20/20)
3. **SOLAR ENERGY PANELS (ACCESSORY):** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
  - a. **BUILDING-INTEGRATED ACCESSORY SOLAR ENERGY PANELS:** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
  - b. **GROUND-MOUNTED ACCESSORY SOLAR ENERGY PANELS:** Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.
  - c. **ROOF-MOUNTED ACCESSORY SOLAR ENERGY PANELS:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
4. **MAXIMUM TILT:** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.



5. **MINIMUM TILT**: The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
6. **NON-PARTICIPATING LOT(S)**: One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.
7. **PARTICIPATING LOT(S)**: One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.
8. **REPOWERING**: Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.

**SOLID WASTE TRANSFER FACILITY**: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

**SPECIAL LAND USE**: A use which is subject to approval by the Village of Hillman Planning Commission. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming Use nor is it considered a variance.

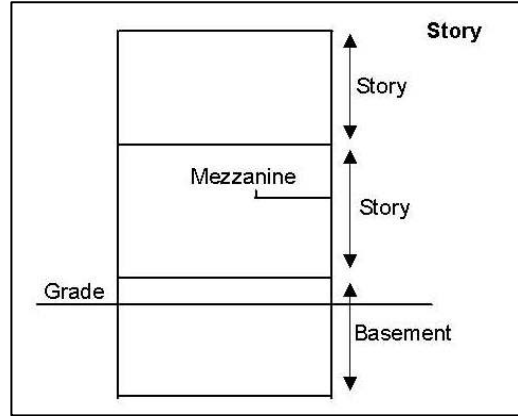
**SPECIAL LAND USE PERMIT**: A permit issued by the Village of Hillman to a person or persons intending to undertake the operation of an activity upon land or within a structure which is classified in this Ordinance as a Special Land Use and which has been given approval by the Planning Commission.

**STATE LICENSED RESIDENTIAL FACILITY**: A structure constructed for residential purposes that is licensed by the State pursuant to [P.A. 218 of 1979, as amended \(Adult Foster Care Licensing Act, being MCL §§400.701 to 400.737\)](#) of the Michigan Compiled Laws, or [P.A. 116 of 1973, as amended \(Child Care Organizations, being MCL §§Sections 722.111 to 722.128\)](#) of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

**STORAGE**: To leave or deposit in a place for preservation or disposal in one or more of the following ways:

1. **STORAGE-ACCESSORY**: Storage which is accessory to the principal use of the premises.
2. **STORAGE FACILITY**: A building or property on which storage is carried out as the principal use of the property.

**STORY:** That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



**STORY, HALF:** An uppermost story lying under a sloping roof the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it.

**STREET:** A dedicated public right-of-way or private roadway, other than an alley, which affords the principal means of access to abutting property. Street includes such designations as road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace or any similar designation or a permanent unobstructed private easement of access having a right-of-way of at least thirty (30) feet in width and a roadway suitable for vehicular traffic at least twelve (12) feet wide, which affords the principal means of vehicular access to abutting property.

**STREET, PRIVATE:** Any street which is privately owned and has not been accepted for maintenance by a public street agency.

**STREET, PUBLIC:** Any street or portion of street which has been dedicated to and accepted for maintenance by a public street agency.

**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.

**STRIPPING:** Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A structure may or may not be a building.

**SUBDIVISION:** The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat or other instrument.

**SWIMMING POOL:** Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes

of computing lot coverage.

**T**

**TEMPORARY USE OR BUILDING:** A use or structure permitted to exist for one hundred eighty (180) days or less.

**TOWNHOUSES:** A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling on the ground floor. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

**TRAVEL TRAILER:** See [Recreational Vehicle](#).

**TRUCK WASH ESTABLISHMENT:** A building, or portion thereof, the primary purpose of which is that of washing large vehicles designed for hauling goods.

**TOURIST HOME:** A dwelling furnishing overnight sleeping quarters to transient guests and containing not more than three (3) guest bedrooms.

**U**

**UNNECESSARY HARDSHIP:** A situation in which a property owner, due to conditions of a lot or parcel, cannot use the lot or parcel for any legal use allowed by this Ordinance in the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish an alternate use when allowed use options are available or due to situations created by an owner subsequent to the amendment of this Ordinance is not an Unnecessary Hardship. The Zoning Board of Appeals is responsible for determining Unnecessary Hardship.

**USE:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**USE, PRINCIPAL:** The primary use to which the premises are devoted.

**USE, ACCESSORY:** A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

**V**

**VARIANCE:** A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or unnecessary hardship as determined in [Article 8](#) of this Ordinance.

**VARIANCE, DIMENSIONAL:** A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or development requirement/limitation.

**VARIANCE, USE:** A variance to provide relief from the requirements of this Ordinance pertaining

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to uses of land.

**VEHICLE**: A conveyance that transports people or objects, operates by a motor, and requires a license to operate.

**VETERINARY CLINIC**: A facility for the treatment of animals that are not customarily kept overnight.

**VETERINARY HOSPITAL**: A facility for the treatment of animals requiring overnight care and /or lodging.

**W**

**WALL, OBSCURING**: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WAREHOUSE**: A building wherein goods, merchandise and materials are stored for subsequent sale, distribution or use other than on the site of said warehouse.

**WATERS EDGE**: A fluctuating line where the water and the land meet. May or may not be the ordinary high water line.

**WATERFRONT SETBACK**: The minimum required horizontal distance from the ordinary high water line of a waterfront lot within which no buildings or structures may be placed.

**WETLAND**: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

**WIND ENERGY DEFINITIONS:**

1. **AMBIENT**: Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
2. **ANEMOMETER**: A device used to measure wind speed.
3. **dB(A)**: The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. **DECIBEL**: The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. **HUB HEIGHT**: The distance measured from the ground level to the center of the turbine hub.
6. **SHADOW FLICKER**: Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.

7. **SMALL ON-SITE WIND ENERGY SYSTEMS**: A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily replace or reduce on-site consumption of utility power.
8. **SOUND PRESSURE**: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
9. **SOUND PRESSURE LEVEL**: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
10. **WIND ENERGY FACILITY**: A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
11. **WIND TURBINE GENERATOR**: A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
  - a. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  - b. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
  - c. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
12. **WIND TURBINE (HORIZONTAL AXIS)**: A wind energy system in which the rotor(s) rotate around a horizontal shaft.
13. **WIND TURBINE (VERTICAL AXIS)**: A wind energy system in which the rotor rotates around a vertical shaft.
14. **WIND TURBINE GENERATOR TOTAL HEIGHT**:
  - a. **HORIZONTAL AXIS WIND TURBINE ROTORS**: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
  - b. **VERTICAL AXIS WIND TURBINE**: The distance between the ground and the highest point of the wind turbine generator.

**WIRELESS COMMUNICATIONS (TELECOMMUNICATION TOWERS AND FACILITIES DEFINITIONS):**

1. **ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. **ANTENNA ARRAY:** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
3. **ATTACHMENT STRUCTURE:** Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
4. **COLLOCATION:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocate" has a corresponding meaning.
5. **EQUIPMENT COMPOUND:** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
6. **FTA:** [Federal Telecommunications Act of 1996, as amended.](#)
7. **HEIGHT:** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
8. **SETBACK:** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure and equipment shelter or cabinet where applicable.
9. **SMALL CELL WIRELESS FACILITY:** A wireless facility that meets both of the following requirements: *(Amended 2/4/20; Effective 2/20/20)*
  - a. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
  - b. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes,



grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

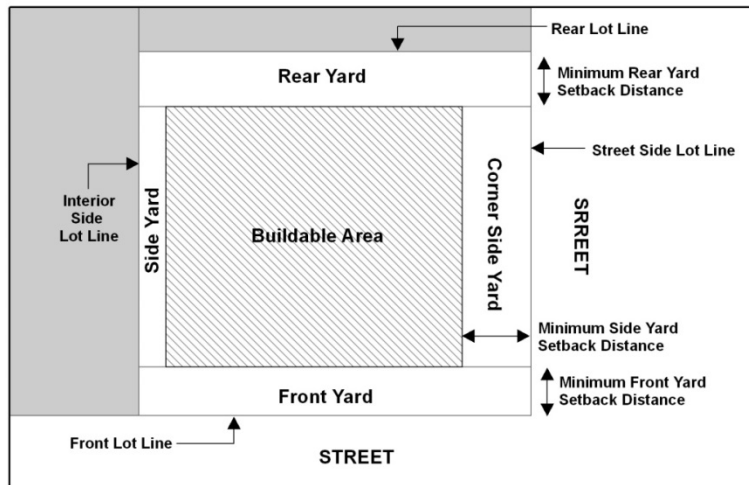
10. **TEMPORARY WIRELESS COMMUNICATION FACILITY:** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.
11. **WIRELESS COMMUNICATIONS:** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
12. **WIRELESS COMMUNICATIONS EQUIPMENT:** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
13. **WIRELESS COMMUNICATION FACILITY:** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).
14. **WIRELESS COMMUNICATION FACILITY (GROUND-MOUNTED) – ALSO CALLED “EARTH STATION OR GROUND STATION”.** A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a Wireless Communications Support Structure (tower). *(Amended 5/3/22; Effective 5/18/22)*
15. **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE:** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. Wireless communications support structure includes the term “Alternative Tower Structure.” *(Amended 5/3/22; Effective 5/18/22)*

**Y**

**YARD:** An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses or structures allowed in such open space under the provisions of this Ordinance. Yards are further defined herein:

1. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

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



3. **SIDE YARD:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
4. **CORNER SIDE YARD:** An open space between a main building and the street side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the street side lot line to the nearest point of the main building.

**Z**

**ZONING ADMINISTRATOR:** The person retained by the Village of Hillman to administer and enforce this Zoning Ordinance.

**ZONING APPEAL:** An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

**ZONING BOARD OF APPEALS:** As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

**ZONING DISTRICT:** A portion of the Village of Hillman within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**ZONING PERMIT:** A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

# Article 3 General Provisions

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## Section 3.0 Effects of Zoning

- A. In order to carry out the intent of this Ordinance, hereinafter no use or activity on a piece of land, shall be allowed or maintained, no building or structure or part thereof shall be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with the provisions and intent of the specific zoning district in which it is located, and all other provisions of this Ordinance.
- B. No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- C. This Ordinance is not intended to regulate the structural strength, adequacy of egress, light and ventilation, nor suitability of materials used or provided in buildings. These items are controlled by the building code. This Ordinance is intended to regulate uses and/or activities and the location and arrangement thereof, as they affect adjacent properties and residences. Effects of activities include but are not limited to noise, odors, traffic, erosion, storm water disposal, sewage disposal, aesthetics, fire protection and the use of light and air.
- D. Zoning affects every structure and use and extends vertically.

- E. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.
- F. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

**Section 3.1 Conflicting Regulations: Graphics, Tables, and Text**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Village law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

**Section 3.2: Zoning Lots/Zoning Lot Occupancy/Illegal Dwellings**

**A. Zoning Lots.**

- 1. **New Lots to be Buildable.** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
- 2. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance with the exception of parcels described and designated as "outlots" in a recorded plat which are so arranged or subdivided as to provide for one or more principal buildings with a land area allocated to each building which is equal to or greater than the lot area required in the district, and the building and land complies with all other requirements of the district in which it is located.

**B. Zoning Lot Occupancy.**

No single-family detached residential structure shall be erected upon a lot with another single family detached residential structure unless otherwise provided in this Ordinance. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot or a building site as herein defined.

**C. Illegal Dwellings.**

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been issued. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

**Section 3.3: Restoration of Unsafe Buildings/Barrier-Free Modifications**

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

**Section 3.4: Access**

Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.

**Section 3.5: Relocation of Buildings**

The relocation of a building to a different site shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is relocated. No building shall be moved onto a lot into the Village of Hillman without first obtaining a zoning permit from the Zoning Administrator.

**Section 3.6: Temporary Buildings for Construction Purposes**

A. Temporary buildings may be utilized during construction for the storage of construction materials, for construction offices, or for temporary dwelling purposes during a construction period as permitted herein. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the

completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance. The size of temporary dwelling units shall be the only exception to this rule. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling or construction purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

- B. All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.
- C. The Zoning Administrator may authorize a certification for a dwelling to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:
  - 1. The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
  - 2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
  - 3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

**Section 3.7: Accessory Structures & Accessory Uses**

**A. Accessory Structures.**

Permanent or temporary accessory structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- 1. No accessory structure shall be erected, constructed or placed upon a lot without a principal structure unless the adjacent property under the same ownership contains a principal structure.
- 2. **Attached Accessory Structures.** Where an accessory structure is attached to a principal structure, such accessory structure shall be considered part of the principal structure and shall be subject to and must conform to all regulations of this Ordinance applicable to principal structure regardless of whether the

accessory building was constructed as a detached structure and then later attached to the principal structure.

3. **Relationship to Principal Structure.** No detached accessory structure shall be located closer than ten (10) feet to any principal structure.
4. **Location in Yards.** All detached accessory structures shall be located in the rear or side yard of the lot except gazebos which must be an open (“see-through”) structure and shall adhere to the front setbacks of a principal structure.
5. **Setbacks.** Accessory structures shall be setback five (5) feet from the side and/or rear lot line.
6. **Accessory Structure on Waterfront Lots.** Accessory structures are permitted in the front (street side), rear (waterfront side), and side yard of waterfront lots and shall adhere to the waterfront setback. Accessory structures in the front yard of waterfront lots shall not be located nearer than ten (10) feet to a street right-of-way line. Side setbacks shall be consistent with those listed in subsection 5 (above).
7. **Accessory Structure Height.** No detached accessory structure shall exceed one (1) story or a sixteen (16) foot side wall. *Amended 8/7/18; Effective 8/24/18*
8. **Accessory Structure Size and Number.**
  - a. No more than two (2) detached permanent accessory structures shall be allowed on each zoning lot.
  - b. In a residential district, no detached accessory structure shall exceed the ground floor area of the principal structure on each zoning lot.
9. **Nontraditional Storage Facilities.** Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory structures. Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear yard only.
10. **Accessory Structure as a Dwelling.** No detached accessory structure shall be used for dwelling purposes unless otherwise permitted in this Ordinance.
11. **Materials.** Accessory structures using non-rigid materials to serve as walls or roof shall not be permitted.
12. **Maintenance.** All accessory structures, regardless of type of construction (wood,



metal, plastic, etc. or combinations) shall be maintained in good order and repair. To preserve the property values in all zoning districts, accessory structures shall not be allowed to deteriorate, have loose parts, broken windows, non-operating doors, holes, or leaking roofs. Wild animals and pests shall not be allowed to make habitation in accessory structures.

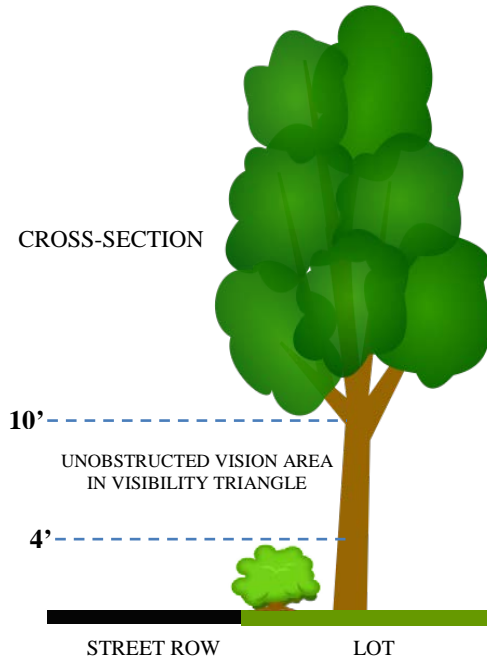
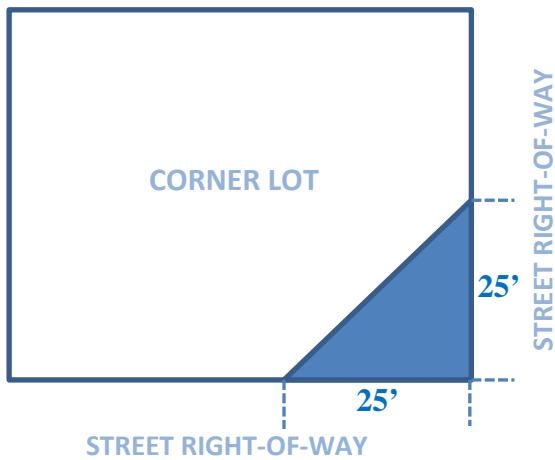
**B. Accessory Uses.**

1. **Recreational Vehicle Occupancy.** Overnight camping in a recreation vehicle on a lot in the Village shall be permitted in all residential districts providing that the recreational vehicle shall be occupied for no more than a week in any thirty (30) day period but not longer than thirty (30) days in a calendar year. The Zoning Administrator shall have the authority to increase the length of stay up to an additional seven (7) days in any thirty (30) day period. However, the additional seven (7) days shall not increase the total stay of not longer than thirty (30) days in a calendar year. Overnight camping in a recreational vehicle shall only occur on a lot with a principal structure or on a lot which is adjacent to another lot which is under the same ownership and contains a principal structure. Said lots shall not be separated by a public right-of-way. The Zoning Administrator may allow recreational vehicle occupancy in districts other than residential on a case by case basis. No zoning permit is required for recreational vehicle occupancy in any district.
  
2. **Storage of Recreational Equipment and Trailers.** The open storage of any recreational vehicle or trailer such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all-terrain vehicles, utility trailer, boat trailer, and other similar conveyance, shall be permitted only within the confines of the side or rear yard and a five (5) foot setback shall be maintained. No zoning permit is required for recreational vehicle and trailer storage in any district.

**Section 3.8: Corner and Driveway Clearance/Residential Entranceway**

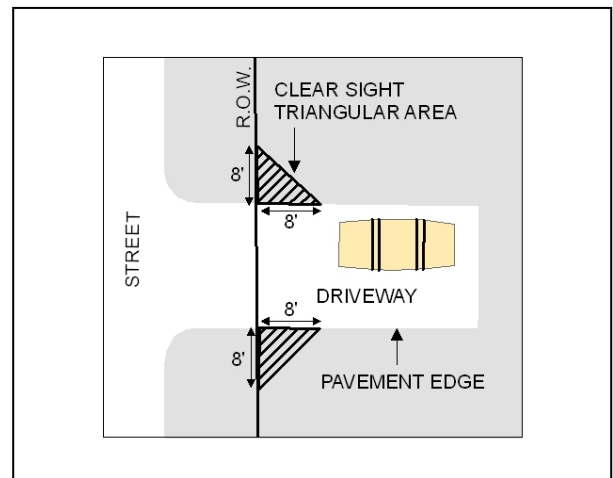
**A. Corner Clearance.**

No fence, wall, shrubbery, sign, or other structure or planting shall obstruct vision between the height of four (4) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and twenty-five (25') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. Driveways and alleys shall not be located within the intersection visibility triangle.



**B. Driveway Clearance.**

At intersections of driveways and alleys with streets, no fence, wall, shrubbery, sign or other structure or planting shall obstruct vision between a height of four (4) feet and ten (10) feet above the established driveway or alley grade level in the area bounded by the driveway or alley lines and lot lines and a line joining points along the lines eight (8) feet from the point of intersection of the driveway or alley lines and such lot lines.



**C. Residential Entranceway.**

In all Residential Districts, entrance-way structures, including but not limited to, walls, columns and gates marking entrances to single-family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in **subsections A and B above**, provided that such entranceway structures shall be approved during the required Planning Commission review.

**Section 3.9: Manufactured Homes on Individual Lots**

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. In the R-1 and R-2 Districts, dwellings shall have a minimum structure width of twenty (20) feet.
- B. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the [Michigan Manufactured Housing Commission](#) requirements.
- C. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- D. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "[Manufactured Home Installation Standards](#)", and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "[Manufactured Home Construction and Safety Standards](#)", being 24 CFR part 3280, as amended.
- E. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- F. No manufactured home shall be located or placed in Hillman without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.
- G. Manufactured homes shall not be used as accessory buildings.

**Section 3.10: Hazardous Substances & Waste**

- A. Dumping of hazardous substances and/or nuclear wastes shall not be allowed within the Village of Hillman, except as permitted by [P.A.113 of 1978, as amended \(Radioactive Waste, being MCL 325.491 et. seq.\)](#).
- B. **Hazardous Substance Generators.**

These provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current USEPA and/or MDEQ standards and applicable sections of the Michigan Building Code, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Village as part of the site and plan review process.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

### Section 3.11: Excavation or Holes

The construction, maintenance or existence of unprotected or unbarricaded holes, pits, wells, building pads or similar excavations which cause, or are likely to cause a danger to life, health and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for the construction, remodeling or expansion of structures, or industrial operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams or other major natural resources created or existing by the authority of the State of Michigan, Montmorency or Alpena County, Village of Hillman, or other units of government. Excavation resulting from the extraction of sand, gravel or other minerals for commercial purposes shall be required, upon termination of such activities for a period of ninety (90) days or more, to be refilled by the person, firm or corporation engaging in such excavation. The excavated site shall be graded and returned, as near as possible to its natural state, including planting of vegetation indigenous to the area.

**Section 3.12: Exterior Site Lighting**

**A. Intent and Purpose.**

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

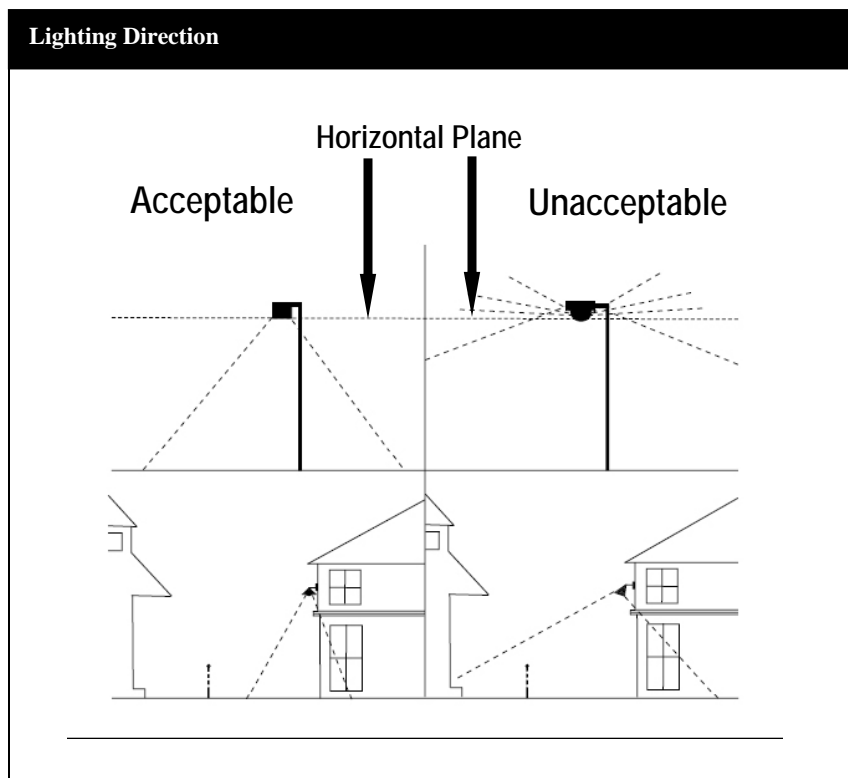
**B. General Standards.**

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
  - a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
  - b. Lights located within the public right-of-way or easement.
  - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
  - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
  - e. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
  - f. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the [Illuminating Engineering Society of North America \(IESNA\)](#) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.
  
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:

- a. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.
  - b. Multiple-family development parking lot lighting and site lighting.
  - c. Privately-owned street lighting.
  - d. Building facade lighting.
  - e. Security lighting, spotlights, and floodlights.
  - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, is similar in character, luminosity and/or glare to the foregoing.
  - g. Standards related to the lighting of signs are contained in [§3.24](#).
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:
- a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
  - b. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
  - c. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in [subsection d below](#), the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
  - d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature

said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.

- e. **Location of Poles.** Lighting poles and structures shall be located within landscaped areas where possible.
- f. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
- g. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- h. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.





**Section 3.13: Nonconforming Structures, Uses and Lots**

**A. Intent.**

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage them. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

**B. Elimination of Nonconformities.**

The existence of nonconforming uses is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Village as expressed in this ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses which constitute a nuisance or are detrimental to the public health and general welfare, the Village of Hillman, pursuant to [Section 208 \(3\) and \(4\) of P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act, being MCL 125.3208\)](#) may acquire by purchase; condemnation or otherwise private property for the removal of nonconforming uses and structure; provided, however, that such property shall not be used for public housing. The Council may in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district.

**C. Change in Tenancy or Ownership.**

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land or of structures which does not alter the nonconforming

status.

**D. Nonconforming Structures.**

Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance which could not be built under the requirements of this Ordinance by reason of restrictions in area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued subject to the following provisions:

**1. Maintenance of Nonconforming Structures.**

- a. Nothing in this Ordinance shall prevent such necessary repairs, reinforcement and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this ordinance prevent compliance with the provisions of any Building Code in effect in Hillman relative to the maintenance of structures.
- b. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the [Americans with Disabilities Act](#). Nothing in this ordinance shall prevent any alteration, improvement or repair as required by the Health Department as necessary to protect the public health, safety, and welfare.

**2. Alterations to Nonconforming Structures.**

- a. Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- b. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**3. Damaged or Total Destruction of Nonconforming Structures.** In the event that less than sixty (60) percent of the floor area of any nonconforming building or structure is damaged by fire, wind, or an Act of God or the public enemy, the same shall be permitted to be rebuilt provided it does not exceed the size, floor area, height and placement of the original building or structure. Restoration of a nonconforming structure pursuant to this subsection shall not increase the degree of nonconformance or noncompliance existing prior to such damage. If the nonconforming building or structure is damaged to an extent of sixty (60)

percent or more by fire, wind, or an Act of God or the public enemy, any new or repaired structure shall conform to the provisions of this Ordinance.

**E. Nonconforming Uses of Land.**

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

**1. Expansion of Nonconforming Use.**

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of *land* than was occupied at the effective date of adoption or amendment of this Ordinance except for the following:
  - (1) The expansion of a non-conforming use to the maximum extent of ten (10) percent of the original non-conforming use may be permitted as a Special Land Use under the following additional conditions:
    - (a) Any permitted expansion shall not be for the accommodation of any type of use or activity which is not currently engaged in within the existing structure.
    - (b) No expansion shall reduce or eliminate any ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.
    - (c) Any expansion of a structure or use permitted hereunder shall terminate at the time of termination of the original non-conforming use or structure and shall not be allowed to continue independently of such original use or structure.
    - (d) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations or conditions pertaining to the existing non-conforming use or structure which shall remain in full force and effect.
  - (2) The erection of any accessory building, including private garage incidental to an existing dwelling.

- b. Any nonconforming use may be extended throughout any parts of a *building* which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance.
2. **Destruction of Nonconforming Use.** In the event any nonconforming use of a building or use of land shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored to its original configuration.
3. **Change of Nonconforming Use.**
- a. No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former non-conforming use after said use has been changed to a conforming use.
  - b. Where nonconforming use status applies to a structure and land in combination, removal or purposeful destruction of the structure shall not eliminate the nonconforming status of the land.
4. **Abandonment of Nonconforming Use.** If a property owner has the intent to abandon a nonconforming use of land and in fact abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:
- a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
  - b. Whether the property, buildings, and grounds have fallen into disrepair.
  - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
  - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
  - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

**F. Nonconforming Lots or Parcels.**

Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot

shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

**Section 3.14: General Exceptions**

**A. Essential Services.**

The erection, construction, alteration, maintenance, and operation by public or private utilities or municipal departments or commissions, of essential services and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of the Village of Hillman in any District. The essential services addressed in this section must also meet all regulations and requirements of the authority having jurisdiction over the road. No zoning permit is required.

**B. Voting Place.**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**C. Height Limit.**

1. The height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.
2. The height limitations of this Ordinance shall not apply to ground mounted amateur radio transmitting and receiving towers.
3. These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Regulations](#).

**D. Projections into Yards (Encroachments).**

1. **Roofed Porch (and structures over thirty (30) inches in height).** A roofed porch or structure over thirty (30) inches in height may project into a setback for a distance not exceeding four (4) feet provided they are eight (8) feet above ground

level. Carport roofs shall be considered a structure and shall not project over four (4) feet into the setback area.

2. **Open Porches and Decks (structures thirty (30) inches or less in height).** An open, unenclosed and unroofed porch, deck, terrace, or similar structure (provided they are not over thirty (30) inches in height), may project into a front or rear setback to the lot line, but this shall not be interpreted to include or permit fixed canopies.
3. **Patios and Grade-Level Decks.** A patio or grade-level deck shall maintain a two (2) foot setback from all property lines.
4. **Architectural Features.** Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches.
5. **Unenclosed and unroofed fire escapes, outside stairways and balconies** may project into a required setback to within five (5) feet of the property line.
6. Projections in the Village right-of-way are reviewed and approved by the Village Council on a case by case basis.

**E. Access through Yards.**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other surface servicing a like function, and not in excess of twelve (12) inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

**Section 3.15: Unclassified Uses**

When a use is not expressly mentioned in the Zoning Ordinance, the Planning Commission shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district and similar uses allowed in the district. The decision of the Planning Commission regarding unclassified uses may be appealed to the [Zoning Board of Appeals](#).

**Section 3.16: Animals**

A. With the exception of subsection B below, the keeping, housing, raising, use, or medical care of farm or exotic animals is prohibited in all Districts within this ordinance. Kennels and veterinary hospitals shall be permitted by right or by Special Land Use only as set forth in [Article 4](#) hereof.

**B. Keeping of Up to Two Horses.**

The following standards and requirements shall apply to an application for a special approval use permit for the keeping of up to two horses in the R-1 Low Density Residential zoning district:

1. The subject parcel of land shall contain a minimum of ten acres.
2. The horses shall be securely enclosed by a lawful fence, building, or structure so as to prevent escape of the horses or intrusion into the fenced area, building, or structure by children.
3. The fenced area and any building or structure used to enclose or house the horses shall not be located closer than 100 feet from any neighboring property line.
4. Noise, odor, dust, and drainage from the horses shall not damage or be a nuisance to neighboring properties.
5. Animal waste shall be promptly removed and properly disposed of.
6. The horses shall not be used for commercial purposes upon the subject parcel of land, including, but not limited to, a commercial riding stable.

**Section 3.17: Site Condominiums**

**A. Intent.**

The purpose of this section is to regulate the creation and use of site condominiums 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.

**B. General Requirements.**



1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
  
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
  - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
  
  - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
  
  - c. Required yards shall be measured from the boundaries of the site condominium unit.
  
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with [Article 5](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Village.
  - a. **Application.**
    - (1) An application for site plan approval shall be filed for review as per the requirements of [Article 5](#) of this Ordinance. All procedures and standards of [Article 5](#) shall apply to site condominium projects.
  
    - (2) All condominium site plans shall include the information required in [Section 66 of P.A. 59 of 1978, as amended \(Condominium Act, being MCL 559.166\)](#).
  
    - (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
  
    - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common

elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.

b. **Deed Restrictions, Master Deed, By-Laws.**

(1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Village, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

(2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

c. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission shall require performance guarantees by the developer in accordance with the provisions of §9.4, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Village for release of any remaining performance guarantees.

4. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Village.

5. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Village Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

**Section 3.18: Waterfront Regulations**

**A. Purpose and Application of Provisions.**

The provisions of this waterfront section are intended to protect the unique and sensitive natural environment of waterfront property in the Village of Hillman. Regulations contained within this Section apply to property bordering rivers and streams. Its purpose is based on the recognition that:

- The economic and environmental well-being and health, safety, and general welfare of Hillman is connected with the preservation of its riverfront areas;
- The riverfront zone has unique physical, biological, economic, and social attributes;
- Future land development and redevelopment should not be conducted at the expense of these attributes;
- Property values will be enhanced when the natural features of the riverfront zone are preserved;
- Pollution, impairment or destruction of rivers and streams should be prevented or minimized.

**B. Development Standards.**

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.
- Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.
- Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.

**1. Setback.**

- a. All structures proposed to be built upon property bordering a river shall be set back fifty (50) feet from the ordinary high water mark (unless modified by subsection 2 or 3 below), except for the following uses: pump houses, recreational docks, boat ramps, marinas, storm water and erosion control devices, picnic tables, benches, recreational watercraft, stairways and

walkways, or other water-dependent uses.

- b. Decks and patios shall not extend beyond the Ordinary High Water Mark.
  - c. Decks and patios which are less than eighteen (18) inches above the natural grade at the deck building line may extend to the ordinary high water mark.
2. **Average Setback Line.** If there are existing principal buildings within two hundred (200) feet on each side of a proposed building location within the district, a proposed building or structure may be located the same distance from the Ordinary High Water Mark as the average distance of the principal buildings located within two hundred (200) feet, but shall be located no closer than 30 feet from the Ordinary High Water Mark. If there is an existing principal building within two hundred (200) feet on only one (1) side, the proposed building may be located the same distance from the Ordinary High Water Mark as the average of the distance of the principal building within two hundred (200) feet and the district setback of thirty-five (35) feet from the Ordinary High Water Mark.
  3. **Historical Setback Line.** A proposed building or structure may be located the same distance from the Ordinary High Water Mark as an existing principal building that has suffered loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) period shall run from the date of the casualty.

### Section 3.19: Landscaping and Buffering

*(Amended 5/3/22; Effective 5/18/22)*

The requirements of this Section apply to all nonresidential uses in any district.

#### A. Intent.

It is the intent of this section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge and the control of stormwater runoff.
2. Safeguard and enhance private and public property values and encourage continued investment in the community.
3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.

4. Provide visual screens between land uses of differing character and use intensities.
5. Provide for the preservation of native trees and vegetation.

**B. Flexible Design Standards.**

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The provisions of this section shall be considered the minimum development standards and not a design goal.
2. The Planning Commission may approve variations from strict compliance with this section when an applicant can demonstrate that any of the following apply to a specific development site:
  - a. When topography, shape, size or other natural features make full compliance impractical or impossible.
  - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the Village.
  - c. When safety considerations warrant alternative compliance.
  - d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.
  - e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this section.

**C. Landscaping Standards.**

1. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed 25 percent of the required landscape area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.

2. Grass or other living plants shall be primary ground cover in required landscape areas. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.
3. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.
4. The substitution of natural vegetation in lieu of landscaping may be approved on a case by case basis.
5. No synthetic plant material shall be used to fulfill any landscaping requirement.
6. All trees shall be located to allow sufficient room for growth.
7. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy or the next appropriate planting season, whichever comes first, and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.
8. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
9. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
10. Minimum plant sizes at time of installation:
 

Deciduous Canopy Trees	2½"	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2"	dbh
Evergreen Tree:	5'	height
Narrow Evergreen Trees	3'	height

Deciduous Shrub:	2'	height
Large Evergreen Shrub:	2'	height
Spreading Evergreen Shrub:	18" – 24"	spread

11. **Existing Vegetation.** Existing plant material, which complies with the standards and intent of the Ordinance shall be credited toward meeting the landscape requirements. In order to ensure proper maintenance of plantings, plant species utilized in landscaping shall be low maintenance plantings and/or species native to the Hillman area. *(Amended 10/4/22; Effective 10/20/22)*

- a. Existing healthy trees and shrubs in areas not required for development shall be preserved and incorporated into the final development plan where possible.
- b. Trees to be preserved shall be pruned to remove dead, diseased or irregular branching, but the crown form characteristic of the respective species shall be maintained.
- c. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at approximately the critical root zone or dripline.
- d. The critical root zone of the tree shall remain undisturbed by cutting, filling or storage of materials and equipment during the development process.
- e. Healthy, younger trees on development sites shall be preserved wherever possible to allow normal succession as older trees are lost.

12. **Berms.**

- a. Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- b. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition.
- c. Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- d. Trees shall be allowed to be placed on berms.

**D. Greenbelts and Buffers.**



1. For nonresidential uses which abut a residential use and for nonresidential uses which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts or buffers as provided below.
2. The selection, spacing and size of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required greenbelt area, and a vertical obscuring effect of such height as is determined adequate by the Planning Commission for proper screening between land uses.
3. The relationship between deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
4. Greenbelts shall be reviewed by the Planning Commission to determine adequate width, length, and materials for screening purposes.
5. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.
6. Required screening of parking areas shall be achieved through the use of a decorative masonry/brick wall, decorative fencing, earth berms and landscape plant materials, either in combination or independently.
7. The Planning Commission may require or allow the substitution of fences, walls and/or earth berms in those instances where a greenbelt or planting screen will not appropriately provide necessary screening to abutting properties.

**E. Suggested Plant Materials.**

<b>EVERGREEN TREES:</b>		
Fir	Pine	Spruce
Douglas Fir	Hemlock	
<b>NARROW EVERGREEN TREES</b>		
Cedar	Junipers	Arborvitae
<b>LARGE DECIDUOUS TREES</b>		
Oaks	Ash (disease and insect resistant)	Black Cherry
Hard Maples	Ginkgo (male only)	Basswood
Beech	Lindens	Sycamore (Plane Tree)
Honey locusts (seedless & thornless)	Birch	Elms (disease-resistant)
<b>SMALL DECIDUOUS TREES</b>		
Flowering Dogwood	Hawthorn (thornless)	Serviceberry
Sweet Birch	Mountain Ash	Hornbeam
Purple Leaf Plum	Kwansan Cherry	Redbud
Magnolia	River Birch	Flowering Crabapple (disease resistant)
<b>LARGE DECIDUOUS SHRUBS:</b>		

Honeysuckle	Flowering Quince	Lilac
Buckthorn	Barberry	Border Privet
Pyracantha	Forsythia	Yellow Osier
Viburnum	Cotoneaster (Peking, Spreading)	Burning Bush
Spirea	Sargent Crabapple	Ninebark
Dogwood (Red Osier, Grey)		
<b>LARGE EVERGREEN SHRUBS:</b>		
Irish Yew	Pfitzer Juniper	Mugo Pine
Hicks Yew	Savin Juniper	
<b>SMALL DECIDUOUS SHRUBS:</b>		
Potentilla	Japanese Quince	Cotoneaster (Cranberry, Rockspray)
Compact Burning Bush	Regal Privet	
<b>SMALL EVERGREEN SHRUBS:</b>		
Spreading Yews (Dense, Brown's, Ward, etc.)	Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)	Big Leaf Winter-creeper (Euonymus)
Dwarf Mugo Pine	Bird's Nest Spruce	
<b>TREES NOT PERMITTED</b>		
Box Elder	Poplars	Catalpa
Elms (unless disease-resistant)	Tree of Heaven	Scotch Pine
Willows	Cottonwoods	Ash (unless disease-resistant)
Horse Chestnut (nut bearing)	Jack Pine	

**Section 3.20: On-Site Drainage and Runoff**

- A. No premises within a residential district shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.
  
- B. Where any lot, part or parcel of land, has located upon it a duly recorded easement for any purpose whatsoever, that portion of such land whereupon the easement stands shall be graded as indicated by the Village of Hillman and in no event so as to obstruct or substantially slow down the natural flow or course of surface water across such easement. The grade in easements shall in all cases be subject to the approval of the Village of Hillman.

**Section 3.21: Stormwater Management**

**A. Purpose.**

The purpose of these regulations is to reduce or eliminate the hazards to public health and safety caused by excessive stormwater runoff; to reduce the economic losses to individuals and the community at large; to enhance broader social and economic objectives; and to protect, conserve, and promote the orderly development of land and water resources.

**B. Regulated Activities.**

1. Any development that disturbs one or more acres of land or is within 500 feet of a lake or stream, excluding practice of plowing and/or tilling soil for the purpose of crop production.
2. New industrial or commercial use development sites, regardless of size or location.
3. Development of existing industrial or commercial uses which is of 500 square feet or greater and which increases runoff from the site.
4. Subdivision developments and site condominiums regardless of size or location.
5. Diversion or piping of any natural or manmade stream channel or discharging surface water or groundwater from dewatering activities into any stream, ditch or sewer.
6. Installation of stormwater facilities or appurtenances thereto.

**C. Applicability.**

A stormwater runoff control plan must be submitted and approved before:

1. Commencing any regulated activities; or
2. A plat is recorded; or
3. An existing drainage system is altered, rerouted, deepened, widened, enlarged, or obstructed; or

4. A residential development having a gross aggregate area including roads, utility rights-of-way, and any other dedicated lands of one (1) or more acres is constructed;
5. Any new commercial, industrial, or utility development is commenced; No final subdivision plat shall be approved, and no zoning permits shall be issued until and unless a stormwater runoff control plan has been reviewed and approved by the enforcing agent or their representative.

**D. Exemptions.**

The following development activities shall be exempted from some or all of the provisions of these regulations at the discretion of the Planning Commission.

1. The development of single-family or two-family residential dwelling units and their accessory structures (such as fences, storage shed, and septic tanks) in an existing subdivision or on a lot of less than one (1) acre in size, and does **not** fall under the definition of a sensitive area.
2. Any maintenance, alteration, use, or improvement to an existing structure not changing or affecting quality, rate, volume, or location of surface water discharge.
3. Land disturbance associated with existing one and two family dwellings.
4. Use of land for gardening for home consumption.
5. Municipal improvements within all rights-of-way and at or within any municipal facilities.
6. The requirements of this section shall not be applicable to those uses located in the CBD District. In order to manage their stormwater runoff, those land uses located in the CBD District may utilize public storm sewer currently existing at the time they are determining their stormwater runoff calculations. However, such public storm sewer is not guaranteed to meet those stormwater runoff needs. In addition, the Village of Hillman is not obligated to provide additional public storm sewer facilities to meet those needs.

Exempted activities may be required to provide a simplified stormwater runoff control plan that would identify stormwater facilities and how stormwater would be managed on site and the expected off-site impact. Simplified plans may utilize creative and innovative stormwater management techniques, such as:

- Swales in back-lot areas
- Parking lot depressions

- Leaching basins and underground storage
- Gravel berms
- Fill ditches
- Gravel underlayments
- Rain gardens

**E. Stormwater Runoff Control Regulations.**

1. Stormwater runoff control areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. The design of any stormwater runoff control system shall be based upon a 25-year frequency 24-hour duration storm event. In order to be approved, all site plan provisions for stormwater management must meet the following performance standards:
  - a. Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
  - b. After development, runoff from the site shall approximate the rate of flow, volume, and timing of runoff that would have occurred following the same rainfall under predevelopment conditions. Stormwater management conveyance and storage facilities shall be designed to reduce flood hazards and water pollution related to runoff from the proposed development project.
  
2. Stormwater storage facilities, which protect water quality and prevent adverse flooding on-site and off-site, shall be required for all sites where one (1) acre or more will be disturbed. In order to improve the quality of stormwater runoff and reduce the discharge of sediment into local wetlands and watercourses,
  - a. **Techniques.** One or more of the following techniques shall be used:
    - 1) Infiltration of runoff, provided that soils and groundwater conditions are suitable.
    - 2) Retention basins with a fixed minimum water elevation between runoff events (e.g., wet ponds) or may be dry at various times throughout the year.
    - 3) Detention basins which could retain water or drain completely after a storm event (e.g., dry basins) but which discharge storm water to wetlands or constructed basins which trap sediment carried by storm water runoff.

b. **Standards.** The following standards shall be used:

- 1) Detention basins shall be designed to hold stormwater for more than 24 hours before completely draining to become a dry basin (extended detention basins).
- 2) Detention basins with a positive outlet shall be designed to hold runoff from a 25-year storm event, as a minimum. Retention basins without a positive outlet shall be designed to hold runoff from a 100-year storm event.
- 3) The banks of detention basins shall not exceed a 1:6 slope unless a fence is constructed.
- 4) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered without approval from the MDEQ and County Drain Commission.
- 5) The use of stormwater runoff control areas and vegetated buffer areas as open space, recreation, and conservation areas shall be encouraged.
- 6) Stormwater detention/retention ponds, with banks which exceed a 1:6 slope, located in all districts shall be completely enclosed with a permanent substantial fence with two 3'-foot swinging gates mounted for an unobstructed opening of at least 6' with a minimum of four (4) feet in height above the ground level. All gates shall be kept locked to prevent unauthorized access. Any such ponds located in a front yard or visible from the public right-of-way shall be landscaped and fencing shall be open decorative in design (no chain link, or solid material) as approved by staff or the Planning Commission.
- 7) Fencing may be waived by the Planning Commission at the site plan review process when pond design is part of an overall landscape plan, or adequate justification is provided.
- 8) Natural vegetation (e.g. created wetlands, vegetative buffer strips) shall be used in stormwater designs to assist with the removal of pollutants in the stormwater.
- 9) Isolation distances from septic systems and potable water wells shall be in conformance with the rules and regulations of the District Health Department.

- 10) A 25 ft. vegetative buffer shall be maintained from water bodies. Natural vegetation shall be maintained, to the extent possible, along lakeshores and streambanks to preserve natural stormwater collection and treatment. Supplemental or replacement plant materials shall be consistent with those found naturally occurring adjacent to the water body.
- 11) A 25 ft. vegetative buffer shall be maintained from wetlands, and runoff control systems shall not be constructed in regulated wetlands. (Proper state and federal permits are needed to discharge stormwater or utilize wetlands for a stormwater structure). Supplemental or replacement plant materials shall be consistent with those found naturally occurring adjacent to the wetland.
- 12) Be regularly maintained for optimum performance. A maintenance plan may be required for approval that as a minimum could include, but not be limited to: removal of accumulated sediment, periodic structural repairs, reseeding or replacement of vegetative cover.
- 13) Have an emergency overflow system. The overflow system shall be designed to accommodate flow from the 100-year storm event, or as otherwise required by the appropriate State of Michigan Agency.
- 14) Designed to distribute stormwater runoff volume evenly over the floor of the basin or trench and to prevent flooding.

**c. Stormwater Calculation/Designs.**

- 1) Stormwater runoff volumes and discharge rates for predevelopment and post-development of the site shall be calculated by the USDA Natural Resource Conservation Service method, rational method, or other documented design method approved by the Enforcing Agent.
- 2) Temporary stormwater control measures shall be designed to detain the runoff from the disturbed site for a 2-year, 24 hour storm event.
- 3) The allowable peak discharge rate from each stormwater control facility shall be equal to or less than the peak discharge of the site prior to the proposed development for all storm events up to a 25-year, 24-hour storm event.
- 4) In lieu of a staged discharge, the allowable peak discharge rate from each stormwater control facility may be a constant equal to the peak discharge



rate of the watershed prior to development in a 2-year, 24 hour storm event.

- 5) Sites that have multiple drainage courses shall perform calculations for each separate drainage course impacted by the proposed development.

**d. Required Storage Volumes.**

- 1) Permanent stormwater control facilities shall be sized to detain the runoff from the developed watershed less the allowable staged discharge from the site for a 25-year, 24-hour storm.
- 2) If a staged discharge is not used, stormwater storage facilities may be sized to detain the increased runoff (post-development minus pre-development) due to the proposed construction for a 25-year, 24-hour storm event.
- 3. Discharge from stormwater conveyance facilities shall be routed through swales, vegetated buffer strips, stormwater basins, hydrological isolated wetlands, and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and remove pollutants.
- 4. If wetlands are proposed for stormwater detention, runoff must be diffused to non-erosive velocities before it reaches the wetlands.
- 5. Vegetated buffer strips shall be created, or retained in their natural state along the edges of all watercourses and wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment from overland runoff, and buffer structures from periodic flooding.
- 6. Driveway drainage, drainage from adjacent parking or storage areas on private property, and driveway culverts shall be designed according to Michigan Department of Transportation driveway criteria standards, Rule 61 of the Administrative Rules Regulating Driveways, Banners and Parades on and over Highways.
- 7. The Village may approve other green infrastructure techniques to meet the stormwater management goals of this Section during site plan review. Other techniques include, but are not limited to, rain gardens, bioswales, green roofs, and permeable pavement. *(Amended 10/4/22; Effective 10/20/22)*

**F. Stormwater Runoff Control Plan Requirements.**

A stormwater runoff control plan shall show how stormwater will be controlled, and if necessary, collected and treated and maintained. A stormwater runoff control plan shall include the following information:

- 1. A map or maps including a legal description and site location sketch, at a scale

suitable to the site or as otherwise determined by the enforcing agent. The map must also include proposed contour elevations at one foot intervals, spot elevations, and arrows indicating the proposed drainage direction.

2. A soils survey or written description of the soil types of the exposed land areas contemplated for the earth change.
3. A description and the location of the physical limits of each proposed earth change.
4. Location of all lakes and streams within 500 feet of the site and regulated wetlands on the site or site boundary.
5. Proposed square footage of impervious area.
6. The timing and sequence of each proposed earth change.
7. A description and the location of all proposed temporary and permanent stormwater control facilities and measures.
8. A maintenance plan (if required) that describes tasks needed to maintain the function of stormwater control features.
9. Other information which the enforcing agent or Hillman Planning Commission requires to review the impact of the proposed earth changes.

### Section 3.22: Circulation & Parking

#### A. Purpose.

The purpose of parking regulations is to make the community safe for and accessible by pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Design of parking areas and rights-of-way shall contribute to the walkability of the Village of Hillman.

#### B. Pedestrian Travelways.

1. **Requirements.** Developments except for one- and two-family dwellings may be required to provide clearly defined pedestrian travelways from the public sidewalk to main entrances of the buildings or uses of the land or to the sidewalk

fronting the building in the case of a multi-entrance building. These requirements shall be decided on a case by case basis.

2. **No Existing Public Sidewalk.** When a public sidewalk does not exist, the following shall apply:
  - a. For new construction on vacant land, both a public sidewalk as per village standards and the required designated pedestrian connections shall be installed. If an existing public sidewalk is present, sidewalk design and green space shall be consistent with the design and green space of the existing sidewalk.
  - b. For reconstruction on an existing development, a public sidewalk shall be installed if at least forty (40) percent of the properties on both sides of the street in the same block have public sidewalks, as well as the required designated pedestrian routes.
3. No parking shall be allowed on sidewalks. There shall be a clear pedestrian travelway maintained on sidewalks at all times.

**C. Motor Vehicle Parking: Single-Family Residential Uses.**

The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.

**D. Motor Vehicle Parking: Multi-Family and Nonresidential Uses.**

1. **Compliance Required.** Off-street parking and loading provisions of this section D shall apply to the following:
  - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
  - b. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
  - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
  - d. **Parking Area Construction and Expansion (for all new parking areas and whenever existing parking areas are expanded or upgraded).** Normal maintenance, such as re-grading of legal non-conforming gravel parking areas

or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.

- e. Regulations pertaining to off-street parking shall not apply to:
  - 1) commercial buildings in existence at the time of adoption of this Ordinance; or
  - 2) new commercial construction projects where it can be demonstrated that adequate public parking exists when located within B-1.
- 2. **No Permit Required.** No zoning permit is required for parking lot construction. However, parking provisions within this Ordinance shall be complied with.
- 3. **Plan Review:** Any off-street parking lots, parking structures or loading areas required under this chapter shall be required to submit a plan for review and approval of applicable regulations. All elements shall be dimensioned on the plan and distances from property lines and structures shall be noted. The plan shall show the following:
  - a. Total number of parking spaces provided, existing and proposed; and total required by ordinance;
  - b. Location and size of spaces;
  - c. Parking aisles;
  - d. Vehicle circulation;
  - e. Ingress and egress;
  - f. Sidewalks and pedestrian circulation;
  - g. Signage;
  - h. Lighting;
  - i. Storm water retention areas;
  - j. Proposed and existing grades;
  - k. Landscaping islands;
  - l. Landscape and buffer areas; and
  - m. Any other information deemed necessary by the Zoning Administrator.
- 4. **Loading Space.** Loading space as required elsewhere in this ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.

5. **Changes to Required Parking.** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas shall be revised and approved by the Zoning Administrator.
  
6. **Excessive Parking Space.** A maximum of one hundred twenty (120) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Provision of more than one hundred twenty (120) percent of the requirement will require a variance from the Board of Zoning Appeals.
  
7. **Collective Parking.** Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the number of parking spaces required shall be reduced by ten (10) percent for each building or use.
  
8. **Shared Parking.** Joint use of the same parking areas may be permitted for two (2) or more uses located on the same, adjacent, or nearby parcels provided that the developer or owner demonstrates to the satisfaction of the Village that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all parcels used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(s) and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.
  
9. **Reduction of Parking Spaces/Land Banking.**
  - a. For development in any zoning district, the Planning Commission may approve a reduction of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) and the customary operation of the use(s) that adequate parking would be provided.
  
  - b. When such a reduction is approved, an area of sufficient size to include the number of parking spaces necessary to meet the minimum requirements stated herein shall be designated on the site plan (land banking) and no structure or other permanent feature shall be permitted within such designated area. The area shall not be included in any required landscape buffer. The areas shall be reserved to accommodate additional parking so as to meet the otherwise applicable minimum requirements.

- c. **Off-Site Land Banking:** The Planning Commission may approve land banking at a location off-site. A written agreement shall remain on file at the Village which records that the off-site land which has been set aside for future parking is under the control of the applicant.

10. **Ingress/Egress.** Ingress and egress shall be approved on a case-by-case basis.

11. **Display and Storage.**

- a. With the exception of special events, sales, storage, display, and sale of products, equipment and material, off-street parking facilities required herein shall not be used for the repair, dismantling or wrecking of any vehicles, equipment or material.
- b. **Parking and Storage of Inoperable Motor Vehicles.** Automotive vehicles of any kind or type without current license plates shall not be stored within the front setback on any residentially zoned property, unless within an enclosed building. Inoperable motor vehicles without current license plates may be stored outside of an enclosed building in the rear yard if covered by material.

12. **Nonresidential Parking Areas in Residential Districts.** Parking areas for multifamily housing and nonresidential uses in residential districts shall be approved on a case by case basis.

13. **Parking Standards in Nonresidential Districts.**

- a. **Off-Site Locations.** All off-street parking areas shall be located on the immediate premises or within three hundred (300) feet for commercial and five hundred (500) feet for industrial uses as measured from the nearest point of the parking area to the nearest point of the building intended to be served.
- b. **Duration.** Parking area shall be used solely for parking of private passenger vehicles, for periods of less than 72 hours.
- c. **Surface.** An entire parking area, including parking spaces, maneuvering lanes and ingress and egress driveways required under this Section, shall be provided with asphalt, concrete, brick or other similar hard surface.

For industrial uses, storage yards for construction equipment, raw materials, or partially or fully finished product, may be surfaced with gravel or slag when located in a rear yard. The storage yard shall be properly graded and maintained to insure proper drainage and shall be kept free of weeds, trash and other debris.

d. **Design Standards.**

(1) **Parking Space Design.**

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space	
		Width	Length
0 degrees (parallel parking)	12'	8.5'	24'
Up to 53 degrees	13'	10'	21'
54 to 74 degrees	18'	10'	21'
75 to 90 degrees	24'	10'	21'

(2) **Parking Lot Design.**

- (a) All parking areas shall be provided with circulation aisles of adequate dimension to assure efficient internal circulation.
- (b) Parking lots with 300 or more spaces shall include perimeter drives and a central access drive leading to the main building.
- (c) A parking lot providing fifty (50) or more parking spaces shall reserve a minimum of five (5) percent of the parking lot area for interior landscaping. A parking lot providing forty-nine (49) or fewer parking spaces shall reserve a minimum of two (2) percent of the parking lot area for interior landscaping. This required landscaping may be transferred to the perimeter of the lot(s) if interior landscaping is not possible. *(Amended 10/4/22; Effective 10/20/22)*
- (3) **Drainage.** Except for one- and two-family dwellings, off-street parking areas shall be drained with internal site drainage so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Storm water retention or detention facilities on site shall be provided to assure storm water runoff at a rate of flow in keeping with standards and with capacity of existing public storm water drainage-ways.
- (4) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- (5) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- (6) Ingress and egress to a parking lot lying in an area zoned for other than single-family or two-family residential use shall not be across land zoned for single-family or two-family residential use.

14. **Parking Spaces Required.**

- a. **Computing the Number of Spaces.** For the purpose of determining off-street parking requirements, usable floor area shall be calculated.



- b. **Fractional Spaces.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- c. **Uses Not Mentioned.** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers to be similar in type.
- d. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of the [Americans with Disabilities Act of 1990](#), as amended.

PARKING FOR HANDICAPPED (ALL DISTRICTS)	
Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces <sup>1</sup>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total Spaces
1,001 and Over	20 Plus 1 for Each 100 Over 1,000 Spaces
<sup>1</sup> For every 8 accessible spaces, at least 1 must be a van accessible space.	

e. **Number of Spaces Required.**

- (1) The requirements of the following table shall not be applicable to those uses located in the B-1 District on State Street from Veterans Memorial Highway north to the Village limits. In order to meet their parking needs, those land uses located in the area described above may utilize public parking which currently exists at the time they are determining their parking needs. However, such public parking is not guaranteed to meet those parking needs. In addition, the Village of Hillman is not obligated to provide additional public parking to meet those needs.
- (2) If a use is not listed in the following tables, the requirements for a similar use may be used to determine the parking requirements for the proposed use.

## Parking Requirements

### Residential

Bed and Breakfasts/Rooming houses	1 for each sleeping room and 2 for the owner/resident manager
Group day care homes	2 in addition to the 2 required for the residence
Housing for the elderly	1 for each unit and 1 for each employee on the largest shift
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site and 1 for each employee.
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms and 1 for each employee
One-family and two-family	2 for each dwelling unit
State-Licensed Residential Facilities (Adult Foster Care Homes 6 or less people)	4 for each establishment
Tourist Home/Boarding House	1 for each guest bedroom

### Commercial

Auto service station and repair	1 space per pump, plus 2 spaces per service bay, plus 1 for each employee, plus 1 for each 250 square feet of gross floor area devoted to retail sales.
Auto body shop	1 space for each 500 square feet of gross floor area plus 1 space for each employee.
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 7 stacking spaces.
Automobile, mobile home, truck, recreational vehicle, boat and farm implement sales and rental	1 space per 500 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Bank	1 per 200 square feet of gross floor area
Beauty parlor or barber shop	2 per chair.
Bowling alley	5 spaces per lane
Dance Halls, Exhibition Halls, Pool Halls without fixed seats	1 per every 3 persons allowed within the maximum occupancy load.
Dry cleaners	2 for every 1000 square feet of gross floor area
Furniture and appliance sales and service, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 850 feet of gross floor area
Greenhouse	1 space per 1,000 square feet gross floor area
Laundromats and coin operated dry cleaners	1 for each 3 washing or dry cleaning machines
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code.
Medical and dental offices or similar offices	1 for each employee plus one for each examining room.
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee
Open air business	1 for each 600 square feet of lot area
Professional offices	1 for each employee plus 1 per 500 square feet gross floor area
Research, medical or optical laboratory	1 space per 350 square feet
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for every 2 persons of seating capacity plus 1 space per employee on the largest shift
Restaurants with drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Retail sales unless otherwise specified herein; shopping center	1 space per 200 square feet
Taverns; cocktail lounges; and night clubs	1 space per 100 square feet
Veterinary clinics; animal hospitals	3 for every employee plus one per examination room

### Institutional

Assisted living facility, Nursing Homes, Convalescent Homes	1 for every 2 dwellings plus 1 for each employee on the largest shift
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 8 linear feet of benches in the main unit, plus 1 for each employee. If no permanent seats are provided, then 1 space for each 35 square feet of gross floor area.
High Schools	1 for each teacher, employee, or administrator, and 1 for each 5 students
Elementary, middle, and junior high schools	1 for each teacher, employee, or administrator, plus 1 space for

Government offices; libraries; museums	each 4 seats in the auditorium or 1 for each 35 square feet where no fixed seating exists in the auditorium. If no such auditorium exists, then two spaces per classroom in addition to that for each teacher, employee or administrator.
Hospitals	1 for every 400 square feet of gross floor area
Jails	1 for every 2 beds plus 1 for every employee based upon the largest shift
Nursery schools, day nurseries, or child day care centers (non-residential)	1 space for each staff member plus 1 space for every 5 cells in addition to off street loading spaces for delivery and transport vehicles.
Post offices	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
Private clubs or lodges	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
	1 for every 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes
<b>Industrial</b>	
Industrial Establishments	1 space per employee on the largest shift, plus 1 space per 300 square feet of public office area
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift
Truck terminal	1 space per 1,000 square feet
Warehouse and/or storage building	1 space per 2,000 square feet
Water treatment or wastewater facility	1 space per employee on the largest shift
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift
<b>Misc</b>	
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Boat Launch Ramps; Marinas	1 per boat slip plus 20 for launch ramps
Cemetery	1 space per employee on the largest shift
Golf Courses	4 spaces per hole plus 1 for each employee
Mini Golf Courses	2 spaces per hole plus 1 for each employee
Private club or lodge	1 space per 3 persons up to maximum capacity
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

**E. Off-Street Loading and Unloading.**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise on a regular basis, there shall be provided and maintained on the lot adequate space for standing, off-street loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

**1. Required Off-Street Loading Berths.**

Off-Street Loading & Unloading	
Gross Floor Area	Loading & Unloading Space Required
0 – 4,999 ft <sup>2</sup>	None
5,000 - 20,000 ft <sup>2</sup>	One (1) space
20,001 - 50,000 ft <sup>2</sup>	Two (2) spaces
50,001 – 100,000 ft <sup>2</sup>	Three (3) spaces
100,001 and up	One additional space for each additional 100,000 square feet

2. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
3. Such space may occupy all or any part of any required yard or court space, except the front yard.
4. Where an alley exists or is provided at the rear or side of buildings, loading spaces shall be computed from the center of the alley.
5. Loading areas shall be designed to provide internal drainage.
6. The Planning Commission may permit the modification of loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of these requirements.

**F. Snow Storage Areas.** Snow storage areas shall be provided for all nonresidential uses as an unobstructed area of a portion of all paved or surfaced areas such as but not limited to: parking areas, loading and service areas, driveways, etc. Such area may be lawn or landscaped areas, parking lot divider strips, tree planting areas in parking lots provided plantings are adequately protected. Snow storage areas shall not include public street rights-of-way.

**Section 3.23: Fences & Walls**

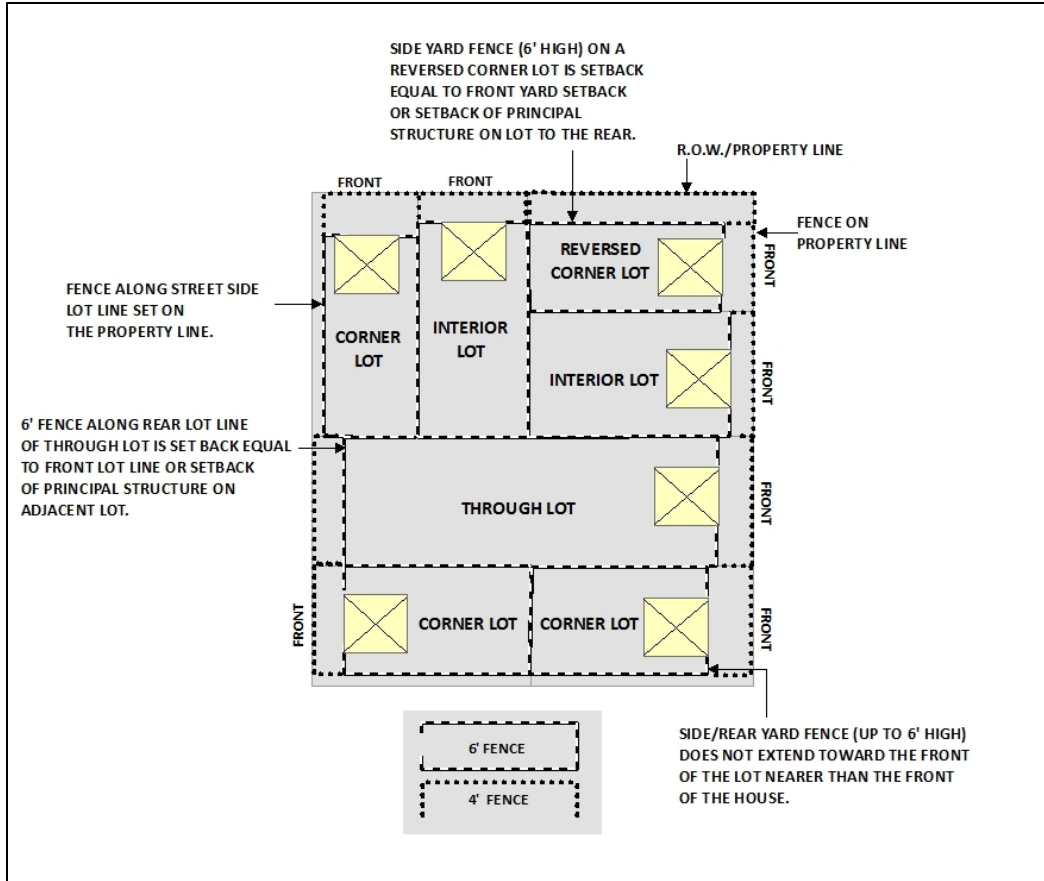
**A. Construction and Maintenance: All Districts.**

1. It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended.
2. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or old doors are specifically prohibited.
3. Chain link fences shall be constructed of materials specifically designed by fence manufacturers for such use. Fences will have top rails between supporting posts and caps on end or corner posts. No chain link fences shall be allowed in the front yard.
4. Fences on residential or commercial lots shall not contain barbed wire, electric current or charge of electricity.
5. Fences located in the side or rear yard of industrial lots may contain barbed wire at the top of the fence. Fences with an electric current or charge of electricity are not allowed on industrial lots.
6. Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
7. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
8. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
9. **Visibility Triangle.** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in [§3.8](#).

**B. Residential Fences and Walls.**

Fences and walls shall require a Zoning Permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:

Table 3.23 A: Residential Fences & Walls	
<b>Front Yard</b>	<ul style="list-style-type: none"> <li>▪ Fences may be up to 4’ high.</li> <li>▪ Fences may be set on the property line.</li> </ul>
<b>Rear Yard &amp; Side Yard</b>	<ul style="list-style-type: none"> <li>▪ Fences may be up to 6’ high: Outer face may abut property line</li> <li>▪ Fences over 4’ high may not extend toward the front of the lot nearer than the front of the house.</li> <li>▪ Reversed Corner Lot: Fences up to 4’ high may abut property line. Fences greater than 4’ but not greater than 6’ high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</li> </ul>
<b>Through Lots</b>	
<b>Front Yard</b> (the lot line upon which the front of the principal structure faces)	<ul style="list-style-type: none"> <li>▪ Fences may be up to 4’ high.</li> <li>▪ Fences may be set on property line.</li> </ul>
<b>Rear Yard</b> (the lot line opposite the front lot line)	<ul style="list-style-type: none"> <li>▪ Fences up to 4’ high: Outer face may be on property line.</li> <li>▪ Fences greater than 4’ but not greater than 6’ high shall be set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> </ul>



**Residential Fence Diagram**



**C. Commercial & Industrial Fences & Walls.**

Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

Table 3.23 B Commercial and Industrial Fences & Walls	
<b>Front Yard</b>	<ul style="list-style-type: none"> <li>Fences may be up to 8' high.</li> <li>May be set on the property line.</li> </ul>
<b>Rear Yard &amp; Interior/Street Side Yard</b>	<ul style="list-style-type: none"> <li>Fences may be up to 8' high.</li> <li>6 additional inches allowed for fence posts.</li> <li>Outer face may abut property line</li> </ul>
<b>Corner Side Yard</b> (on reversed corner lot)	<ul style="list-style-type: none"> <li>Fences may be up to 8' high. Set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less.</li> </ul>
<b>Through Lots</b>	
<b>Front Yard</b> (the lot line upon which the front of the principal structure faces)	<ul style="list-style-type: none"> <li>Fences may be up to 8' high.</li> <li>May be set on the property line.</li> </ul>
<b>Rear Yard</b> (the lot line opposite the front lot line)	<ul style="list-style-type: none"> <li>Fences may be up to 8' high. Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</li> </ul>

**D. Commercial and Industrial Fences & Walls Required for Screening Purposes.**

For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

TABLE 3.23 C: Fences & Walls for Residential Screening Purposes	
SIDE AND REAR YARD SCREENING REQUIREMENTS	
All off street parking areas	4' high fence or wall
Commercial District or Commercial Use	6' high fence or wall
Industrial District or Industrial Use	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

1. **Screening Materials.** Chain link or other wire fence utilizing metal, plastic or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Greenbelt plantings shall be regulated under §3.19. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Location.** Required fences and walls may abut the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines on abutting residential lots. Upon review of the site plan, the Planning Commission may approve an alternate

location for the fence or wall or may waive the fence or wall requirement if in specific cases it would not serve the purposes of effectively screening the use. Required barriers may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required barrier on a given block will be a major consideration of the Planning Commission in reviewing such requests.

**3. Construction for Screening Purposes.**

- a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
- b. Walls may be constructed with openings which do not, in any square section, (height and width) exceed twenty (20) percent of the surface where uses to be screened do not generate noise which may impact abutting residential uses. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

Walls which screen uses that do generate noise which may impact abutting uses shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator.

- c. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.
4. **Maintenance Guarantee.** The Village may require that a suitable maintenance guarantee be provided for the continued maintenance of walls required under this Ordinance.
5. The requirement for an obscuring wall between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.

6. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to [subsection D](#).

**E. Dumpster/Trash Area Screening.**

All new outside trash storage areas on commercial lots, including dumpsters, shall be screened with a solid fence or wall at least six (6) feet in height. Fence/wall materials shall be block, wood, or vinyl. A chain link fence with slats shall be permitted. A self-latching gate shall be required.

**Section 3.24: Signs**

**A. Purpose.**

The purpose of this section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties; protecting property values and neighborhood character; creating a more attractive business environment; promoting pedestrian and traffic safety by reducing sign distractions, obstructions, and other hazards; promoting pleasing community aesthetics; and the protection of the dark night sky.

**B. Application of Regulations.**

No sign, except those indicated in subsection [D.4](#) (below), shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a Sign Permit issued. A property owner may maintain an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same.

**C. Approval Procedures.**

1. **Sign Permit.** It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of this Ordinance, the permit shall be issued.
2. **Sign Permit Fee.** It shall be unlawful for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for such erection or alteration, and

a permit fee paid according to the schedule as shall be established from time to time by resolution of the Village Council.

3. **Sign Permit Revocable at Any Time.** All rights and privileges accrued under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within twelve (12) months after date of issuance, said permit shall become null and void.
4. **Signs Excluded From Permits.** The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this section and shall not require permits for erection.
  - a. **Nameplates.** Wall signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two (2) square feet in area.
  - b. **Memorial signs or tablets, names of buildings, and date of erection** when cut into any masonry surface or when constructed of non-ferrous metal.
  - c. **Signs erected by Village.** Signs erected by the Village or pursuant to the authorization of Village Council including signs identifying municipal buildings, parks, other municipal facilities, historical markers, wayfinding and other official noncommercial information.
  - d. **Regulatory Signs.** Traffic or other municipal or State regulatory signs, State wayfinding, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the Village.
  - e. **Real Estate Signs.** Sign advertising the rental, sale or lease of the property upon which it is located. Signs shall be no greater than nine (9) square feet.
  - f. **Political.** Political campaign signs may remain up to three (3) days after the corresponding election.
  - g. **Utility Signs.** Official signs of a noncommercial nature erected by public utilities.
  - h. **Flags or Insignia:** Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising service.

- i. **Private Directional Signs:** Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.
- j. **Public Event Signs.** Signs indicating a special temporary event of a governmental, institutional, or nonprofit organization such as a carnival, circus, festival, or similar event, placed on the lot where the activity is to take place. Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than three (3) days after the event except as otherwise authorized by Village Council.
- k. **Yard/Garage Sales.** Signs for yard sales or other similar temporary activity, so long as such signs shall be erected not more than three (3) days prior to the event and shall be removed immediately following the event.
- l. **Open Signs.** Wall or projecting signs which are used to communicate that a business is open.
- m. **Architectural Features.** Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- n. **Historic Designations.** Non-advertising signs demarking an historically significant place, building, or area when sanctioned by national, state, or local historic-oriented agencies, in accordance with national or state design standards.
- o. **No Trespassing Signs.** Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, etc.).
- p. **Projecting identification signs** when located below a canopy, awning, or marquee which do not exceed two (2) feet in area or extend below a minimum height of eight (8) feet from ground level.
- q. **Point of Sale Signs.** Permanent signs on accessory structures such as gas pumps or storage sheds indicating only the name, contents, price, and services of such devices.
- r. **Public Banners.** Banners across public rights-of-way subject to any terms or conditions Village Council or its designee deems appropriate.
- s. **Temporary signs.**

- t. **Bulletin boards** for public, charitable or religious institutions when they are located on the premises of such institutions.

**D. General Sign Standards.**

1. **Signs in Right-Of-Way.** No sign, except those established and maintained by Village, County, State or Federal governments, shall be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance. The owner of any sign which has been removed by the Village from the right-of-way because it is in violation of this provision shall pay to the Village the sum of Five Dollars (\$5.00) before recovering said sign. If any sign is not claimed within thirty (30) days, it shall be destroyed.
2. **Signs Not To Constitute a Traffic Hazard.** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
3. **Visibility Triangle.** Signs shall not be placed within the visibility triangle as regulated in [§3.8](#).
4. **Signs Affixed To Nontraditional Surfaces.** No business sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects except signs of any political subdivision of this State. No sign shall be affixed to a fence without first being approved by the Zoning Administrator as meeting a special purpose. No sign shall be affixed to a stationary motor vehicle or other similar object not usually used for signage and put on non-mobile display for the purpose of advertising.
5. **Illumination/Glare.** Internally and externally lighted reflective, glowing and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.
6. **Flashing/Moving Signs.** Illuminated signs shall not be of the flashing, moving or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not



interfere with traffic control devices.

7. **Obstructions to Doors, Windows and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
8. **Free-Speech/Obscene Material.** Signs which express non-commercial speech may be erected in any district. Such signs shall not exceed four (4) square feet in size. No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
9. **Substitution Clause.** Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.
10. **Sign Construction.** No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure. Signs shall be comparable to a professionally designed and constructed sign.
11. **Size Limitations.** Size limitations apply to the sign face only, not the support structure.
12. **Directional Signs.** Directional signs required for the purpose of orientation, when established by Village, County, State or Federal governments shall be permitted in all zoning districts in the public right-of-way.
13. **Nonconforming Signs.**
  - a. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
  - b. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
  - c. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
  - d. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign

structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.

- e. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
- f. If a nonconforming off-premise sign remains blank for a continuous period of 180 days, that off-premise sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:
  - (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
  - (2) The advertising message it displays becomes illegible in whole or substantial part; or
  - (3) The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.
- g. **Subsection f** above shall not apply to signs advertising seasonal businesses.

14. **Unsafe, Damaged, and Illegal Signs.** In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall within ten (10) days of receipt of a written notice from the Zoning Administrator make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which

such sign or structure is affixed. If such expense is not paid, the Village shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

15. **Construction of Signs.**

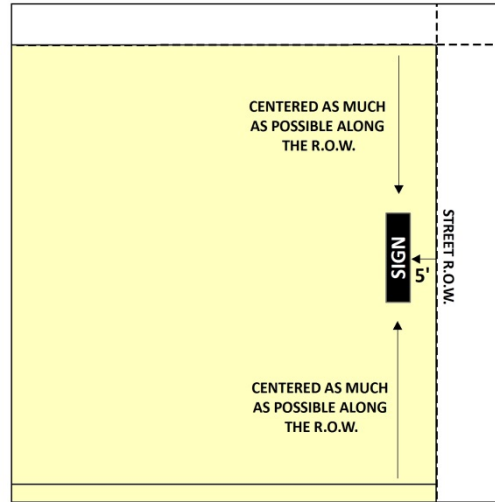
- a. All pylon signs shall be securely built, constructed and erected upon posts and standards sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided.
- b. The base upon which a monument sign is erected shall not count toward the allowable sign area but shall count toward the allowable sign height.
- c. **Sign Face Elements:** All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- d. **Distance between Faces:** The distance measured between the principal faces of any freestanding sign shall not exceed eighteen (18) inches.
- e. **Multi-Sided Signs:** In the case of a sign with more than two (2) sides, the applicable square footage for a two- (2) sided sign shall apply.

16. **Sign Maintenance.** The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

- a. Maintenance All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.

- b. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

17. **Sign Setbacks.** Freestanding signs shall be set back at least five (5) feet from the property line and shall be centered as much as possible along the street frontage.



**E. Residential Districts.**

The use of outdoor advertising signs shall be limited as follows:

TABLE 3.24 A: Sign Requirements for R-1, R-2, R-3 and RR Districts				
	Single & Two-Family Uses	Multiple Family, Subdivisions, Manufactured Housing Dev.	Home Business/Cottage Industry	Nonresidential Uses
<b>Free-Standing Signs</b>	# Allowed: 1 Size: 12 ft <sup>2</sup> Height: 4 ft	(Sign showing name of development) # Allowed: 1 double-sided or 2 single-sided per entrance Size: 32 ft <sup>2</sup>	# Allowed: 1 Size: 12 ft <sup>2</sup> Height: 4 ft	# Allowed: 1 Size: 32 ft <sup>2</sup> Height: 8 ft
<b>Wall Signs</b>	(Nameplate) # Allowed: 1 Size: 4 ft <sup>2</sup>	(Sign showing name of development) # Allowed: 1 Size: Can occupy 25% of one wall.	# Allowed: 1 Size: 8 ft <sup>2</sup>	# Allowed: 1 Size: Can occupy 25% of one wall.
<b>Real Estate Signs</b>	# Allowed: 2 Size: 9 ft <sup>2</sup>	(Sign advertising the lots or buildings in a development)† # Allowed: 2 for each 50 lots advertised. Size: 48 ft <sup>2</sup>	# Allowed: 2 Size: 9 ft <sup>2</sup>	# Allowed: 2 Size: 9 ft <sup>2</sup>
<b>Banners &amp; Pennants</b>	"Open House" not to exceed 30 days			
<b>Construction Signs†</b>	# Allowed: 1 per construction company Size: 32 ft <sup>2</sup> Time period: 6 months or length of building permit			

F. Commercial & Industrial Districts.

1. The use of outdoor advertising signs shall be limited as follows:

TABLE 3.24 B: Sign Requirements for Commercial & Industrial Districts	
Commercial Districts B-1, B-2, B-3, I and I-A	
Free-Standing Signs	<p><b># Allowed:</b> 1 per street frontage</p> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>New signs over 32 ft<sup>2</sup> shall be approved by the Planning Commission.</li> <li>New signs under 32 ft<sup>2</sup> and under shall be approved by the Zoning Administrator.</li> <li>Existing sign replacement or maintenance shall be approved by the Zoning Administrator.</li> </ul>
Multiple Business Center Signs	See F.6 below.
Wall Signs	Wall signs can occupy at equivalent of 25% of each wall.
Time & Temperature Signs	<p><b>#Allowed :</b> 1</p> <p><b>Size:</b> No more than 50% of the size of the primary sign.</p>
Projecting Signs	<p><b># Allowed:</b> 1      <b>Minimum Height:</b> 8 ft</p> <p>May project up to 4 ft into right-of-way.</p>
Message Boards (Static & Electronic)	<p><b># Allowed:</b> 1 (of either static or digital in addition to the primary sign)</p> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>New signs over 32 ft<sup>2</sup> shall be approved by the Planning Commission.</li> <li>New signs under 32 ft<sup>2</sup> and under shall be approved by the Zoning Administrator.</li> <li>Existing sign replacement or maintenance shall be approved by the Zoning Administrator.</li> </ul>
Temporary Signs	
Sale & Rental of Individual Units	<p><b># Allowed:</b> 1 for non-corner lots, 2 for corner lots (one facing each street)</p> <p><b>Size:</b> 32 ft<sup>2</sup></p> <p><b>Time Limit:</b> All signs shall be removed within 2 weeks after a lease of sale contract has been signed.</p>
Construction Sign	<p><b># Allowed:</b> 1 per street frontage      <b>Size:</b> 64 ft<sup>2</sup></p> <p>Such signs shall be erected on building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, materials, or equipment used.</p>
Subcontractor Sign	<p><b># Allowed:</b> 1 per street frontage      <b>Size:</b> 12 ft<sup>2</sup></p>
Temporary Event/Product	<b>Time Limit:</b> 60 days
Portable Sign	<p><b># Allowed:</b> 1</p> <p><b>Size:</b> 32 ft<sup>2</sup></p>
A-Frame Signs (see G.5 below)	<p><b># Allowed:</b> 1 per street frontage</p> <p><b>Size:</b> 2' wide X 4' high</p> <p>No A-Frame signs shall be allowed on sidewalk or in corner clearance area. A-Frame signs may be placed in front yard setback.</p>

**2. Wall Signs.**

- a. **Limitation on Placement:** No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
- b. **Projection and Height:** No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outer surface. Wall signs may project over the public right-of-way not to exceed twelve (12) inches and shall not extend below a minimum height of eight (8) feet above the ground level.
- c. **Supports and Attachments:** All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood, or nails.

**3. Projecting Signs.** The Planning Commission may authorize a sign to project into the public right-of-way subject to the following conditions:

- a. No projecting sign shall exceed a height greater than the front wall height of the building to which it is attached or extend below a minimum height of eight (8) feet above the public sidewalk and a minimum of fifteen (15) feet above a driveway, alley or thoroughfare.
- b. The distance measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.
- c. In the case of a zero front lot line establishment, no projecting sign may project beyond the property line by more than four (4) feet.
- d. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
- e. All projecting signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, supports, rods, or braces.

**4. Marquee, Awning, or Canopy Signs.**

- a. Signage shall be attached directly to the marquee, awning or canopy.

- b. Letters shall not project above, below, or beyond the physical dimensions of the awning or canopy.
- c. A marquee may extend above the building to which it is attached.
- d. No marquee, awning, or canopy sign shall extend below a minimum height of eight (8) feet.
- e. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods, braces, or other means as approved by the Zoning Administrator.
- f. Awnings and marquees may project into the public right-of-way subject to the following conditions:
  - (1) The awning or marquee is located on a building wall that is set back no more than two (2) feet from the property line.
  - (2) The setback requirement for the yard in which the architectural feature is located is zero (0) feet.
  - (3) The architectural feature shall not extend into the public right-of-way by more than forty (40) percent of the distance from the front property line to the edge of the street curb, unless otherwise permitted by ordinance.
  - (4) The architectural feature will not interfere with any existing or planned public improvement.

**5. A-Frame Signs.**

- a. No more than one sign per business per street frontage.
- b. Must be constructed of durable materials
- c. Sign shall not be illuminated.

**6. Multiple Development/Business Center Signs.** A development containing multiple buildings, separate parties, tenants, or uses shall be considered as a single development and shall adhere to the freestanding sign regulations stated in subsection 1 (above), regardless of the number of buildings, separate parties, tenants, or uses contained therein. Business Center Signs denoted the name of the business center shall not exceed the maximum square footage for an

allowable freestanding sign in each district. Each tenant shall be allowed an additional individual sign of ten (10) square feet/side to be incorporated in the business center sign. The total allowable height of the sign cluster shall be twenty (20) feet.

**7. Electronic Message Boards.**

- a. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
- b. Message boards may contain advertising for on-premise and off-premise establishments.
- c. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
- d. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
- e. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
- f. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

**G. Off-Premise Advertising Signs (Billboards).**

The regulation of off-premise signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver’s attention and blockage of sight distances. Off-premise sign regulations address the location, size, height and related characteristics of such signs. Off-premise advertising signs require a Special Use Permit.

- 1. **Area and Height Limitations.** No off-premise sign may be erected or maintained of a greater surface area than one hundred and fifty (150) square feet for each side of such sign. The top of the sign shall be no more than fifteen (15) feet above the ground and the bottom of the sign shall be at least three (3) above the ground. Double faced off-premise sign structures (i.e., structures having back-to-

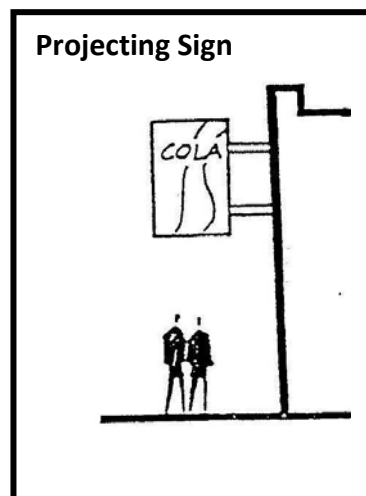
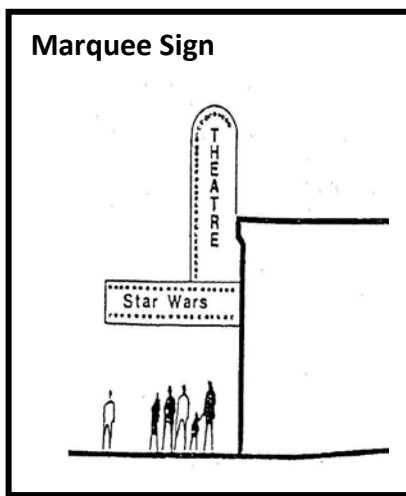
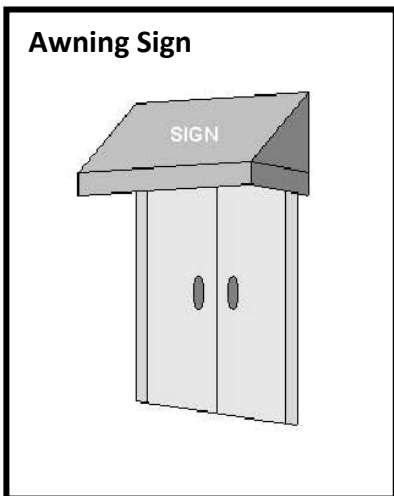
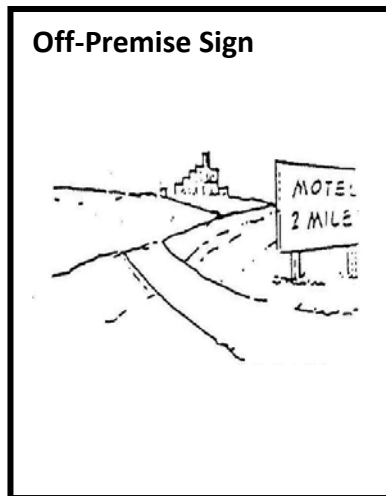
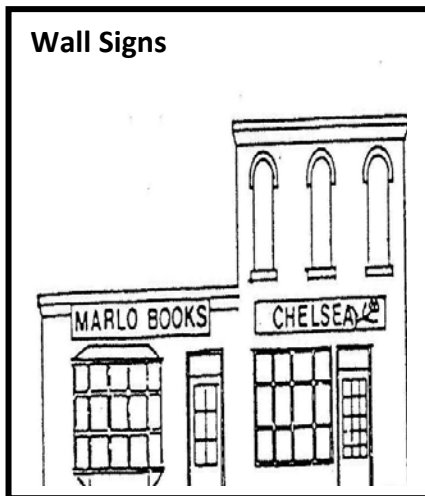
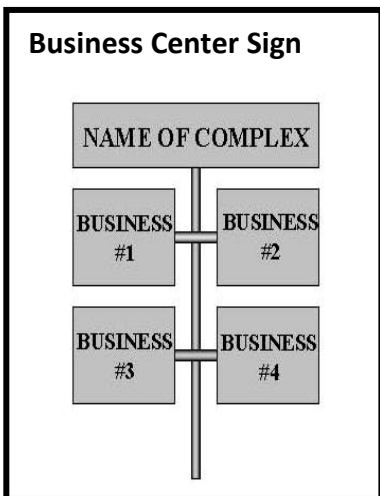
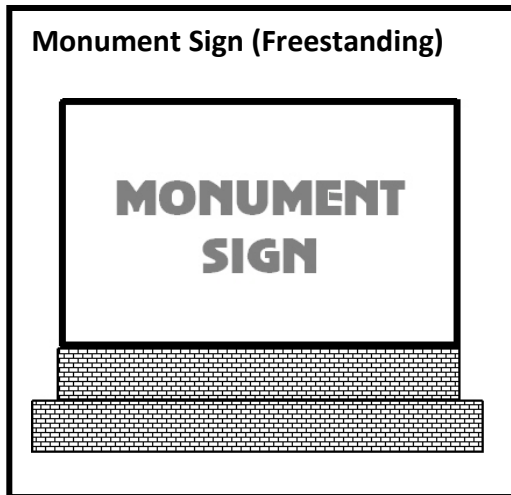


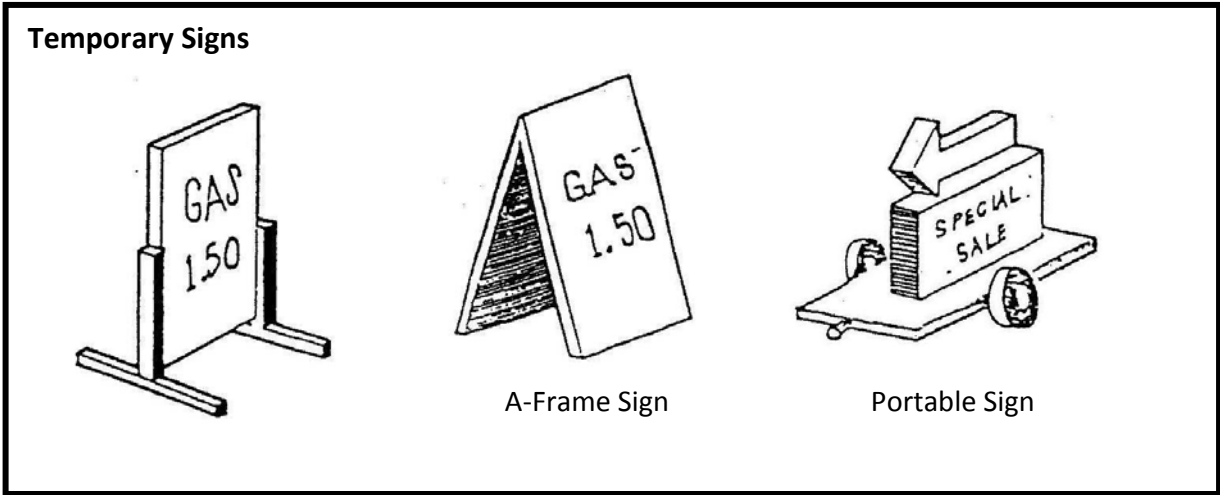
back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one off-premise sign.

2. **Location.** Static and digital off-premise signs may be erected only in the B-2 District. No off-premise sign may be erected or maintained within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
3. **Spacing.** Off-premise signs shall be located no closer to one another than two thousand (2,000) feet.
4. **Construction.** All off-premise signs shall have a surface or facing of non-combustible material and shall be securely constructed and erected upon posts and standards sunk at least four (4) feet below the natural surface of the ground. All posts, anchors, and bracings of wood shall be treated to protect them from moisture by creosoting or other approved methods where they rest upon or enter the ground.
5. **Illumination.** An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
6. **Maintenance.** The site upon which the off-premise sign is placed shall be maintained by the owner thereof in clean, sanitary and inoffensive condition and free and clear of all noxious substances, rubbish, and weeds.
7. **Digital Off-Premise Signs.**
  - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
  - b. **Luminance.** The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.

- c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.
  
- 8. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
  
- 9. An off-premise sign established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.

H. Sign Type Diagrams.





# Article 4 District Regulations

## Section 4.0 Table of Permitted and Special Land Uses

Village of Hillman Zoning Districts	
R-1	Low-Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-R	Recreational Residential
B-1	Central Business District
B-2	General Business District
B-3	Business Warehouse District
I	Industrial District

Sec	Name	Pg
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TABLE OF PERMITTED USES & SPECIAL LAND USES								
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations (article 7)	R-1	R-2	R-3	R-R	B-1	B-2	B-3	I
ACCOMODATION AND FOOD SERVICES								
<i>Bakeries (goods produced &amp; sold on-site)</i>					P	P		
<i>Bed &amp; Breakfasts</i>	S*	S*	S*	S*				
<i>Cabin Courts</i>				S				
<i>Caterers/Food Service Contractors</i>					P	P		
<i>Coffee Shops</i>					P	P		
<i>Convention Centers/Conference Centers/Banquet Halls</i>					P	P		
<i>Drinking Establishments/Taverns</i>					P	P	P	
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>					P	P		
<i>Lodging Units within Other Commercial Establishment (Inns)</i>					S	S		
<i>Microbreweries, Distilleries, &amp; Wineries (serving directly to the public)</i>					P	P	P	P
<i>Restaurants without Drive-Through</i>					P	P		
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>					p*	p*		
<i>Restaurants with Outdoor Dining (Dining on public right-of-way)</i>					S*	S*		
<i>Restaurants with Outdoor Dining (Dining on private property)</i>					S	S		
<i>Rooming &amp; Boarding Houses</i>		p*	p*		S*	p*		

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>								
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations (article 7)	R-1	R-2	R-3	R-R	B-1	B-2	B-3	I
<b>AGRICULTURE/FOREST PRODUCTS</b>								
<i>Agricultural Equipment Dealers</i>						P	P	P
<i>Agricultural products processing and storage (excluding concentrated animal feeding operations)</i>						S	P	
<i>Animal Shelter/Kennels</i>						S*		S*
<i>Boarding Stables; Riding Arenas</i>						S		S
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>					P	P		P
<i>Farm Product Sales (Fruit/Vegetable Market)</i>					S	S		P
<i>Firewood Sales</i>					S	S		P
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills &amp; related operations)</i>								P
<i>Grain Elevators</i>								P
<i>Greenhouses/Nurseries/ Landscaping (Produce Sales)</i>					P*	P*		P*
<i>Lumber Yards (pre-planed, finished lumber)</i>					S	S		P
<i>Meat Packing Plants</i>						S		P
<i>Slaughter Houses</i>								S
<i>Veterinary Clinic</i>					P	P		P
<i>Veterinary Hospital</i>						S		P
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>								
<i>Amusement Arcades</i>					P	P		
<i>Archery Ranges (&amp; as accessory use to a business)</i>						P		
<i>Art Studios</i>			S	S	P	P	P	
<i>Billiards Halls</i>					P	P	P	
<i>Bowling Centers</i>					P	P	P	
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>					P	P	P	
<i>Golf Courses</i>				P				
<i>Museums &amp; Galleries</i>				P	P	P		
<i>Nature Parks/Nature Areas</i>	P	P	P	P	P	P	P	P
<i>Outdoor Performance Facilities</i>				P	P	P		
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)</i>				S*	S*	S*		
<i>Private Clubs; Lodges</i>				S	P	P		
<i>Public Parks, Playgrounds, Rec Area</i>	P	P	P	P	P	P	P	P
<i>RV Parks/Campgrounds</i>				P		P		
<i>Skating Rinks (indoor)</i>				S	P	P		
<i>Swimming Pool Clubs</i>				S	P	P		
<i>Theaters/Performing Arts Facilities</i>				S	P	P		
<i>Theaters (Drive-In)</i>					S	S		
<i>Tours</i>				S	P	P		
<i>Tours (Animal-Related)</i>				S				S
<i>Zoos</i>					P	P		

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>								
<b>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations (article 7)</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-R</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I</b>
<b>COMMERCIAL/RETAIL (retail uses with outdoor display have supplemental development regulations)</b>								
<i>Auto Body/Paint/Interior &amp; Glass; Auto Repair; Oil Change</i>					S*	S*		P*
<i>Automotive Equipment Rental/Leasing</i>					S	S		P
<i>Boat and Boating Accessory Sales</i>					S	S		P
<i>Boat Repair &amp; Storage</i>						S	P	P
<i>Building &amp; Garden Equipment &amp; Supplies Dealers</i>						S		P
<i>Car Washes</i>					P*	P*		P*
<i>Cash Advance Stores</i>					P	P		
<i>Clothing &amp; Clothing Accessories Stores</i>					P	P		
<i>Commercial/Industrial Equipment Rental &amp; Leasing</i>						P		P
<i>Commercial Equipment Repair &amp; Maintenance</i>						P		P
<i>Convenience Stores</i>					P	P	P	P
<i>Crematoriums</i>								S
<i>Drive-Through Establishments</i>					P*	P*	P*	P*
<i>Dry Cleaning &amp; Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>					P	P		
<i>Electronic &amp; Precision Equipment Repair &amp; Maintenance</i>					P	P		P
<i>Electronics &amp; Appliance Stores</i>					P	P		
<i>Extermination &amp; Pest Control Services</i>					P	P		P
<i>Financial Institutions</i>					P	P		
<i>Florists</i>					P	P		
<i>Food &amp; Beverage Stores</i>					P	P		
<i>Funeral Homes &amp; Mortuaries</i>					P*	P*		P*
<i>Furniture &amp; Home Furnishings Stores; Antique Stores</i>					P	P		
<i>Furniture Refinishing</i>					S	P		P
<i>Gas Station</i>					S*	S*		P*
<i>General Merchandise Stores</i>					P	P		
<i>General Rental Centers</i>					P	P		
<i>Hardware Stores</i>					P	P		
<i>Health &amp; Personal Care Stores</i>					P	P		
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>					S	P		P
<i>Interior Designers/Showrooms</i>					P	P		P
<i>Manufactured Home Dealers</i>							P	P
<i>Medical Equipment Sales</i>					P	P		
<i>Medical Laboratories</i>					P	P		P
<i>Movie Rental Stores</i>					P	P		
<i>Office Supply Stores</i>					P	P		
<i>Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment</i>					S*	S*		P*
<i>Pawn Shops/Resale Shops</i>						P		P
<i>Personal Services (beauty shops, tailoring, massage)</i>					P	P		
<i>Pet &amp; Pet Care Stores (except Veterinary &amp; Animal Shelters)</i>					P	P		
<i>Pharmacies/Medical &amp; Optical Supplies</i>					P	P		

**TABLE OF PERMITTED USES & SPECIAL LAND USES**

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations (article 7)	R-1	R-2	R-3	R-R	B-1	B-2	B-3	I
<b>COMMERCIAL/RETAIL CONTINUED (retail uses with outdoor display have supplemental development regulations)</b>								
Photofinishing/Photographers					P	P		
Printing/Binding/Publishing of Printed Materials					P	P		P
Professional Cleaning Services					P	P	P	
Professional Offices					P	P		
Real Estate Sales Office					P	P		
Retail Uses with Outdoor Storage						P		P
Seasonal Use Sales					P*	P*		
Sexually Oriented Businesses								S*
Shopping Center – Multiple Businesses					P	P		
Small Engine Repair					S	P	P	P
Small-Scale Craft Making					P	P	P	P
Sporting Goods, Hobby, Book & Music Stores					P	P		
Studios for dance, physical exercise and music					P	P		
<b>COMMUNICATIONS</b>								
Television/Radio Broadcasting Stations					P	P		P
Low Power FM Radio Studio					P	P	P	
Small Cell Wireless Facilities (Amended 2/4/20; Effective 2/20/20)						S*	S*	S*
Wireless Communications Equipment - Collocation on Existing Support Structure (Amended 5/3/22; Effective 5/18/22)					P	P	P	P
Wireless Communication Facility (Ground-Mounted) or any Other Wireless Communication Facility (which is not listed elsewhere) (Amended 5/3/22; Effective 5/18/22)					S*	S*	S*	S*
Wireless Communications Support Structures (100' & over)					S*	S*	S*	S*
Wireless Communications Support Structures (under 100')					P*	P*	P*	P*
<b>CONSTRUCTION</b>								
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)						P	P	P
Special trade contractors w/ outdoor storage of materials (Sand, Gravel, Stone, Lumber) & Contractor's Equipment						S*		P*
<b>EDUCATIONAL SERVICES/RELIGION</b>								
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)						P		
Public or private schools	S	S	S	S				
Religious Institutions	S	S	S	S	P	P		
Trade Schools						P		P
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>								
Child Care Services (see following)								
Family Child Care Home (6 or less)	P*	P*	P*	P*				
Group Child Care Home (7 -12)	S*	S*	S*	S*				
Child Care Center /Nursery School(not in home)	S*	S*	S*	S*		P		
Health Care /Dental /Optical Clinics					P	P		
Hospitals						S		
Assisted Living Home Nursing/Convalescent Home		S*			P*	P*		
Residential Human Care & Treatment Facility (outside of private home)						P*		
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	P	P	S	S		



<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>								
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations (article 7)	R-1	R-2	R-3	R-R	B-1	B-2	B-3	I
<b>MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT</b>								
<i>Blast Furnace, Steel Furnace, Blooming or Rolling Mill</i>								P
<i>Central Dry Cleaning Plants (not dealing directly with customers)</i>								
<i>Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products</i>								P
<i>Computer, Electronic, &amp; Appliance Product Mfg</i>						P	P	P
<i>Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg</i>						S		P
<i>Food/beverage processing (Amended 8/7/18; Effective 8/24/18)</i>						P		P
<i>Food/beverage bottling &amp; packaging (Amended 8/7/18; Effective 8/24/18)</i>						P		P
<i>Furniture &amp; Related Product Mfg</i>						P	S	P
<i>Gas Processing Facilities</i>								P
<i>Incinerator Plant (non-pyrolysis)</i>								P
<i>Incinerator Plant (pyrolysis type)</i>								P
<i>Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards</i>								S*
<i>Laboratories</i>							S	P
<i>Leather &amp; Allied Product Mfg</i>								P
<i>Machine Shops</i>								P
<i>Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing</i>								P
<i>Mineral Processing Facilities &amp; Operations</i>								P
<i>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</i>							S	P
<i>Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution</i>								P
<i>Plastics Mfg (when cooling towers are not required)</i>								P
<i>Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.</i>								P
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>								P
<i>Refinery</i>								P
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>							S	P
<i>Resource Extraction</i>	S	S	S	S	S	S	S	S
<i>Sanitary Landfills</i>								S
<i>Sign Painting &amp; Mfg</i>							S	P
<i>Smelting Industries</i>								P
<i>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</i>							S	P
<i>Textile &amp; Apparel Mfg</i>							S	P
<i>Tool &amp; Die Shops</i>						S	S	P
<i>Wood Product Mfg (not mills)</i>							S	P

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>								
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations (article 7)	R-1	R-2	R-3	R-R	B-1	B-2	B-3	I
<b>MISCELLANEOUS</b>								
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	P	P	P	P	P	P	P	P
<i>Parking Lots</i>	S	P	P	P	P	P	P	P
<i>Planned Unit Developments</i>	S*	S*	S*	S*	S*	S*	S*	S*
<b>PUBLIC FACILITIES</b>								
<i>Auditoriums</i>					S	P	P	
<i>Community Centers (public)</i>					P	P		
<i>Government Offices</i>					P	P		
<i>Libraries</i>					P	P		
<i>Police/Fire Stations</i>					P	P		
<i>Post Office</i>					P	P		
<i>Public Works Facilities with Outdoor Storage</i>					S	S	P	P
<i>Water &amp; Wastewater Treatment Plants</i>								S
<b>RESIDENTIAL USES</b>								
<i>Accessory Dwelling Units</i>	P*	P*	P*	P*				
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	P	P	P	P	P	P	P	P
<i>Home Occupations</i>	P*	P*	P*	P*	P*	P*		
<i>Cottage Industries</i>	S*	S*	S*	S*	S*	S*		
<i>Dwelling Units in Conjunction with Commercial Establishment and Mixed Residential/Non-Residential Uses (Amended 10/4/22; Effective 10/20/22)</i>					P*	P*		
<i>Living Quarters for Watchman or Caretaker – Industrial Uses</i>							P	P
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</i>	S*	S*	P*			S*		
<i>One-Family Dwelling (year round &amp; seasonal)</i>	P	P	P	P	S	S		
<i>Multiple-Family Dwelling Units</i>		P*	P*					
<i>Townhouses; Condominiums (connected)</i>		P	P	P				
<i>Two-Family Dwelling (duplex)</i>		P	P	P	S	S		
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING</b>								
<i>Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, &amp; other functions related to aviation. Heliports only in I-A District.</i>								S
<i>Bus Garages</i>								P
<i>Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments</i>							P	P
<i>Freight Terminals/Trucking Facilities</i>								P
<i>Rail yards</i>								
<i>Scenic &amp; Sightseeing Transportation/Ground Passenger Transportation</i>				P	P	P		P
<i>Truck Washes</i>								P*
<i>Warehousing &amp; Storage</i>						S*	P*	P*
<i>Wholesale Trade</i>						S	P	P

TABLE OF PERMITTED USES & SPECIAL LAND USES								
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations (article 7)	R-1	R-2	R-3	R-R	B-1	B-2	B-3	I
<b>UTILITIES/ENERGY</b>								
<i>Electrical Transformer Stations &amp; Substations</i>	S	S	S	S	S	S	S	P
<i>Essential Services</i>	P	P	P	P	P	P	P	P
<i>Gas Regulator Stations</i>								P
<i>Heating &amp; Electric Power Generating Plants</i>								P
<i>Public Utility Facilities (without storage yards)</i>					P	P	P	P
<i>Public Utility Facilities (with storage yards)</i>								P
<i>Solar Energy Facilities (Utility-Scale) (Amended 2/4/20; Effective 2/20/20)</i>							p*	p*
<i>Utility Hut for Broadband</i>					P	P		P
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>								S*
<i>Wind Energy Systems (small on-site)</i>	S*	S*	S*	S*	S*	S*	S*	S*

**Section 4.1 Zoning Map**

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Village of Hillman Zoning Map" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. The official Zoning Map shall be located in Hillman Village Offices and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the signature on the map of the Zoning Administrator and Planning Commission Chair.

**Section 4.2 Zoning District Boundaries**

The boundaries of these districts are hereby established as shown on the "Village of Hillman Zoning Map", which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

- 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 village limits shall be construed as following village limits.
- D. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- F. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

- G. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

**Section 4.3 Zoning of Annexed Areas**

Whenever any area is annexed to the Village of Hillman, one of the following conditions will apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Village Council and the Council shall approve same by resolution.
- B. Land not zoned prior to annexation shall be automatically classified as an R-1 District until a Zoning Map for said area has been adopted by the Village Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the Village Council.

**Section 4.4 Zoning of Vacated or Filled Areas**

- A. **Vacated Areas:** Whenever any street, highway or other public right-of-way within the Village of Hillman shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.
- B. **Filled Areas:** Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Village unless appropriate permits are obtained.

**Section 4.5 (R-1) Low Density Residential District**

**R-1**

**A. Intent.**

This district is intended to provide a residential environment in keeping with the general character of the Village of Hillman. The low density mixture of uses permitted in these districts is designed to minimize any negative impacts such development may have on the Village’s natural environment. This district is also designed to accommodate a series of support uses typically regarded as part of the structure of low density neighborhoods. These support uses contribute to neighborhood amenity by providing cultural, religious or educational services to residents.

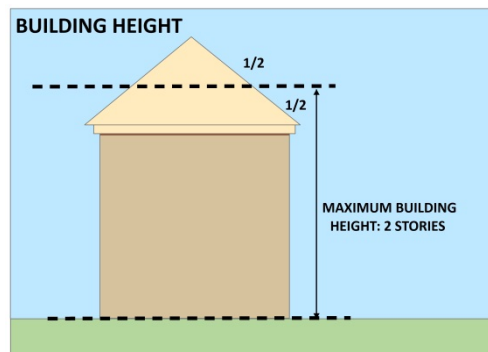
**B. Uses Permitted by Right & Special Land Uses.**

Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

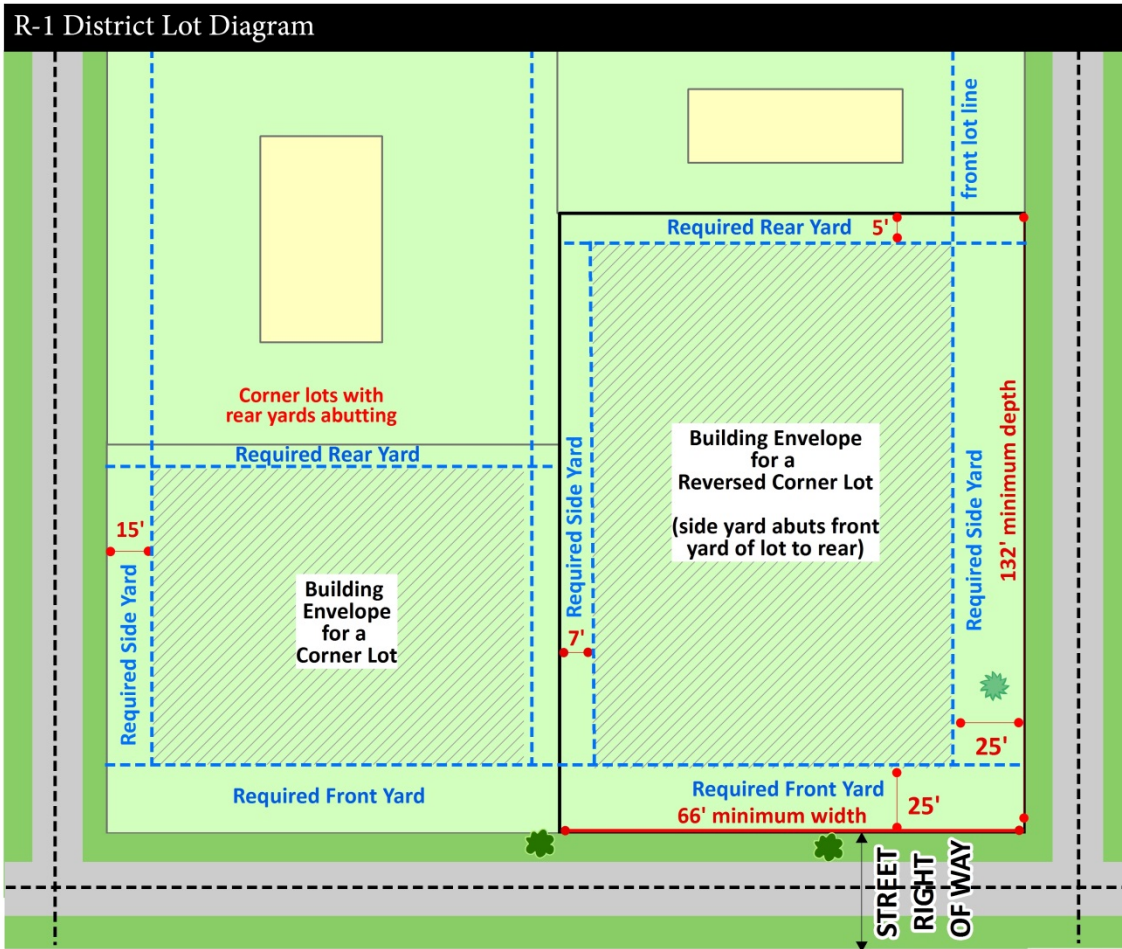
**C. Development Standards.**

Lot & Structure Standards			
Minimum Lot Area/Unit	8,712 sq ft		
Minimum Lot Width	66 feet		
Minimum Lot Depth	132 feet		
Maximum Building Height <sup>1</sup>	2 stories		
Minimum Floor Area	Efficiency and 1 BR: 800 sq ft	2BR: 920 sq ft	3 BR: 1,200 sq ft
Setbacks <sup>2</sup>			
Minimum front yard <sup>3</sup>	25 feet		
Minimum rear yard	5 feet		
Minimum side yard	7 feet		
Minimum side yard (corner lot)	15 feet		
Minimum side yard (reversed corner lot)	25 feet		

<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

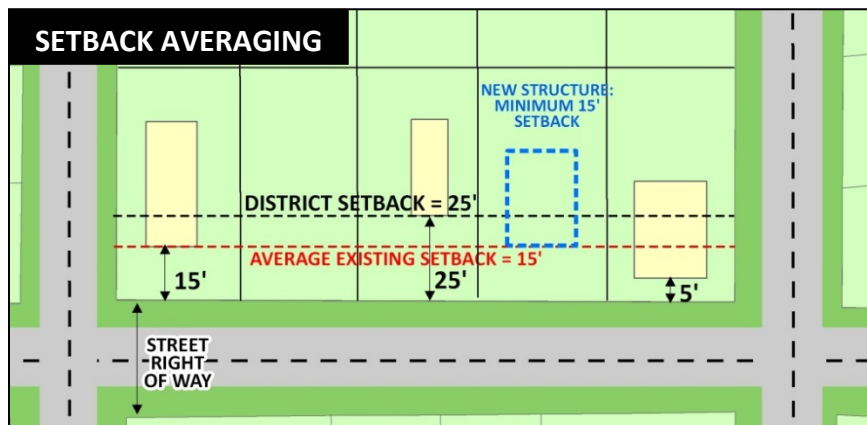


<sup>2</sup> R-1 SETBACKS:



<sup>3</sup> SETBACK AVERAGING:

Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.





**Section 4.6 (R-2) Medium Density Residential District**

**R-2**

**A. Intent.**

The intent of this district is to provide for medium density residential development which may occur under controlled circumstances, along with other compatible and/or accessory uses. These districts may act as a buffer area between single family residential and non-residential uses.

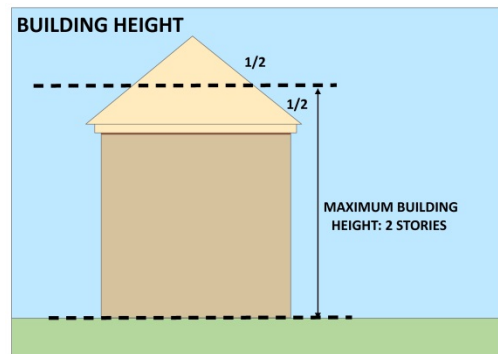
**B. Uses Permitted by Right & Special Land Uses.**

Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

**C. Development Standards.**

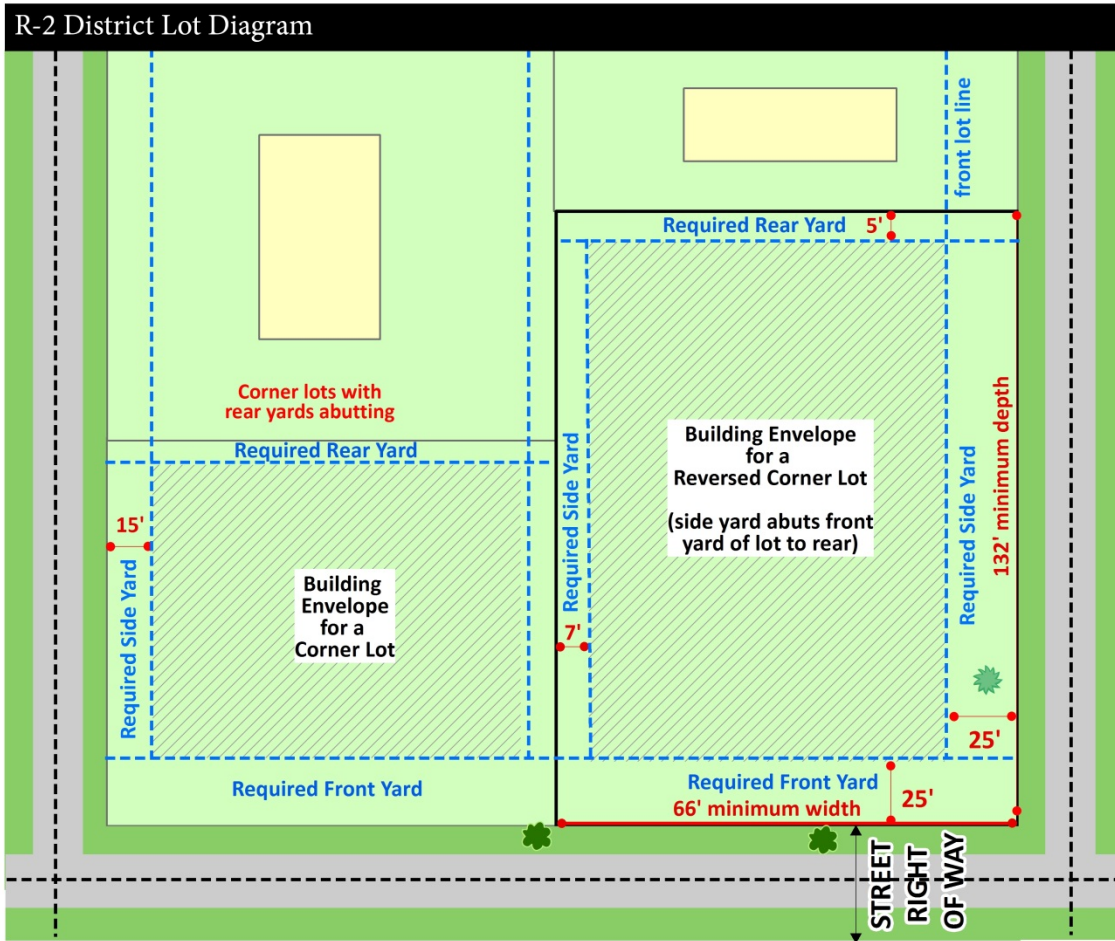
Lot & Structure Standards				
Minimum Lot Area/Unit	3,200 sq ft			
Minimum Lot Width	66 feet			
Minimum Lot Depth	132 feet			
Maximum Building Height <sup>1</sup>	2 stories			
Minimum Floor Area	Efficiency 800 sq ft	1 BR: 550 sq ft	2BR: 600 sq ft	3 BR: 700 sq ft
Setbacks <sup>2</sup>				
Minimum front yard <sup>3</sup>	25 feet			
Minimum rear yard	5 feet			
Minimum side yard	7 feet			
Minimum side yard (corner lot)	15 feet			
Minimum side yard (reversed corner lot)	25 feet			

<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).



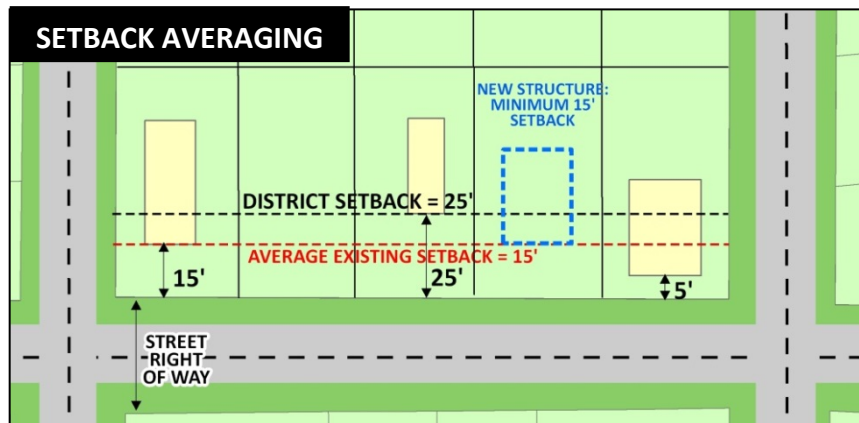


<sup>2</sup> R-2 SETBACKS:



<sup>3</sup> SETBACK AVERAGING:

Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on



the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.

**Section 4.7 (R-3) High Density Residential District**

**R-3**

**A. Intent.**

The intent of this district is to provide for high density residential development which may occur under controlled circumstances, along with other compatible and/or accessory uses. This district may act as a buffer area between single family residential and non-residential uses.

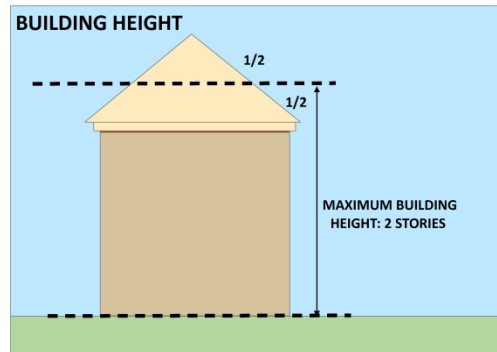
**B. Uses Permitted by Right & Special Land Uses.**

Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

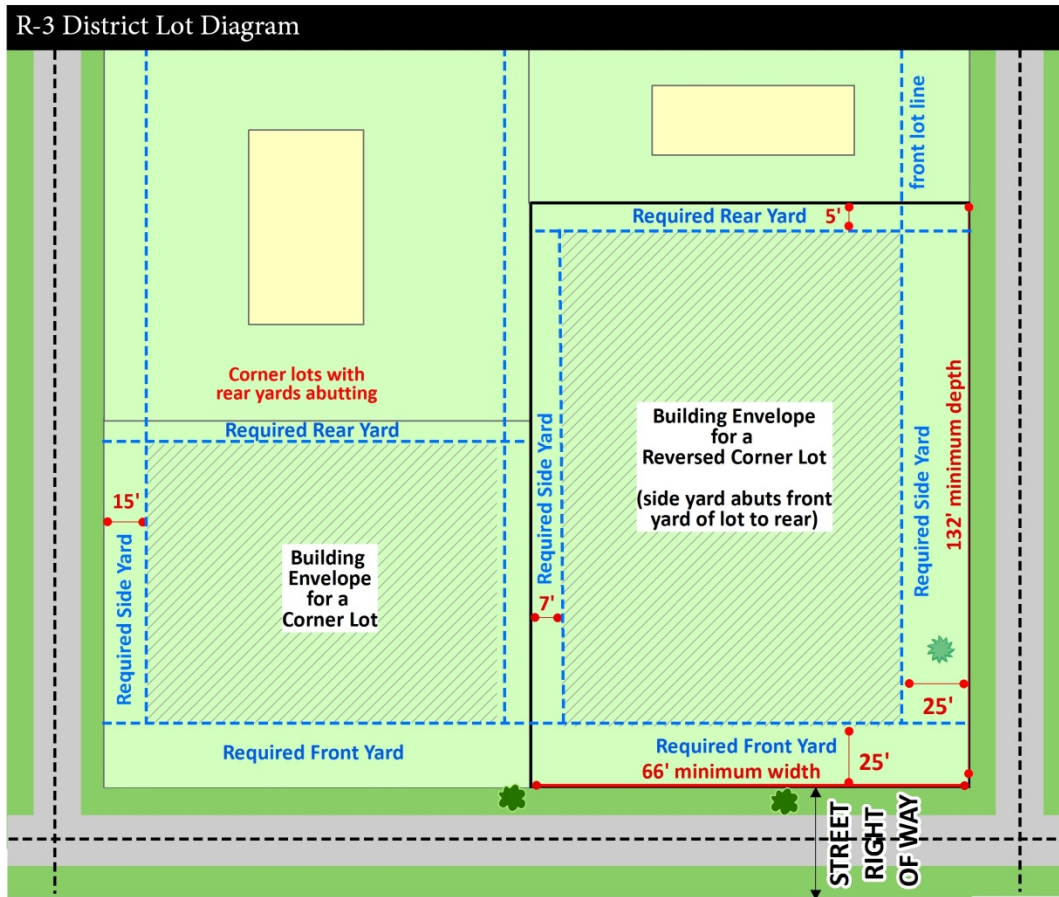
**C. Development Standards.**

Lot & Structure Standards			
Minimum Lot Area/Unit	8,712 sq ft		
Minimum Lot Width	66 feet		
Minimum Lot Depth	132 feet		
Maximum Building Height <sup>1</sup>	2 stories		
Minimum Floor Area	Efficiency and 1 BR: 800 sq ft	2BR: 920 sq ft	3 BR: 1,200 sq ft
Setbacks <sup>2</sup>			
Minimum front yard <sup>3</sup>	25 feet		
Minimum rear yard	5 feet		
Minimum side yard	7 feet		
Minimum side yard (corner lot)	15 feet		
Minimum side yard (reversed corner lot)	25 feet		

<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).

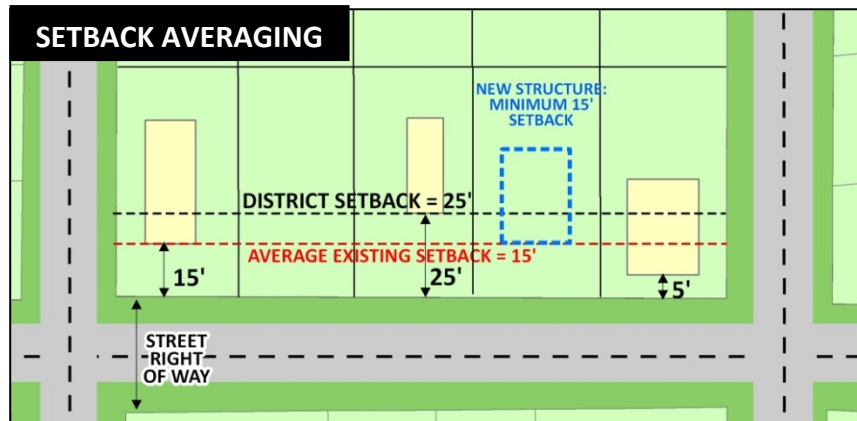


<sup>2</sup> R-3 SETBACKS:



<sup>3</sup> SETBACK AVERAGING:

Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.



**Section 4.8 (R-R) Recreational Residential District**

**R-R**

**A. Intent.**

The intent of this district is to provide for mixed density residential development along with other compatible and/or accessory uses. This district also provides for recreational business uses.

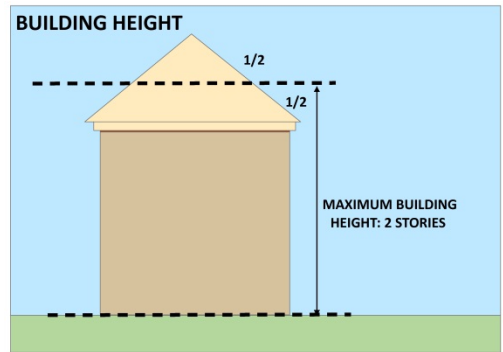
**B. Uses Permitted by Right & Special Land Uses.**

Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

**C. Development Standards.**

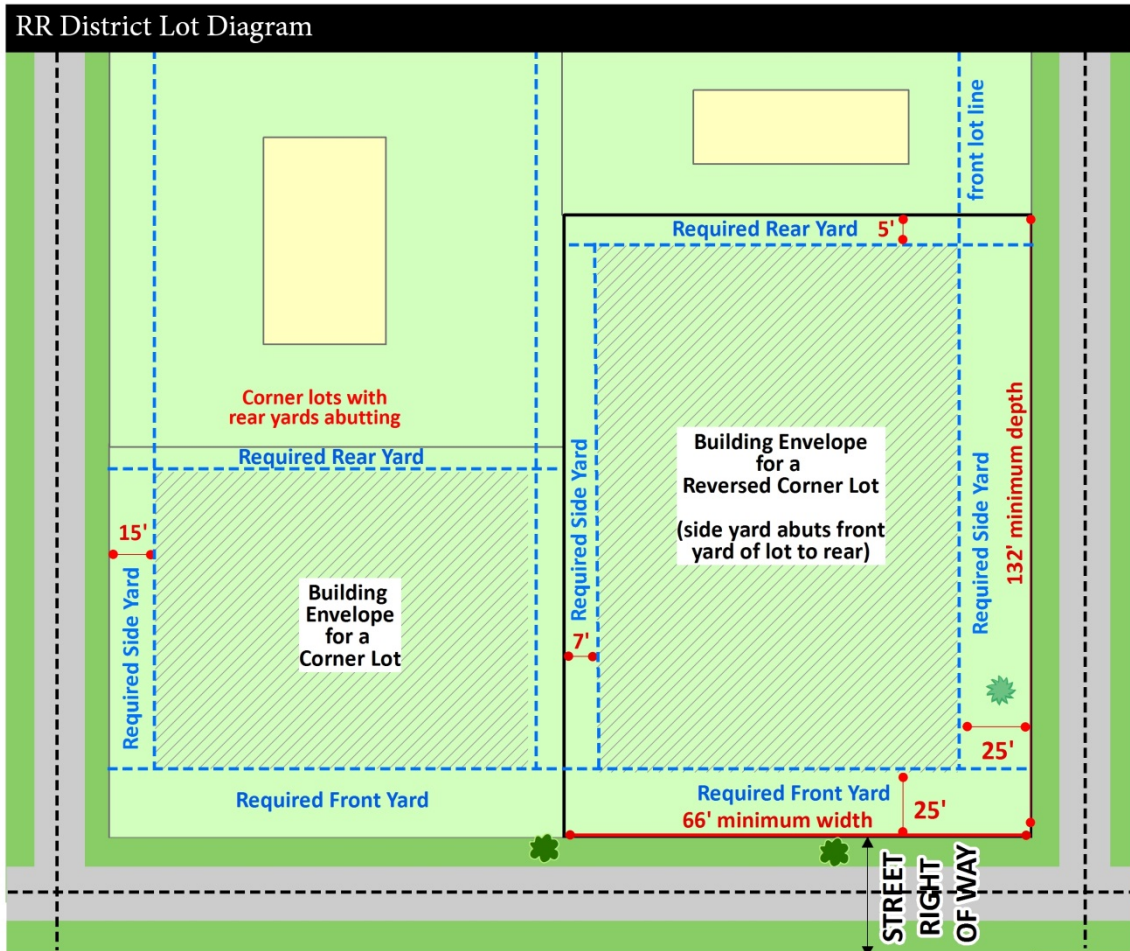
Lot & Structure Standards	
Minimum Lot Area/Unit	8,712 sq ft
Minimum Lot Width	66 feet
Minimum Lot Depth	132 feet
Maximum Building Height <sup>1</sup>	2 stories
Minimum Floor Area	Efficiency and 1 BR: 800 sq ft    2BR: 920 sq ft    3 BR: 1,200 sq ft
Setbacks <sup>2</sup>	
Minimum front yard <sup>3</sup>	25 feet
Minimum rear yard	5 feet
Minimum side yard	7 feet
Minimum side yard (corner lot)	15 feet
Minimum side yard (reversed corner lot)	25 feet

<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).



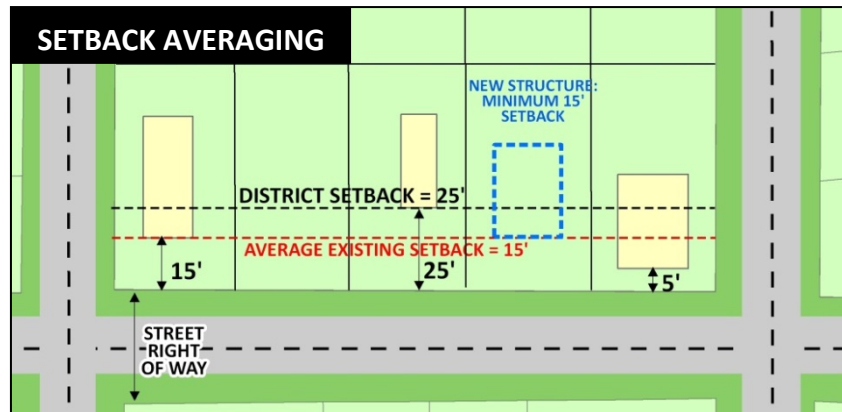


<sup>2</sup> R-R SETBACKS:



<sup>3</sup> SETBACK AVERAGING:

Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.



**Section 4.9 (B-1) Central Business District**

**A. Intent.**

**B-1**

The Central Business District provides for commercial development that is pedestrian-oriented and offers a mix of retail and service uses within the central core of the Village. This District provides convenient access to shopping, restaurants, service establishments, entertainment, cultural events, and recreation. The CBD has development regulations that are pedestrian-friendly and which ensure consistency in building design and form.

**B. Uses Permitted by Right & Special Land Uses.**

Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

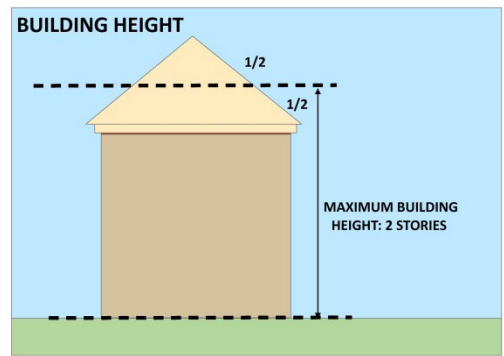
**C. Development Standards.**

**1. Lot Standards, Building Height, and Floor Area.**

<b>Minimum Lot Width</b>	33 feet
<b>Maximum Building Height<sup>1</sup></b>	2 stories
<b>Minimum Floor Area (for one-family and two-family residential)</b>	Efficiency 800 sq ft    1 BR: 550 sq ft    2BR: 600 sq ft    3 BR: 700 sq ft
<b>Minimum floor area for dwelling units in commercial establishment/mixed use buildings*</b>	No minimum. Shall comply with building code.

*\*Amended 10/4/22; Effective 10/20/22*

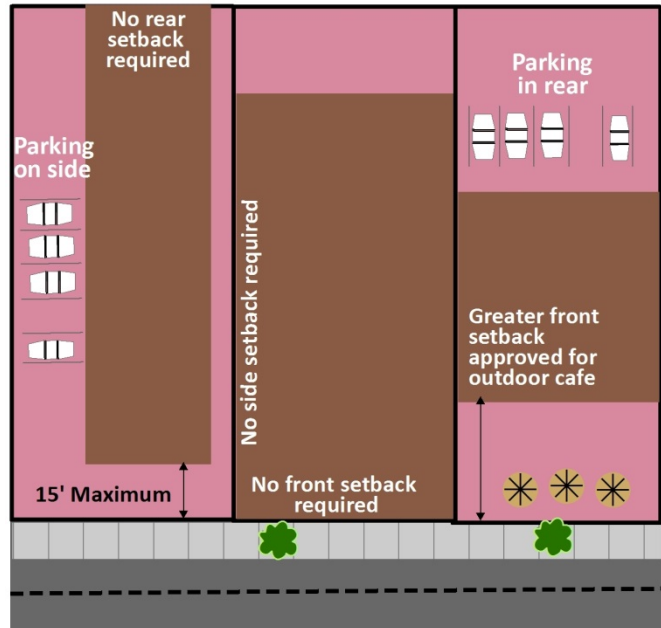
<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).



Height requirements may be exceeded by parapet walls or as needed to conceal mechanical equipment, roof structures, chimneys, antennas, cupolas, spires, or other ornamental projections.

**2. Building Placement.**

Setbacks	
<b>Front Setback</b>	<b>Minimum 0 feet</b> <b>Maximum 15 feet</b>
<b>Side Setback</b>	<b>None required.</b> The Zoning Board of Appeals may approve a greater front setback. Applicant shall provide justification that greater setback is necessary for the proposed use, is pedestrian-oriented, and contributes to the quality and character of the streetscape.
<b>Rear Setback</b>	<b>None required.</b> Buildings in the B-1 may be built from side lot line to side lot line except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.



**3. Parking Lot Location.**

There shall be no parking lots located in the front yard. Parking lots in side yard are permitted as part of an approved site plan.

**4. Outdoor Display.**

Outdoor temporary display shall not occur on the public right-of-way.

**5. Sidewalk Encroachment.**

**Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees.

**6. Open Spaces.**

Any open area, other than a paved parking lot, outdoor café, loading dock, driveway, or other use allowed by this Zoning Ordinance, between two existing structures will be attractively landscaped. No areas between buildings in this district will be left unimproved. The location of temporary buildings (except during construction) and outdoor storage (of any kind) is prohibited.

**7. Design Standards.**

- a. **Circumstances in which Design Standards Apply.** The design requirements contained in this **subsection 7** shall be adhered to for new construction and for buildings which undergo a rehabilitation of twenty-five (25) percent or more of the primary façade.
- b. **Style.** There will be no single design element or style standard set for this district. An eclectic collection of high quality, unique, and architecturally interesting buildings is the intent for the long-term design appearance of the central business district.
- c. **Flexible Design Standards.** The Planning Commission may approve modifications of the design standards, including building height, in order to allow for creativity and flexibility in design, while maintaining the intent of the district regulations.
- d. **Façades.**

(1) **Garage Doors.** The location of garage doors shall be reviewed and approved during site plan approval.

(2) **Blank Walls.** Blank walls shall not face a public street. Walls facing public streets shall include windows and architectural and design features such as awnings, cornice work, edge detailing, decorative finish materials, recesses, designs using building materials, or murals.

(3) **Multiple Lot Combined Building Sites.** The store front façade for a multiple-lot, combined building site will maintain an eclectic appearance so that to a pedestrian on the sidewalk, it appears that several individual stores are located on the combined site. This appearance may be achieved through architectural devices which the Planning Commission will review with sole discretion regarding final appearance.

(4) **Buildings with Upper Stories.**

If the building is to use a false second story façade, then the façade must be of same type construction as the first story and maintain the structural integrity of a real second story building. For buildings with a real second story, the second story may be used for either commercial or residential uses.

- e. **Transparency.**



- (1) **Storefront/Ground Floor.** Ground floors shall be designed with storefronts that have windows and doorways which are integrally designed. Required windows shall be either windows that allow views into retail space, working areas, or lobbies, pedestrian entrances, or display windows set into the wall.
- (2) **Transparency.** Only clear or tinted glass shall be allowed in windows and doors. Windows shall not be blocked by an opaque treatment. Semi-transparent film is allowed.

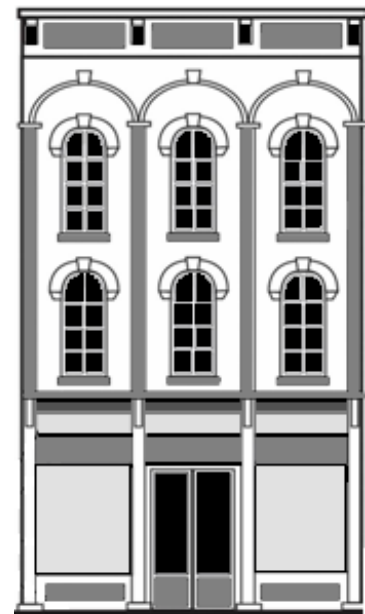
WINDOW & DOOR OPENINGS:

GROUND FLOOR: Minimum 35%, maximum 90%

UPPER FLOOR: Minimum 20%, Maximum 50%

Upper floor transparency: Min 20%, Max 50% →

Ground floor transparency: Min 35%, Max 90% →



f. **Roofs.**

- (1) **Infill development.** Roof structure shall be in scale with the building and complement the character of adjacent buildings.
- (2) **Flat Roofs.** Flat roofs shall be enclosed by parapets and must have three-dimensional cornice treatment which is at least twelve (12) inches in height and contains at least three (3) reliefs.
- (3) Roof lines are not restricted to a particular form; however, specific conditions resulting from specific combinations of roof lines and site characteristics are restricted as follows:

- (a) The roof of all buildings must be designed to prevent precipitation from being shed to adjoining properties, public or private.

Stormwater runoff must be managed on site. No gutters will be allowed to drain onto sidewalks or streets.

- (b) No roof may overhang any adjoining property.
- (c) If any of these conditions exist, then during renovation or re-roofing, the condition must be abated.

**Section 4.10 (B-2) General Business District**

**A. Intent**

**B-2**

This district is intended to provide for general community wide commercial and service uses and to provide for orderly development and concentration of such uses. Uses located within this district typically generate higher traffic volume.

**B. Uses Permitted by Right & Special Land Uses**

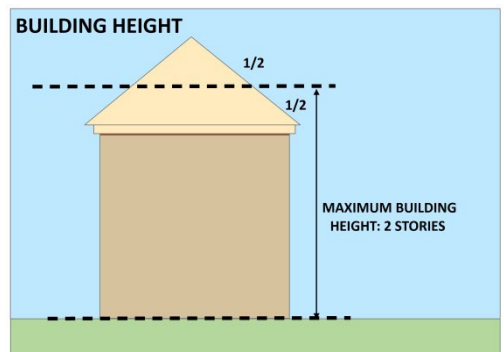
Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

**C. Development Standards**

Lot & Structure Standards	
Minimum Lot Area/Unit	8,712 sq ft
Minimum Lot Width	66 feet
Minimum Lot Depth	132 feet
Maximum Building Height <sup>1</sup>	2 stories
Minimum Floor Area (for one-family and two-family residential)	Efficiency 800 sq ft   1 BR: 550 sq ft   2BR: 600 sq ft   3 BR: 700 sq ft
Minimum floor area for dwelling units in commercial establishment/mixed use buildings*	No minimum. Shall comply with building code.
Setbacks <sup>4</sup>	
Minimum front yard <sup>2,5</sup>	25 feet
Minimum rear yard <sup>3</sup>	5 feet
Minimum side yard <sup>3</sup>	5 feet
Minimum side yard (Corner Lots)	15 feet

\*Amended 10/4/22; Effective 10/20/22

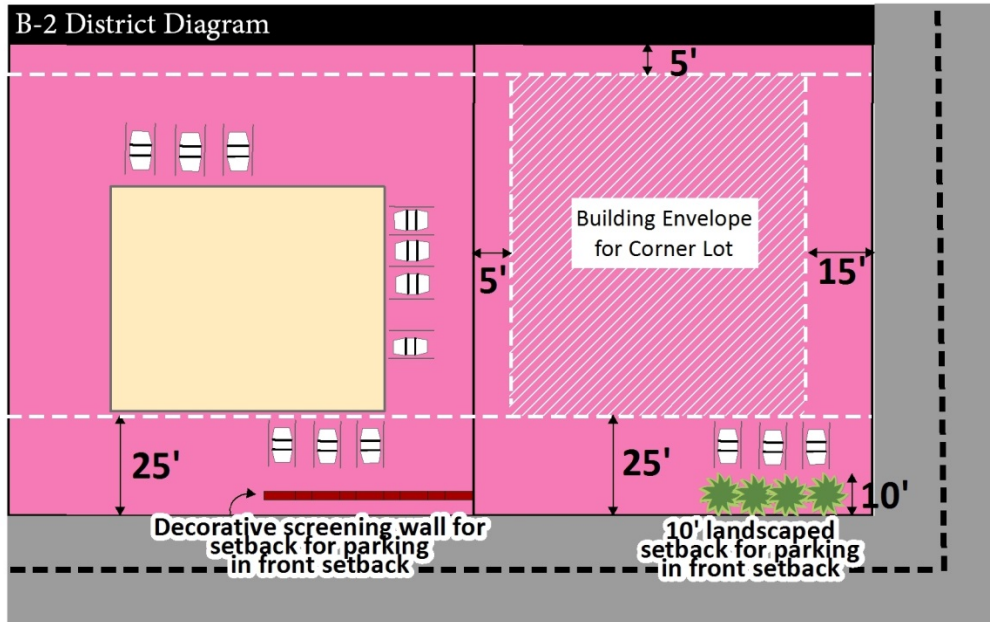
<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).



<sup>2</sup> **FRONT YARD PARKING:** Off-street parking shall be permitted to occupy a portion of the setback provided that there shall be maintained a minimum setback of ten (10) feet.

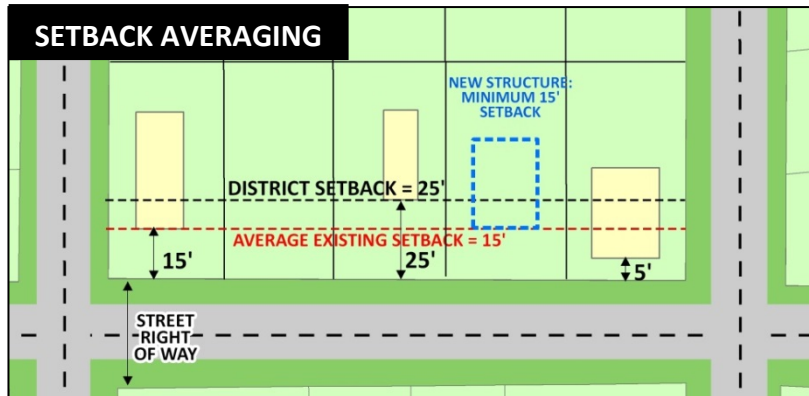
<sup>3</sup>A rear and side yard setback of not less than fifteen (15) feet shall be required where a district abuts a residential district.

<sup>4</sup> B-2 SETBACKS:



<sup>5</sup>SETBACK AVERAGING:

Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned



and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.

**Section 4.11 (B-3) Business Warehouse District**

**A. Intent**

**B-3**

This district is intended to provide a mix of general commercial, heavy commercial, warehouse, research, bio-tech, and light industrial uses.

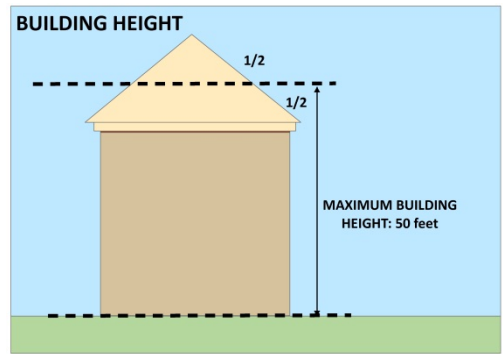
**B. Uses Permitted by Right & Special Land Uses**

Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

**C. Development Standards**

Lot & Structure Standards	
Minimum Lot Area/Unit	8,712 sq ft
Minimum Lot Width	66 feet
Minimum Lot Depth	132 feet
Maximum Building Height <sup>1</sup>	50 feet
Setbacks <sup>4</sup>	
Minimum front yard <sup>2</sup>	40 feet
Minimum rear yard <sup>3</sup>	10 feet
Minimum side yard <sup>3</sup>	10 feet
Minimum side yard (Corner Lots)	15 feet

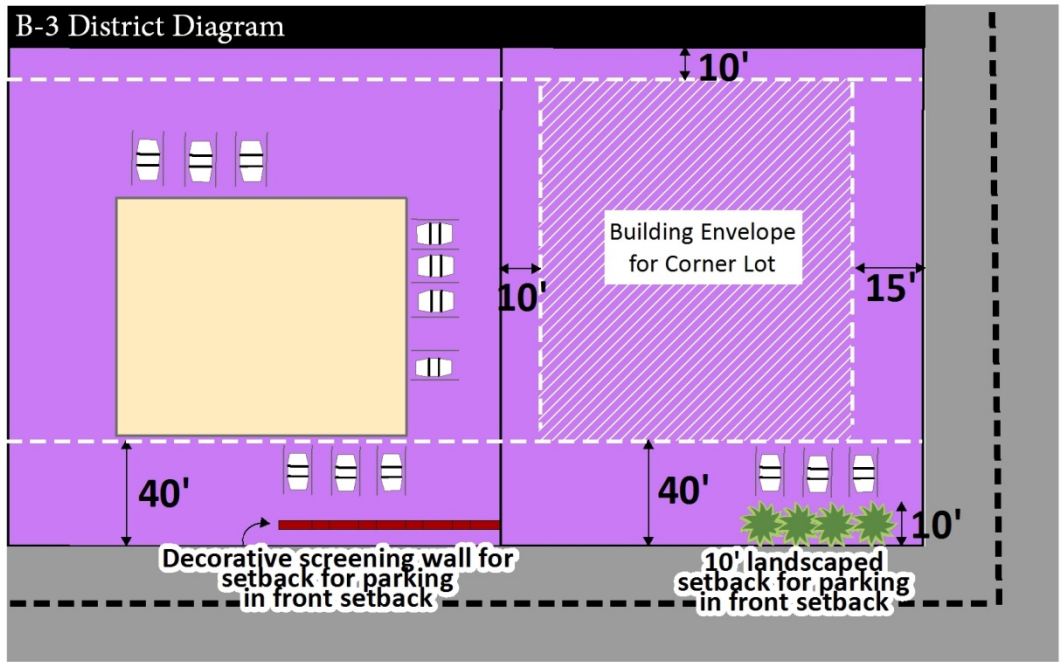
<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).



<sup>2</sup> **FRONT YARD PARKING:** Off street parking shall be permitted to occupy a portion of the setback provided that there shall be maintained a minimum setback of ten (10) feet.

<sup>3</sup> A rear and side yard setback of not less than twenty (20) feet shall be required where a district abuts a residential district.

<sup>4</sup> B-3 SETBACKS:



**Section 4.12 (I) Industrial District**

**A. Intent**



The intent of this district is to provide areas for industrial sites occupied by manufacturing plants, laboratories, distribution warehouses, and similar uses. The regulations contained in this district are intended to maintain aesthetic values in the district and protect investments, of the community and industries occupying the improved sites.

Furthermore, this District is intended:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Village’s expected future economy for manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote the most desirable use of land in accordance with a well-considered plan. To protect the character and establish patter of adjacent development, and in each area to conserve the value of land and buildings and other structures.
4. To promote the growth of existing industrial business and the development of “clean” industrial business which have minimal impact on air and water quality.
5. To minimize negative impacts on public health, safety, and welfare.
6. To provide for limited retail and commercial activities which have an industrial character in terms of their storage requirements or serve the retail or service needs of the industrial areas of the Village.

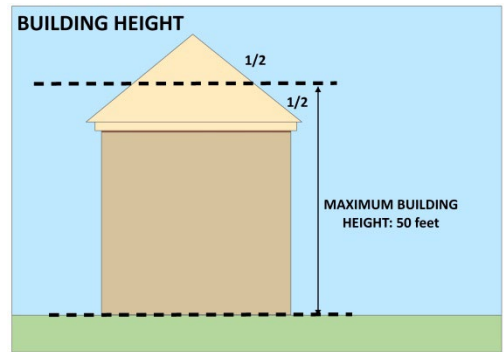
**B. Uses Permitted by Right & Special Land Uses**

Permitted and Special Land Uses shall be limited to those listed in [§4.0: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Development Regulations](#).

C. Development Standards

Lot & Structure Standards	
Minimum Lot Area/Unit	17,424 sq ft
Minimum Lot Width	132 feet
Minimum Lot Depth	132 feet
Maximum Building Height <sup>1</sup>	50 feet
Setbacks <sup>2,3</sup>	
Minimum front yard	40 feet
Minimum rear yard <sup>2</sup>	10 feet
Minimum side yard <sup>2</sup>	10 feet
Minimum side yard (Corner Lots) <sup>2</sup>	15 feet
Other Regulations	
<p><b>Industrial Overlay District</b> (Amended 8/1/23; Effective 8/17/23)</p>	<p>(1) The Industrial Overlay District is intended to be applied as needed to individual lots.</p> <p>(2) The Industrial Overlay District allows for uses allowed within the Industrial District to be located on a lot in addition to the uses allowed in the underlying district.</p> <p>(3) Development Standards:</p> <p>(a) Uses which are listed as Permitted or Special Land Uses within the underlying district only shall adhere to the development standards for the underlying district.</p> <p>(b) Uses which are listed as Permitted or Special Land Uses within the Industrial District only shall adhere to the development standards of the Industrial District.</p> <p>(c) Uses which are listed as Permitted or Special Land Uses within both the underlying district and the Industrial District shall adhere to the least restrictive district development standards.</p>

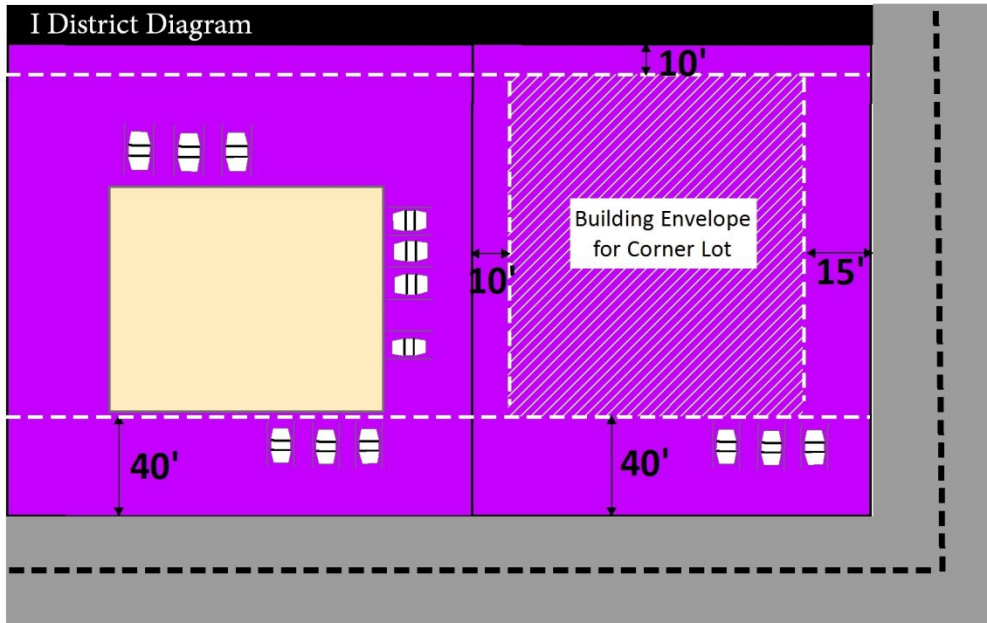
<sup>1</sup> **BUILDING HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by [Article 7: Supplemental Development Regulations](#).



<sup>2</sup> Parking shall be permitted within the required side or front yards.

<sup>3</sup> **SETBACKS:**





# Article 5

## Plot Plans & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.0	<a href="#">Purpose</a>	5-1	5.5	<a href="#">Site Plan Submittal/Approval Procedure</a>	5-7
5.1	<a href="#">Plot Plans</a>	5-1	5.6	<a href="#">Site Plan Approval Standards</a>	5-10
5.2	<a href="#">Site Plans</a>	5-3	5.7	<a href="#">Amendments to an Approved Site Plan</a>	5-12
5.3	<a href="#">Pre-Application Conference</a>	5-4	5.8	<a href="#">Expiration of Site Plan Approval</a>	5-14
5.4	<a href="#">Site Plan Data Required</a>	5-4			

### Section 5.0 Purpose

The purpose of this article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Village is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

### Section 5.1 Plot Plans

#### A. Circumstances Requiring a Plot Plan.

Plot plans shall be submitted with all applications for Zoning Permits for the following:

1. Single- and Two-Family Dwelling Units.
2. Residential Special Land Uses.
3. All uses which do not require a site plan.
4. Residential and nonresidential accessory buildings over two hundred (200) square feet. Those less than two hundred (200) square feet do not require a plot plan and do not require a zoning permit but shall conform to zoning regulations.

#### B. Plot Plan Requirements.

The Plot Plan, drawn to scale, shall contain the following items. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary.

1. Legal description of the property.
2. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
3. The shape, location and dimensions of the lot and property lines, 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.
4. The scale, north arrow, and date.
5. Location of required setbacks of the zoning district.
6. The location, shape, dimensions, and height of all structures or impervious surfaces 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.
7. The location and configuration of the lot access and driveway, drawn to scale.
8. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
9. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
10. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
11. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

**C. Plot Plan Administrative Procedure.**

1. **Permitted Uses (including all residential accessory structures).** Plot plan is reviewed and approved by the Zoning Administrator.

2. **Residential Special Land Uses.** Plot plan is reviewed and approved by the Planning Commission after the required public hearing.
3. **Residential & Nonresidential Accessory Structures over two hundred (200) square feet.** Plot plan is reviewed and approved by the Zoning Administrator.

## Section 5.2 Site Plans

### A. Circumstances Requiring a Site Plan.

Site plans are required for the following uses:

1. All new uses and/or structures except (1) single-family or two-family dwelling units and (2) accessory structures.
2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty five (25) percent.
3. Changes of use for an existing structure or lot except for the circumstances listed in **subsection B.1 (below)**.
4. Multiple-family dwelling units, condominiums, and site condominiums.
5. Any Special Land Use (except Residential Special Land Uses such as Group Day Care Homes and Cottage Industries, which require a plot plan)
6. Planned Unit Developments.
7. Any new use requiring off-street parking, except single-family or two-family dwelling units.
8. Solar Energy Facilities (*Amended 2/4/20; Effective 2/20/20*)
9. Other uses as required by this Ordinance.

### B. Site Plan Waiver.

The Zoning Administrator may waive site plan review requirements for permitted uses and the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

1. A change in principal use where such change would not result in significant structural alterations, an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.
2. Seasonal Use Sales

**Section 5.3 Pre-Application Conference**

The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting 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 Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should 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 Planning Commission to make a proper review.

**Section 5.4 Site Plan Data Required**

Each site plan submitted shall contain the following information. The Planning Commission or Zoning Administrator may waive any of the site plan requirements listed below when it finds that those requirements are not applicable to the proposed development.

- A. **Contact Information.** Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- B. **Legal Description.** The parcel’s legal description and zoning classification.
- C. **Map Requirements.** The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = forty (40) feet for parcels under three (3) acres and at least one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.
- D. **Boundary Lines.** The boundary lines and dimension of the property. Show relationship of the subject property to abutting properties. A certified survey of the property which has been prepared and sealed by a professional licensed surveyor may be required by the Zoning Administrator.
- E. **Natural Features.** Boundary dimensions of natural features such as existing trees and vegetation, forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over ten (10) percent, drainage and other similar features.

- F. **Topography.** The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- G. **Area of Development.** Indicate the gross land area of the development and area of the property subject to be covered by structures (not available as open space).
- H. **Location of Structures and Accessory Features.** The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, trash receptacles, walkways, signs, exterior lighting, common use areas, recreational areas and facilities, and any impervious surface. Indicate gross building areas.
- I. **Location of Vehicular Features.** Location of proposed drives, neighboring drives, vehicle entrances and loading points, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), and loading and unloading areas.
- J. **Location of Pedestrian Circulation Features.** Location and design of sidewalks, walkways, barrier-free access points, bicycle paths, bicycle parking areas, and areas for public use.
- K. **Elevations.** Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration. Indicate number of stories.
- L. **Setbacks.** Setback lines and distances between structures and lot lines.
- M. **Rights-Of-Way, Easements, and Public Spaces.** The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
- N. **Utilities.** Size and location of proposed sewer and water lines and connections. Location of all other utilities on the site.
- O. **Nearby Structures.** The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- P. **Landscaping, Fences, and Walls.** Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained.
- Q. **Lighting.** Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
- R. **Outdoor Storage.** Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).
- S. **Drainage.** The location, size and slope of all surface and subsurface drainage facilities.
- T. **Wastewater Treatment.** Description and location of on-site wastewater treatment and disposal systems.
- U. **Well Location.** Location of existing private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.

- V. **Snow Storage.** The location of snow storage areas.
- W. **Hours of Operation.** Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
- X. **Residential Project Requirements.** Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
1. Minimum floor area of dwelling units.
  2. Total number of units proposed.
  3. Number of bedrooms per unit in multiple family developments.
  4. Areas to be used for open space and recreation.
- Y. **Phased Construction.** Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:
1. Relationship and identification of future structures.
  2. Pedestrian and vehicular circulation.
  3. Time schedule for completion of the various phases of the proposed construction.
  4. Temporary facilities or construction of same as required to facilitate the stated development.
- Z. **Impact Statement.** The Zoning Administrator may require a statement which addresses the following as applicable to the type of use:
1. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
  2. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
  3. Statements relative to the impact of the proposed development on soil erosion, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.
- AA. **Other.** Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.



- BB. **Data Required for Groundwater Protection.** In the case of businesses or facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less, or stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less, the Planning Commission or Zoning Administrator may require the following:
1. Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the local fire marshal.
  2. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
  3. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
  4. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store, transport stormwater or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.
  5. Location of all water wells on the site and within 150 feet surrounding the parcel’s property boundaries.
  6. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of the contamination, including any remediation activities.
  7. Submissions of the “State/County Environmental Permits Checklist”.

**Section 5.5 Site Plan Submittal and Approval Procedure**

**A. Number of Copies.**

Six (6) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent.

**B. Timing of Submittal for Planning Commission Approval.**

Site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

**C. Submittal to Zoning Administrator.**

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, within thirty (30) days, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

**D. Coordination with Other Agencies.**

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The Montmorency County Soil Erosion and Sedimentation Control Officer;
2. The Montmorency County Drain Commissioner;
3. The Montmorency County Road Commission and, if appropriate, the Michigan Department of Transportation;
4. District Health Department;
5. Local police, fire and ambulance service providers.
6. Planning consultant
7. Other agencies as deemed appropriate.

**E. Application Fees.**

Application fees pursuant to currently adopted fee schedule shall be paid when the application and site plan are submitted.

**F. Site Plans Requiring ZBA Action.**

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the [Zoning Board of Appeals](#) shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the [Zoning Board of Appeals](#).

**G. Representation at Meeting.**

The applicant or his/her representative shall be present at the scheduled site plan review. If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

**H. Consultant.**

The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable.

**I. Approval Based on Findings of Fact.**

After site plan review by the Planning Commission is complete, the Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the approval standards in §5.6. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.

**J. Signed Copies.**

Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan. If required by the Village, a digital copy of the final approved site plan shall be provided by the applicant.

**K. Conditions.**

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to §9.8 of this Ordinance.

**L. Conformity to Site Plan Required.**

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Planning Commission. The Zoning Administrator shall give the permittee notice of violation of the site plan at least ten (10) days prior to the revocation by the Planning Commission to provide time for corrective action. The Planning Commission may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan, and no building permit(s) shall be issued prior to the approval of the site plan.

**Section 5.6 Site Plan Approval Standards**

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

**A. Compliance with District Requirements.**

The site plan shall comply with the district requirements for minimum floor space, height of structures, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

**B. Public Welfare and Adjoining Properties.**

The uses proposed will not adversely affect public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.

**C. Light, Air, and Access.**

The location, size, and height of the structures, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the structures and that there will be no interference with adequate light, air, and access to adjacent lands.

**D. Topography and Natural Landscape.**

All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

**E. Drainage.**

On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

**F. Privacy.**

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

**G. General Access.**

Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.

**H. Vehicular and Pedestrian Circulation.**

Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

**I. Emergency Vehicle Access/Fire and Safety.**

The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.

**J. Loading and Storage.**

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.

**K. Snow Storage.**

Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

**L. Exterior Lighting.**

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution. Lighting standards contained in §3.12 shall be adhered to.

**M. Utilities.**

All utility services shall be provided in a manner least harmful to surrounding properties. All utilities shall be located underground, as applicable, unless specifically waived by the Planning Commission.

**N. Compliance with Other Statutes and Regulations.**

Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.

**Section 5.7 Amendments to an Approved Site Plan**

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 to an approved site plan 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 or any specified conditions imposed as part of the original approval and will conform to regulations contained within this Ordinance. Minor

amendments shall include the following as deemed appropriate by Zoning Administrator:

1. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  2. Reduction of the size of any structure and/or sign.
  3. Changing the location of structures/signs by no more than five (5) feet.
  4. Expansion no greater than five (5) percent of the size of any sign.
  5. Internal re-arrangement of the parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  7. Changes that will preserve the natural features of the site without changing the basic site layout.
  8. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
  9. Changes related to item 1 through 8 above required or requested by the Village 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 and provided that such changes conform to the regulations contained in this Ordinance.
- B. 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.
- C. No fees shall be required for minor site plan amendments approved by the Zoning Administrator.
- D. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fee for site plan review shall apply.



If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

### Section 5.8 Expiration of Site Plan Approval

- A. The approval of any site plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year of continuous substantial construction and development does not occur, in which event, said approval shall expire.
  
- B. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
  
- C. Any subsequent re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

# Article 6

## Special Land Uses

Sec	Name	Pg	Sec	Name	Pg
6.0	<a href="#">Purpose</a>	6-1	6.4	<a href="#">Inspection of a Special Land Use</a>	6-4
6.1	<a href="#">Special Land Use Application Submittal</a>	6-1	6.5	<a href="#">Compliance with Other Regulations</a>	6-5
6.2	<a href="#">Planning Commission Decision</a>	6-2	6.6	<a href="#">Amendment to Approved Special Land Use</a>	6-5
6.3	<a href="#">Special Land Use Approval Standards</a>	6-2	6.7	<a href="#">Expiration of a Special Land Use</a>	6-5

### Section 6.0 Purpose

Special Land Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district, but possess characteristics or location qualities which requires individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special approval uses. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

### Section 6.1 Special Land Use Application Submittal

- A. An application for a Special Land Use shall be submitted to the Zoning Administrator on a special form provided for that purpose at least thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed.
- B. Special Land Uses which require a site plan shall a site plan prepared under the requirements of [§5.4](#). Uses which require a plot plan shall submit a plot plan prepared under the requirements of [§5.1](#).
- C. In addition to the required elements of a plot plan or site plan, the application shall include the items listed below:
  - 1. Written description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
  - 2. A statement prepared by the applicant appraising the effect on the neighborhood.
  - 3. Other information as may be required by the Planning Commission to assist in the consideration of the Special Land Use application.

- 4. The application shall be accompanied by the fee established by the Village Council.
  
- D. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with [§9.5](#).

**Section 6.2 Planning Commission Decision**

- A. After the required public hearing and review of approval standards, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the Special Land Use.
  
- B. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
  
- C. The Planning Commission may require conditions including but not limited to the provision for fencing, walls, and/or landscaping as screening to minimize adverse effects on the neighborhood.
  
- D. In the case of a Special Land Use, the decision of the Planning Commission may be appealed to the Zoning Board of Appeals.

**Section 6.3 Special Land Use Approval Standards**

After the required public hearing, the Planning Commission shall approve, deny, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following standards A - I. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in [§5.6](#).

**A. Allowed Special Land Use.**

The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.

**B. Compatibility with Adjacent Uses.**

- 1. The proposed Special Land Use shall be designed, constructed, operated and maintained to be harmonious, compatible and appropriate in appearance with

existing or planned uses and the intended character of the area and the surrounding land, and shall not change the essential character of the area in which it is proposed to be located.

2. The use shall not be hazardous or disturbing to existing or future nearby uses and shall not disrupt the orderly and proper development of the District as a whole.
3. The use shall not significantly diminish the value of land or structures in the surrounding area.
4. The following types of impacts shall be considered:
  - a. Use activities, processes, materials, equipment, or conditions of operation;
  - b. Vehicular circulation and parking areas;
  - c. Outdoor activity, storage and work areas;
  - d. Hours of operation;
  - e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
  - f. The relative ease by which the impacts above will be mitigated.

**C. Public Services.**

1. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Land Use shall be served adequately by essential public facilities and services including but not limited to streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools.

**D. Economic Well-Being of the Community.**

The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Village.

**E. Compatibility with Natural Environment.**

The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Village or the natural environment as a whole. Natural features of

the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

**F. Impact of Traffic on Street System.**

The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

**G. Non-Detrimental Standards.**

The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare of the immediately surrounding area by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

**H. Consistent with Zoning Ordinance and Master Plan.**

The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the currently adopted Master Plan.

**I. Compliance with Supplemental Site Development Standards.**

The proposed Special Land Use complies with all applicable supplemental site development standards as contained in [Article 7](#) of this Ordinance.

**Section 6.4 Inspection of a Special Land Use**

The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

**Section 6.5 Compliance with Other Regulations**

- A. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.
- B. As a minimum, or unless specifically modified by the provisions of **Article 7 (Supplemental Site Development Standards)**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 7**.

**Section 6.6 Amendments to an Approved Special Land Use**

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in **§5.7 A.1-9**. Amendments which do not fall under **§5.7 A.1-9** shall be process in the same manner as a new Special Land Use.

**Section 6.7 Expiration of a Special Land Use**

- A. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty (30) days prior to expiration of an approved Special Land Use permit for which the use has not yet begun, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
- B. The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.
- C. The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Planning Commission shall consider the following factors:
  - 1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
  - 2. Whether the property, buildings, and grounds have fallen into disrepair.

3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

**D. New Ownership of a Special Land Use.**

A Special Land Use Permit does not expire on transfer or sale of the property.

# Article 7

## Supplemental Regulations

Sec	Name	Pg	Sec	Name	Pg
7.0	Purpose	7-1	7.16	Outdoor Recreational Facilities Commercial	7-16
7.1	Animal Shelters & Kennels	7-1	7.17	Planned Unit Developments	7-16
7.2	Assisted Living/Nursing/Convalescent Homes	7-2	7.18	Residential Human Care Facilities	7-23
7.3	Automobile Service Stations; Auto Repair/Body/Paint/Interior/Glass; Oil Change	7-2	7.19	Restaurants with Outdoor Dining (Dining in the Public Right-of-Way)	7-24
7.4	Bed & Breakfasts	7-3	7.20	Retail Uses with Outdoor Display	7-26
7.5	Car & Truck Washes	7-4	7.21	Rooming & Boarding Houses	7-26
7.6	Child Care Centers; Nursery Schools; Child Care Homes	7-5	7.22	Seasonal Use Sales	7-26
7.7	Drive-Through/Drive-Up Businesses	7-6	7.23	Accessory Dwelling Units	7-27
7.8	Dwelling Units in Commercial Establishment	7-6	7.24	Sexually Oriented Businesses	7-28
7.9	Funeral Home/Mortuary	7-6	7.25	Storage of Building Materials (Outdoor)	7-30
7.10	Greenhouses; Nurseries; & Landscaping	7-6	7.26	Wireless Communication Facilities	7-30
7.11	Home Occupations & Cottage Industries	7-7	7.27	Vehicle Sales	7-37
7.12	Junkyards; Salvage Yards; Scrap Yards; Motor Vehicle Impoundment & Wrecking Yards	7-10	7.28	Warehousing & Storage	7-37
7.13	Manufactured Housing Communities	7-11	7.29	Wind Energy Systems	7-38
7.14	Medical Marijuana Primary Caregiver Facilities	7-12	7.30	Residential in Commercial/Industrial Zone	7-41
7.15	Multiple Family Dwelling Units	7-15	7.31	Solar Energy Facilities	7-41

### Section 7.0 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an “\*” in the [Table of Permitted and Special Land Uses](#) are included in this Article.

### Section 7.1 Animal Shelters & Kennels

- A. All kennels shall be operated in conformance with all applicable County and State regulations.
- B. For dog kennels, the minimum lot size shall be two (2) acres.
- C. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the property line, whichever is greater.
- D. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least five (5) feet in height.
- E. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.



- F. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m. if within five hundred (500) feet of a residential use or district.
- G. Fences for outdoor areas shall be a minimum of six (6) feet in height.

**Section 7.2 Assisted Living Homes; Nursing/Convalescent Homes**

- A. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty percent (40%) of the total site exclusive of any dedicated public right of way.
- B. Service uses such as a dry cleaning pick up station, beauty shop, barber shop, food service establishment, lounge area, recreational area, workshops or similar use for the exclusive service to residents of a building may be allowed within a single building or a contiguous group of buildings owned and operated by the same party
- C. Development of site and structures shall be in accordance with [U.S. Department of Housing and Urban Development](#), Minimum Property Standards, Multifamily Housing, as it applied to housing for the elderly.

**Section 7.3 Automobile Service Stations; Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change**

- A. Outdoor storage of parts or materials shall be within a fenced and obscured area in the side or rear yard which meets all setback requirements.
- B. Gasoline pumps, air and water hose standards and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- C. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.
- D. Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. Junk parts and junk vehicles shall not be kept on the outside of the building
- E. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.

- F. All vehicle servicing or repair shall be conducted within a building.
- G. Vehicles which have been treated shall be stored inside the building or on a designated area on the site for a period adequate to assure that none of the material utilized in the process shall drip or be tracked upon public sidewalks or streets.
- H. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building.
- I. Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the Planning Commission and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aiseways, service bays, loading, landscaping or sidewalks.

**Figure 7.4 Bed & Breakfasts**

- A. The Bed & Breakfast establishment shall be located in a single-family residence.
- B. The owner(s) or resident manager(s) of the Bed & Breakfast shall reside at the residence at all times during periods of operation, except for temporary absences, in which the owner’s or resident manager’s designee must be on the premises. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) or resident manager(s) and their immediate family members residing at the residence. The minimum size for manager/owner living quarters shall be four-hundred eighty (480) sq. ft.
- C. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.
- D. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
- E. There shall be no separate cooking facilities for the Bed & Breakfast establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises and shall be in compliance with State law.

- F. A site plan shall be provided including a floor plan of the structure providing the following information:
  - 1. Owner/ resident manager and guest on-site parking
  - 2. Guest entrance to the structure
  - 3. Outdoor areas for use by guests
  - 4. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests
  - 5. Additional information as may be deemed necessary by the Zoning Administrator or Planning Commission.
  
- G. All on-site parking shall be paved and constructed in accordance with the parking requirements of §3.22.
  
- H. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes, or onto public rights-of-way.
  
- I. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed & Breakfast operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.
  
- J. All required state and local permits must be secured, maintained and displayed within an area of the Bed & Breakfast available to guests.
  
- K. Rental of snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Permitted Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.
  
- L. All requirements and conditions imposed upon the Special Permitted Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

**Section 7.5 Car & Truck Washes**

- A. Layout: All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.

- B. Such facility shall only be located on property abutting a major thoroughfare or a street with access to such major thoroughfare.
- C. When property lines abut a residentially used property, screening shall be installed pursuant to §3.23.
- D. Outdoor vacuums, if provided, will be required to be a minimum distance of fifty feet (50') from a residential area.
- E. Entrances: Sufficient space shall be provided on the lot so that vehicles do not enter the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- F. Debris that is generated from the washing process shall remain contained on the site in a safe manner.

**Section 7.6 Child Care Centers; Nursery Schools; Child Care Homes**

- A. **Child Care Centers, Nursery Schools, And Group Child Care** shall meet the following conditions:
  - 1. An outdoor play area shall be provided for all facilities caring for one or more children who individually receive care for more than four (4) hours per day. Play areas shall:
    - a. have a minimum area of not less than four hundred (400) square feet;
    - b. be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area;
    - c. be screened by a heavily planted greenbelt from any abutting residential uses if required by the Planning Commission; and
    - d. located in the side or rear yard area.
  - 2. No group child care use shall be located closer than four hundred feet (400') to another child care use permitted under this section unless located on different sides of the street or block.
- B. **Family Child Care Homes** shall meet the following conditions:

Play areas shall have a minimum area of not less than four hundred (400) square feet; be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area; and located in the side or rear yard area.

### Section 7.7 Drive-Through/Drive-Up Businesses

- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
- B. The primary access shall be on a major thoroughfare. Secondary access may be on a side street which has direct access to a major thoroughfare.
- C. Back up or waiting space for drive-up windows or service facilities shall be provided in a manner physically separated from off-street parking areas and drives at a rate of four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

### Section 7.8 Dwelling Units in Conjunction with Commercial Establishment & Mixed Residential/Non-Residential Uses\*

*\*Amended 10/4/22; Effective 10/20/22*

- A. Dwelling units may be located on the second floor, in the basement or at ground-level. If located on the ground-level, dwelling units shall not be located on the street-facing side of the building.
- B. There shall be no minimum dwelling unit size, however dwelling units shall comply with the currently adopted building code.

### Section 7.9 Funeral Home/Mortuary

- A. Points of ingress and egress shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- B. A mortuary that houses a crematorium shall be located at least one hundred (100) feet from any residential use.
- C. A caretaker's residence may be provided within the main building or within an accessory building of the mortuary establishment.

### Section 7.10 Greenhouses; Nurseries; & Landscaping

- A. When such uses are located adjacent to residential zones, they shall not operate or be open for business between the hours of 11:00 p.m. and 7:00 a.m.

- B. The storage of soil, fertilizer or any packaged or loose materials may occur in the side or rear yard only and shall be so contained so as to prevent any effects on adjacent uses.
- C. Plant materials and garden/yard amenities (statuary, benches, arbors, etc) may be displayed in the front yard setback.
- D. The Planning Commission may allow parking to occupy the entire front yard setback with no landscaping, decorative wall, or fencing if it is demonstrated that there is no other feasible location.

**Section 7.11 Home Occupations & Cottage Industries**

While the Village recognizes that many residents feel the necessity to work at home, the Village also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.

**A. General Standards.**

- 1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is not required however regulations contained within this Ordinance shall apply.
- 2. In cases where a significant portion of a home occupation is to produce and sell goods or products on the premises, the use is considered a Cottage Industry and shall require a Special Use Permit. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
- 3. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.
  - a. **Home Occupations or Cottage Industries in the Primary Dwelling.** No more than twenty-five percent (25%) of the dwelling’s ground floor area shall be devoted to the Home Occupation or Cottage Industry.
  - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building.** Home Occupations or Cottage Industries

located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.

4. Home Occupations or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. Not more than two (2) nonresident persons shall be employed at the place of the Home Occupation or Cottage Industry.
5. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition may be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.
6. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
7. Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Village as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
8. Storage of Finished or Unfinished Goods.
  - a. **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.
  - b. The Planning Commission may permit the display of finished goods as part of the Special Use Permit process. The storage and/or display of finished goods shall not occupy greater than twenty (20) percent of the yard not occupied by buildings.

9. Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties.
10. No such Home Occupation or Cottage Industry shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.
11. Hours of operation for Cottage Industries shall be approved by the Planning Commission.
12. Sufficient solid waste receptacles must be provided and sufficiently screened from view. The property must be maintained free of debris.
13. Parking requirements shall be decided on a case by case basis. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.
14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
15. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Cottage Industry permit.

**B. Termination, Extensions, Revisions, and Inspections.**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable



conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.

- 5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

**Section 7.12 Junkyards; Salvage Yards; Scrap Yards; Motor Vehicle Impoundment & Wrecking Yards**

For this use, the following more restrictive provision shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

- A. The site shall be a minimum of five (5) acres in size.
- B. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
- C. The location of any such use shall be not less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.
- D. Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required setback shall be doubled.
- E. Glare from any process, such as arc welding, conducted at a junkyard or salvage yard, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- F. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building.
- G. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.

H. Screening.

1. A wall or opaque fence, a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height (including any barbed wire), constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set fifteen (15) feet or more inside the lot lines, shall be maintained in good repair around junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards or similar establishments.
  2. In a front or corner side yard the fence shall not project beyond the front façade of buildings located on adjacent lots on the same side of the street.
  3. Entryways to junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishment shall be gated and closed at all times when not in use. Gates shall be opaque and match the style of the fence.
  4. A landscaped strip shall be maintained between the fence and property line in the following yards:
    - a. All front and corner side yards;
    - b. The front 1/3 of any side yard; and
    - c. Any yard abutting a residential zoning district or use.
- I. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced-in area.

**Section 7.13 Manufactured Housing Communities**

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the [Michigan Manufactured Housing Commission, P.A. 96 of 1987, as amended \(The Mobile Home Commission Act, MCL 125.2301 et. seq.\)](#) and any rules promulgated pursuant to this Act. This includes, but is not necessarily limited to, compliance with [Michigan Manufactured Housing Commission](#) regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the [Michigan Manufactured Housing Commission](#), this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

**C. Location Requirements.**

Access to any manufactured housing community shall be on a public major thoroughfare. Locations for manufactured housing communities are encouraged to avoid higher density traffic movements through existing or planned single-family developments.

**D. Area, Height and Bulk Requirements.**

All manufactured housing communities shall comply with State Manufactured Housing Commission requirements.

E. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed. Skirting material shall be consistent with the siding of the manufactured housing unit.

F. All utility connections shall comply with State and Local codes.

G. The proposed site plan for the manufactured housing community shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the Village. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the State Manufactured Housing Commission for their consideration in reviewing the proposed manufactured housing community plans.

H. The Village shall also review the proposed manufactured housing community plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the municipality’s ability to accommodate such manufactured housing community needs. In addition, any connections to municipal facilities shall meet applicable Village requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the State Manufactured Housing Commission.

**Section 7.14 Medical Marihuana Primary Caregiver Facilities**

**A. Purpose and Intent.**

It is the purpose of this section to give effect to the intent of [Initiated Law 1 of 2008, as amended, \(Michigan Medical Marihuana Act \(the MMMA\) being MCL 333.26421](#)

Village of Hillman Zoning Ordinance  Adopted 11/3/2015 Effective 11/18/2015	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

et. seq.) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in the Village of Hillman to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

**B. Findings.**

This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of the Village of Hillman.
3. In other States where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
4. The Village of Hillman finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

**C. Permitted Use.**

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this

Ordinance, shall be a permitted use in all zoning districts (*Amended 2/4/20; Effective 2/20/20*). No zoning permit is required. Standards contained in D below shall be adhered to.

**D. Standards.**

1. **Primary Caregiver Facility.** All marihuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to paragraph “5” hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
  
2. **Limits on Quantities.** A Primary Caregiver shall not possess more marihuana than 2.5 ounces or 12 marihuana plants for each Qualifying Patient to which he/she is connected.
  
3. **Combined Operations Prohibited.** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.
  
4. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any school, church, day care facility, or park. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.
  
5. **Dispensing Medical Marihuana.** No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.

**6. Prohibited Activities.**

- a. Marihuana Dispensary. A Primary Caregiver Facility shall not be used as a medical marihuana dispensary or compassion club and no smoking or otherwise ingesting of any form of medical marihuana shall be permitted on site. No medical marihuana paraphernalia shall be provided to Qualifying patients at the Primary Caregiver Facility.
- b. Marihauna Collective or Cooperative.
- c. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.

**Section 7.15 Multiple Family Dwelling Units (Apartments; Condominiums)**

<b>MAXIMUM HEIGHT</b>	Two (2) stories
<b>SPACING BETWEEN BUILDINGS</b>	One-half the height of the higher of the two buildings.
<b>SETBACKS</b>	
<b>FRONT YARD</b>	25 ft
<b>SIDE YARD (abutting a multiple-family use)</b>	20 ft
<b>SIDE YARD (abutting a single-family use or district)</b>	30 ft
<b>REAR YARD</b>	25 ft
<b>MINIMUM FLOOR AREA</b>	As defined by the currently adopted building code.

**A. Front Yard Setback.**

Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the lot abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all streets on which the multiple-family dwelling unit abuts of twenty-five (25) feet; the total area of which shall be landscaped.

- B. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided; shall be adequate in size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.

- C. Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.
- D. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces that add to the overall enhancement of the area.
- E. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.

**Section 7.16 Outdoor Recreational Facilities - Commercial**

- A. Such uses shall be located on a site of at least one acre in area, be at least one hundred fifty feet (150') from any Residential District,
- B. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

**Section 7.17 Planned Unit Developments**

**A. Purpose.**

The Village of Hillman recognizes that many site developments do not readily fit within the confines of the use and design standards of typical zoning district classifications. A Planned Unit Development (PUD) is designed to encourage quality land development and site design outside the typical zoning standards. Through the use of flexible design and use standards developments can make more efficient and effective use of the land and infrastructure to the benefit of the entire community. Creativity is promoted and the needs of the Village can often be more effectively satisfied. While permitting greater latitude in the mix of uses and the development standards incorporated into a project, the use also provides the Village with increased oversight and guidance in the design process. To this end the use of PUD's is intended to:

1. Provide flexibility in development regulations.
2. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.

3. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.
4. Encourage a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
5. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
6. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Master Plan.
7. Promote efficient use of public services.
8. Promote a more useful pattern of open space and recreation areas.
9. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

**B. Eligibility.**

1. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.
2. The site submitted for PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.
3. Adequate public utilities – streets, sanitary sewer, water, utilities, and drainage – are available to and of sufficient capacity to adequately serve the development. Any upgrades necessary to service the development shall be in accordance with all applicable Village policies, regulations and ordinances.

**C. Development Standards.**

1. **Uses.** Compatible residential, commercial, and public uses or commercial, industrial, and public uses may be combined in a PUD provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.



2. **Open/Green Space.**

- a. **Common Open Space.** A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in subsection (b) below.
- b. **Disposition of Open Space.** The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Village and retained as common open space for parks, recreation, and related uses. All land dedicated to the Village must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Village unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

3. **Utility Requirements.** Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

4. **Internal Design Standards.** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, and public services. The plan of the project shall provide for the integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

5. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
6. **Parking.** Off-street parking, loading, and service areas shall be provided in accordance with [§3.22](#) of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.
7. **Arrangement of Commercial Uses.** When a planned unit development includes commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
8. **Flexibility of District Standards.** Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guideline. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Village may permit specific departures from the requirements of the Zoning Ordinance. Clustering of residential uses on lots and with setbacks smaller than the district minimum is encouraged. *\*Amended 10/4/22; Effective 10/20/22*

**D. Procedures.**

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Village President, and Planning Commission Chair prior to the submission of the development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the Master Plan.
2. **Submission of Preliminary Site Plan.** The developer shall submit six (6) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
  - a. General footprint of proposed and existing buildings.
  - b. Indication of proposed uses and their general locations.
  - c. General layout of streets, drives, parking areas and pedestrian paths.
  - d. Individual parcels, if applicable.
  - e. Proposed setbacks for district perimeters and individual buildings within the development.
  - f. Proposed perimeter buffer zones and screening.
  - g. Conceptual landscape plan.

- h. Development phases, if applicable.
- i. Type, estimated number and density range for residential development.
- j. Other information as may be deemed necessary by Village staff or the Planning Commission to properly review the proposal.
- k. Additional supporting documentation including a written narrative describing the project.

**3. Preliminary Site Plan Approval.**

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with §9.5 of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

**4. Final Site Plan Approval.**

- a. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit six (6) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.
- b. The final site plan shall include all site plan data required in §5.4 in addition to the following:
  - (1) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; height, open space, building

density, parking areas, population density and public improvements proposed for each unit of the development.

- (2) Preliminary building plans, including floor plans and exterior elevations.
  - (3) Landscaping plans.
  - (4) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
  - d. The Planning Commission shall conduct a public hearing in accordance with [§9.5](#) of this Ordinance.
  - e. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the development standards and purpose stated in this section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. Additional criteria for Planning Commission approval are as follows:
    - (1) The proposed development may be initiated within two (2) years of the date of approval.
    - (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
    - (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.

- (4) Any proposed commercial development can be justified at the locations proposed.
  - (5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
  - (6) The planned unit development is in general conformance with the land use plan of the Village.
  - (7) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
  - g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [§5.7](#).

**E. Cluster Housing Provision for Small Parcels.**

On parcels less than five (5) acres, the PUD provision may be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped parcels that have limited potential for platting. The development shall be limited to single-family attached or detached dwellings and the density shall not exceed that which is permitted by the existing zoning district.

The developer shall have a pre-application meeting as specified above. The developer shall submit an application the contents of which are specified in [subsection \(D\)](#). The Planning Commission shall hold one public hearing and either approve, approve with conditions, or deny the application within 30 days of review. Criteria for the Planning Commission's approval shall be:

1. The area surrounding said development may be planned and developed in coordination and substantial compatibility with the proposed development; and
2. The planned development is in general conformance with the land use plan for the Village; and
3. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

### Section 7.18 Residential Human Care Facilities

The following regulations shall apply to any facility providing:

- Emergency shelter and services for battered individuals and their children NOT in a residential structure;
- Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
- Emergency shelter for individuals who are homeless.
- Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

**A. License.**

Such facility shall have received a State of Michigan license to operate prior to seeking a Zoning Permit under this Ordinance in those instances where a license is required by the State.

**B. Time Limit.**

Residency by persons shall be limited to a maximum of six (6) months in any one (1) year period. Longer periods shall be permitted if directed by the court or if necessary to satisfactorily complete prescribed rehabilitative treatments or if approved by the Planning Commission. Such facility shall not become the full time residence for any person.

**C. Occupancy.**

The occupancy of such a facility shall not exceed twenty-five (25) persons, excluding the supervisor(s).

**D. Spacing.**

No such facility shall be located within two thousand five hundred (2,500) feet of the property line of a similar facility.

**E. Parking.**

Parking shall be provided for staff and residents based upon a level necessary to meet the needs of the facility and agreed upon by the Planning Commission. The number of spaces required shall be included in the Special Use Permit. If, in the future, the Village determines that additional parking is required, such a finding shall be provided in writing and shall be remedied by the facility within sixty (60) days or a request submitted to the Planning Commission for modification.

**F. Supervisor.**

A supervisor designated by the operating agency shall be present at all times while the facility is open for use. On-site staff shall be at a level sufficient to properly supervise residents.

**G. Hours.**

The facility shall be open to serve persons at designated hours, as approved by the Planning Commission so as to discourage loitering outside such facility. Outside loitering shall not be permitted, and will be subject to prosecution under Village Ordinance.

**H. Guest Register.**

When permitted by law, a guest register shall be kept with names of occupants and dates and times of check-in and check-out for each occupant.

I. Specific rules and monitoring procedures for individuals entering/leaving the facility during late evening and early morning hours shall be provided to the Zoning Administrator.

J. Any structure or part of a structure utilized as a shelter shall meet all health, fire and safety code requirements of the State and Village.

**Section 7.19 Restaurants with Outdoor Dining (Dining in the Public Right-of-Way)**

In the interest of promoting business by increasing activity and improving the general business climate in business districts, the Zoning Administrator, after approval by the

Village Council, may issue revocable permits to businesses that apply for a permit to operate a sidewalk cafe, as an extension of a compatible existing business, on a portion of a Village sidewalk, alley, or other outside property adjacent to the existing business. The use of the cafe shall be limited to activities carried on by the existing business. The following conditions shall apply:

- A. The sidewalk, alley or passageway shall not be reduced to less than five (5) feet.
- B. There will be no unreasonable interference with the view of, access to or use of property adjacent to said sidewalk or area;
- C. The use will not cause damage to the sidewalk or alley or to trees, benches, landscaping or other objects lawfully located therein;
- D. The use will not cause violation of any state or local laws;
- E. The use will not reduce the effectiveness of or access to any utility pole, sign, other traffic control device or street lighting;
- F. The use will not interfere with street cleaning or snow removal activities.
- G. The use will not be principally used for off premise advertising.
- H. The use will not cause increase risk of theft or vandalism.
- I. All businesses selling alcoholic beverages to be consumed in a public sidewalk area adjacent to the business shall enclose the area with a fence or structure approved by the Zoning Administrator. Prior to approval, written plans shall be submitted. Such plans shall also include the location of adequate trash receptacles.
- J. An outdoor cafe shall be operated during normal operating hours of the establishment.
- K. An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.
- L. The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the Health Department.
- M. On State highways, applicants shall comply with all applicable regulations of the MDOT.



### Section 7.20 Retail Uses with Outdoor Display

- A. Major retail uses of a general merchandising character may have an outdoor display provided a five (5) foot wide pathway is maintained free of obstacles for pedestrian access.
- B. Such outdoor display area shall be maintained and kept free of debris and weeds.

### Section 7.21 Rooming & Boarding Houses

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accordance with [§3.22](#).
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The boarding house shall not alter the residential character of the building or structure.

### Section 7.22 Seasonal Use Sales

- A. The proposed use, including the erection of any temporary building or structure, will be allowed if the seasonal user does the following:
  - 1. Provide adequate light and ventilation between buildings and structures.
  - 2. Provide adequate automobile and pedestrian traffic flow.

3. Provide adequate off-street parking.
4. Provide adequate lot access for fire protection purposes.
5. Not adversely affect the stability and integrity of the zoning plan prescribed by this ordinance or otherwise interfere with the protection of public health, safety, and general welfare.
6. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of three hundred (300) feet.

**B. Signage.**

1. Signage shall be located on the lot on which the seasonal use sales occurs and shall not be located in the right-of-way.
2. After seasonal sales are over for the season, all signage shall be removed from the premises.

**Section 7.23 Accessory Dwelling Units**

The purpose of this section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in all residential neighborhoods within the Village. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner occupied single family homes in the Village. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot.
- B. The accessory dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- C. The accessory unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory unit shall contain only one (1) bedroom.
- F. The accessory unit shall be a self-contained unit and shall be:
  1. located above a garage, or

- 2. attached to the primary dwelling or garage, or
- 3. totally within a primary dwelling, or
- G. The accessory unit shall have a separate exterior entrance which shall not be visible from the front yard.
- H. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The accessory unit shall conform to the Montmorency County building code standards.
- J. One additional parking space shall be provided on-site for the accessory dwelling unit.

**Section 7.24 Sexually Oriented Businesses**

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Village, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Village residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Village Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Village intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Village further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.

- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B and C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Village and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.

- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
  - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
  - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - 4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
  - 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

**Section 7.25 Storage of Building Materials (Outdoor)**

- A. The outdoor storage of raw materials shall be a use incidental to the principle use of the zoning lot.
- B. The outdoor storage of raw materials and equipment shall not be permitted in the front yard.

**Section 7.26 Wireless Communication Facilities**

*(Amended 5/3/22; Effective 5/18/22)*

- A. **Uses Allowed.**
  - 1. **Collocation - Permitted Use.** Pursuant to [Section 3514 of P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.\)](#), wireless communications equipment is a permitted use of property in the B-1, B-2, B-3 and I Districts. A zoning permit is required. The Zoning Administrator is charged with review and approval of collocation.
  - 2. **New Wireless Communications Support Structure.**

- a. Support structures up to one hundred (100) feet are permitted by right in the B-1, B-2, B-3, and I Districts.
  - b. Support structures one hundred (100) feet and over are a Special Land Use in the B-1, B-2, B-3, and I Districts and shall be evaluated using the procedures stated in [subsection B](#) below.
3. **Ground-Mounted Wireless Communications Facilities.** Ground Mounted Wireless Communications Facilities are a Special Land Use in the B-1, B-2, B-3, and I Districts and shall be evaluated using the procedures stated in [subsection B](#) below.
4. **Other Wireless Communications Facilities.** Other wireless communications facilities that do not fall under 1, 2, or 3 above shall be classified as a Special Land Use in the B-1, B-2, B-3, and I Districts and shall adhere to the approval procedure in [subsection B](#) and the standards in [subsection C](#).
- B. **Wireless Communications Support Structures and Ground-Mounted Wireless Communications Facilities Approval Procedure.**

An application for approval of wireless communications support structures and ground-mounted wireless communications facilities described in subsection A.2 through A.4 (above) shall include all information required by [Section 5.4 \(Site Plan Data Required\)](#).

- 1. After an application is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
- 2. If, before the expiration of the 14-day period under [subsection B.1](#), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under [subsection B.1](#) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- 3. After the application is deemed complete, a public hearing shall be held for wireless communications that are listed as a Special Land Use. The notice of the public hearing shall be given pursuant to [Section 9.5](#).

4. After any required public hearing is held, the Planning Commission shall conduct a site plan review using the standards in [Section 5.6](#), [Section 6.3](#), and [subsection C](#) below. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**C. Site Development Standards for Wireless Communications Support Structures and Ground-Mounted Wireless Communications Facilities.**

The following site development standards shall apply to all new Wireless Support Structures, Ground-Mounted Wireless Communications Facilities, and Other Wireless Communications Facilities in the Village.

1. **Use and Zoning District Limitations.** Wireless Support Structures, Ground-Mounted Wireless Communications Facilities, and Other Wireless Communications Facilities require a site plan and a decommissioning plan. Installations shall be enclosed by a 6’ fence to prevent unauthorized access to the site.
2. **Visual Impact.** The application for the Support Structure, Ground-Mounted Wireless Communications Facility, and Other Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
3. **Height and Construction.**
  - a. A wireless support structure shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
  - b. The Wireless Support Structure and any ancillary building housing equipment needed for operation of the, Support Structure, Ground-Mounted Wireless Communications Facility, and Other Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as

possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

- c. Wireless support structure shall be monopole construction with no guy wires.

4. **Lighting.**

- a. The applicant shall provide documentation of any lighting to be installed on the Wireless Support Structure, Ground-Mounted Wireless Communications Facilities, and Other Wireless Communications Facilities. If lighting is required or proposed, the site plan may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
- b. The color and intensity of lighting required by [Federal Communications Commission \(FCC\)](#), [Federal Aviation Administration \(FAA\)](#) or [Michigan Aeronautics Commission \(MAC\)](#) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
- c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.

- d. Lighting may consist of a red top light that does not pulsate or blink.

5. **Color.** Wireless support structures shall be painted so as to be as unobtrusive as possible. The painting of wireless support structures in alternate bands of color shall be permitted only if specifically required by [Federal Communications Commission \(FCC\)](#), [Federal Aviation Administration \(FAA\)](#) or [Michigan Aeronautics Commission \(MAC\)](#) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.

6. **Height Decrease.** If the height required for the wireless support structure to serve its intended function decreases from the installed height due to technological advancement, additional wireless support structure installations at other locations, or other factors, the Village may order that the wireless support structure be lowered to such decreased minimum height.

7. **Signs.** No signs other than signs required pursuant to federal, state or Village ordinance shall be allowed on an antenna or Wireless Support Structure or site,



Ground-Mounted Wireless Communications Facility, and Other Wireless Communications Facilities.

8. **Setback Requirements.**

- a. The wireless support structure shall be set back not less than at least a distance equal to the height of the wireless support structure measured from the base to all points on each property line.
- b. The wireless support structure and any supporting or appurtenant structures shall be no closer to any building than at least a distance equal to the height of the wireless support structure measured from its base at grade to its highest point of elevation.
- c. The Planning Commission may reduce the required setbacks for wireless support structures that are designed to collapse onto themselves. In such a case, a sealed engineers drawing that states the minimum required setback shall be provided with the application. The Village may retain the services of an independent engineer to review the wireless support structure design and requested setback. The costs associated with an independent review shall be paid for by the applicant.
- d. Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each property line. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.

9. **FCC/FAA/Other Regulations.** The applicant shall provide documentation of conformance with any [Federal Communications Commission](#), [Federal Aviation Administration](#), or [Michigan Aeronautics Commission](#) regulations. The wireless support structure shall comply with [P.A. 259 of 1959, as amended, \(Michigan Tall Structures Act, being MCL 259.481 et. seq.\)](#).

10. **Use.** The owner/operator of the wireless support structure shall agree to permit use of the wireless support structure by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the wireless support structure.

11. **Removal of Abandoned Wireless Support Structure or Facilities.** Any Wireless Support Structure, Ground-Mounted Wireless Communications Facility, or Other Wireless Communications Facilities that is not in use for a period of twelve (12)

consecutive months shall be considered abandoned, and the owner of such structure or facility shall remove the same within one hundred eighty (180) days of receipt of notice from the Village of such abandonment. In addition to removing the structure or facility, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned structure or facility within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Village to remove the structure or facility at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the structure or facility and attendant accessory structures as a condition of approval given pursuant to this section.

**D. Standards for Antenna Co-Location on an Existing Tower or Structure.**

1. No antenna or similar sending/receiving devices appended to a wireless support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the wireless support structure thereby jeopardizing the wireless support structure's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

**E. Small Cell Wireless Facilities.** *(Amended 2/4/20; Effective 2/20/20)*

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the [Small Wireless Communications Deployment, 2018 PA 365](#), as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Use approval and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Special Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with [2018 PA 365](#), as amended shall be subject to review and

approval by the Planning Commission as a Special Use in accordance with the following procedures and standards:

- a. The processing of an application is subject to all of the following requirements:
  - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
  - (2) The running of the time period tolled under subdivision (1) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
  - (3) The Planning Commission shall approve or deny the Special Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
  
- b. The Planning Commission shall base their review of the request on the standards contained in **Sections 5.6** and **Section 6.3**; provided, however that a denial shall comply with all of the following:
  - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
  - (2) There is a reasonable basis for the denial.
  - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
  
- c. In addition to the provisions set forth in **subsection b**, in the Planning Commission's review:
  - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
  - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:

- (a) The need for a wireless support structure or small cell wireless facilities.
- (b) The applicant's service, customer demand for the service, or the quality of service.
- (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
- (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

**F. Uses Exempted (Single-Use Towers and Masts).**

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See [Over-the-Air Reception Devices \(47 CFR Section 1.4000\)](#). Single-use tower and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Village prior to erecting such a tower. This exemption does not cover antennas used to transmit signals to and/or receive signals from multiple customer locations.

**Section 7.27 Vehicle Sales**

Outdoor display may be allowed in required front and side setbacks abutting a street provided the following conditions are met:

Village of Hillman Zoning Ordinance Adopted 11/3/2015 Effective 11/18/2015	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- A. Display areas shall not be covered by canopies or other structures.
- B. Display areas shall be surfaced with concrete, asphalt, or other impervious surface material.

**Section 7.28 Warehousing & Storage**

- A. All storage shall be within an enclosed building.
- B. The storage of dangerous, toxic or flammable materials shall not be permitted.
- C. A caretaker dwelling unit and/or office may be permitted on-site.

**Section 7.29 Wind Energy Systems**

**A. Purpose and Goals.**

The purpose of this section is to establish guidelines for siting wind energy systems and wind energy facilities. This section’s goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility companies and/or to produce power that will be directly supplied to the electric power grid system.
2. To lessen potential adverse impacts that wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

**B. Technological Advances and Design Standards Flexibility.**

The Village recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Village. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

C. **Small On-Site Wind Energy Systems.**

A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right. The following site development standards shall apply:

1. **Design & Installation.** All wind turbines (ground and roof-mounted) shall comply with the building code currently adopted by Montmorency County. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer’s specifications.
2. **Plot Plan Submittal.** An application for the installation of a Small On-Site Wind Energy System shall include a plot plan including the following information:
  - a. Location of the proposed wind turbine.
  - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
  - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Minimum Lot Size for Ground Mounted Horizontal Axis Wind Turbine.**
  - a. **Residential Districts.** Minimum lot width of one hundred (100) feet
  - b. **All other districts.** Minimum lot width of fifty (50) feet.
4. **Height.** The maximum height shall be determined by the Planning Commission on a case by case basis. Wind energy system must be able to be contained on the property owner’s lot in the event that it should fall.
5. **Multiple Wind Energy Turbines.**
  - a. **Horizontal Axis Wind Turbine.**
    - 1) **Ground Mounted.** No more than one on any lot of less than one (1) acre in size. For lots one (1) acre and over in area, the number of turbines shall be determined by the spacing requirement of the manufacturer and the site plan must be approved by the Planning Commission without a public hearing.

- 2) **Roof Mounted.** A maximum of two (2) may be installed on a building.
  - b. **Vertical Axis Wind Turbine.** For both ground and roof mounted turbines a maximum of two (2) may be placed on a lot.
6. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
7. **Guy Wires.** The use of guy wires shall be prohibited.
8. **Placement on Lot.** Each small wind energy system shall be placed within the rear yard only. The wind energy system shall be located as close as possible to the center of the rear yard. No part of the wind turbine generator may extend closer to the property line or waterfront than the required setback for the district in which the unit is located.
9. **Noise.** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
10. **Vibration.** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
11. **Spacing.** Minimum spacing between wind energy systems (on- and off-site) shall be per the manufacturers specifications).
12. **Reception Interference.** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
13. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
14. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
15. **Visual Impact.** All visible components of a small onsite wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.

- 16. **Safety.** A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.
- 17. **Other Regulations.** On-site use of wind energy systems shall comply with all applicable State construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission](#) requirements, P.A. 259 of 1959, as amended, ([Michigan Tall Structures Act, being MCL 259.481 et. seq.](#)) and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.
- 18. **Roof-Mounted Wind Energy Systems.** Small roof-mounted wind energy systems are exempt only from the [subsection 8](#) above (placement on lot). All other subsections shall apply as well as the following:
  - a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
  - b. Horizontal Axis Wind Turbines shall not be roof-mounted, **except for those specifically designed for such installation.**

**Section 7.30 Residential Uses in Commercial or Industrial Zones**

- A. Single-family units for the exclusive use of owners, managers, employees, or watchmen associated with the primary business or industrial use of the site shall be permitted. Such residential use shall be clearly accessory and secondary to the principle use of the land and shall not occupy nor infringe upon ground-floor street frontage which is specifically reserved for permitted uses.
- B. Single-family units which are the primary use of the site shall be designed so as to have their primary entrance, parking facilities, and traffic generation oriented toward a district where the dwellings would be a permitted use thereby leaving the adjacent business or industrial properties free of the adverse impact and problems associated with the residential uses.

**Section 7.31 Solar Energy**

*(Amended 2/4/20; Effective 2/20/20) (Amended 10/18/22; Effective 11/4/22)*

- A. **Solar Energy Facilities (Utility-Scale).**
  - 1. **Village-Owned Property.** Solar Energy Facilities are a permitted use on all property owned by the Village of Hillman as well as all property in the B-3 and Industrial Districts.



2. **Reflection/Glare.** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
  
3. **Impervious Surface/Stormwater.** If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
  
4. **Screening.** Solar devices shall be screened from view from any residential district or residential use by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission. Screening shall be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.
  
5. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from all property lines of non-participating lots. Solar panels will be kept at least one hundred (100) feet from a residence on a non-participating lot.
  
6. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.
  
7. **Lighting.** Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
  
8. **Sound.** The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed forty-five (45) dBA (Leq (1 hour)) at the property line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
  
9. **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

10. **Access Drives.** New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Solar Energy Facility is in operation.
11. **Fencing.** Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection 5](#).
12. **Repowering.**
- a. In addition to repairing or replacing solar energy components to maintain the system, a solar energy facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.
  - b. A proposal to change the project footprint of an existing solar energy facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a solar energy facility will be reimbursed to the Village by the solar energy facility owner in compliance with established escrow policy.
13. **Reports.** Solar energy production summary reports by month shall be provided annually for each solar facility to the Village Planning Commission and the Village Clerk, by January 31st each year, for the preceding year.
14. **Abandonment.** Any freestanding solar collection site or device which is not used for one (1) year shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Village and requested to dismantle the site and return it to its original state within one hundred (180) days of receipt of notice from the Village of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Village and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the Village will have the removal and restoration done at the owner/applicant's. The Village shall require a performance guarantee pursuant to [Section 9.4](#) at the time of approval equal to 1.25 times the estimated cost of the removal to use for the cost of removal of abandoned structures. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use. Such performance guarantee shall be maintained by successor owners and shall be a condition of a Special Use given pursuant to this Section.
15. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
- a. The decommissioning plan shall include:

- (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
  - (2) The projected decommissioning costs for removal of the solar energy facility (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands.
  - (3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit – pursuant to [Section 9.4](#)).
- b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Village Council. A solar energy facility owner may at any time:
- (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
  - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

**B. Solar Energy Panels – Accessory.**

Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required. A building permit may be required.

- 1. **Submittal Requirements.** Applicants shall submit drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Accessory use applications that meet the ordinance requirements shall be granted administrative approval by the Zoning Administrator.
- 2. **Height.**
  - a. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district except for platted lots where they shall not exceed the height of the dwelling unit on the lot. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.
  - b. Building-mounted or roof-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

3. **Setbacks/Location.**

- a. Ground-mounted accessory solar energy panels.
  - (1) Ground-mounted accessory solar energy panels shall not be located in the front setback for the main building.
  - (2) Ground-mounted accessory solar energy panels shall be setback back at least five (5) feet from the side or rear lot line. On corner lots where the street side lot line is a continuation of the front lot line of the lot to the rear, solar energy panels shall be subject to a setback equal to the front yard setback along the street side lot line.
  - (3) Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.
  - (4) If no solar access is available in the location required by this subsection, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.
- b. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

4. **Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.

5. **Nonconformities.**

- a. A building-mounted or roof-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
- b. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

6. **Building-Integrated Solar Panels.** Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in subsections 1 through 5 above.

# Article 8

## Zoning Board of Appeals

Sec	Name	Pg	Sec	Name	Pg
8.0	<a href="#">Creation and Membership</a>	8-1	8.3	<a href="#">Procedure &amp; Decisions</a>	8-4
8.1	<a href="#">Meetings</a>	8-2	8.4	<a href="#">Variance Standards</a>	8-6
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### Section 8.0 Creation and Membership

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act, being MCL §§125.3601 – 125.3604\)](#) and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done.

- A. The Hillman Village Council shall serve as the Zoning Board of Appeals. Any reference in this Ordinance or this Article to the Zoning Board of Appeals shall mean the Hillman Village Council serving in its capacity as the Zoning Board of Appeals.
- B. The Hillman Village Council may also appoint not more than two (2) alternate members to the Zoning Board of Appeals. The alternate members shall serve for two (2) year terms; provided, however, that for the first appointments one (1) alternate member shall serve a one (1) year term. The alternate members shall be called on a rotating basis to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member or when a regular member has abstained from participating in a case for reasons of conflict of interest. The alternate member appointed to sit as a regular member shall serve in the case until a final decision has been made and shall have the same voting rights as a regular member of the Zoning Board of Appeals.

**C. Employees.**

An employee or contractor of the Village Council may not serve as a member of the Board of Appeals.

**D. Terms of Office.**

The terms of office for regular members of the Zoning Board of Appeals shall coincide with his/her term of office on the Village Council.

**E. Officers and Compensation.**

The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be established by the Village Council.

**F. Removal of Member.**

A member of the Zoning Board of Appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a 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.

**Section 8.1 Meetings**

A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing:

1. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
2. The grounds for every determination made by the ZBA; and
3. The final ruling of each case.

The ZBA shall file a record of its proceedings in the office of the Village Clerk, which shall be a public record.

B. Three (3) members of the ZBA shall constitute a quorum for the conduct of its business. The Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

C. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

**Section 8.2 Jurisdiction**

**A. Powers.**

The Zoning Board of Appeals shall have all powers and authority granted by [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.\)](#), together with such other powers and duties as are given to such Board by the provisions of this ordinance, including the following specific powers:

1. **Appeals from a Decision.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.
2. **Interpretation.** The ZBA may interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
3. **Dimensional Variances.** Upon the finding of practical difficulty, the ZBA shall have the authority to grant nonuse variances related to dimensional requirements of the Zoning Ordinance as provided for in [§8.4](#).
4. **Use Variances.** Upon the finding of unnecessary hardship, the ZBA shall have the authority to grant variances from uses of land as provided for in [§8.4](#).
5. A variance in the Zoning Ordinance may be applied for and granted under [Section 4 of P.A. 87 of 1980, as amended \(Uniform Condemnation Procedures Act, being MCL 213.54\)](#).

**B. Exercise of Powers.** In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.

**C. Special Land Use and PUD.** The ZBA has jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

**D.** Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Hillman Village Council in the manner provided by law.

**Section 8.3 Procedure & Decisions**

**A. Notice of Appeal.**

Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer or department of the Village, by filing a written Notice of Appeal with the Village Clerk. Upon receipt of a Notice of Appeal, the Village Clerk shall promptly transmit the records concerning the appealed action to the Chair of the ZBA. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator’s decision.

**B. Fee.**

A fee as established by the Village Council shall be paid to the Village Clerk at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, mailings, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the Village or any official body of the Village is the moving party. If an applicant requests and receives a postponement of the hearing subsequent to the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Village to re-notice the hearing.

C. In the event an application is made involving more than one building, the total development may be incorporated in one appeal provided that the subject property is continuous and is not divided by another zoning district.

**D. Documents Required.**

The applicant shall submit six (6) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary.

**E. Hearing and Public Notice.**

Upon receipt of a Notice of Appeal, the Chair of the Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the Village Clerk shall give public notice pursuant to [§9.5](#).

**F. Stay.**

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the



action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

**G. Appearance.**

Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

**H. Decision.**

1. The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the ZBA present.
2. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
3. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a dimensional variance in the zoning ordinance. A two-thirds (2/3) majority is required to grant a use variance.
4. A member of the Zoning Board of Appeals who is also a member of the Planning 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 Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
5. **Findings of Fact.** In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance. Copies of the written Findings of Fact shall be supplied to the Village Council and Planning Commission
6. **Decision Final.** The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of Montmorency or

Alpena County.

**I. Conditions.**

In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

**J. Each variance granted under the provisions of this Ordinance shall become null and void unless:**

- 1. The construction authorized by such variance or permit has commenced within one (1) year of granting of the variance; or
- 2. The occupancy of land, premises or building has taken place within two (2) years after the granting of the variance.

**K. Resubmittal.**

No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

**Section 8.4 Variance Standards**

**A. Dimensional Variance Standards.**

The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

- 1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship;
- 2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;

3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village of Hillman.

**B. Use Variance Standards.**

To obtain a variance from the use regulations of this Ordinance the applicant must demonstrate that unnecessary hardship exists by showing all of the following:

1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
2. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
3. The proposed use will not alter the essential character of the neighborhood.
4. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).

**Section 8.5 Appeal to Circuit Court**

- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for Montmorency or Alpena County. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

1. Complies with the constitution and laws of the state.
  2. Is based upon proper procedure.
  3. Is supported by competent, material, and substantial evidence on the record.
  4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
- B. If the court finds the record inadequate to make the review required by this section 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.
- C. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

# Article 9

## Administration & Enforcement

Sec	Name	Pg	Sec	Name	Pg
9.0	Enforcement	9-1	9.6	Violations	9-7
9.1	Duties of the Zoning Administrator	9-1	9.7	Planning Commission	9-8
9.2	Permits	9-1	9.8	Conditions	9-8
9.3	Fees	9-3	9.9	Rehearing Process	9-9
9.4	Performance Guarantee	9-4	9.10	Action Table	9-10
9.5	Public Notification	9-5			

### Section 9.0 Enforcement

- A. The provisions of this Ordinance shall be administered in accordance with P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.).
- B. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Village Council may delegate to enforce the provisions of this Ordinance.

### Section 9.1 Duties of the Zoning Administrator

- A. The Zoning Administrator shall have the power to grant zoning compliance permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.
- C. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.

### Section 9.2 Permits

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Village of Hillman and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance.

Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.

- B. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.
- C. The Zoning Permit will expire after one (1) year from date of issuance if no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.
- D. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
- E. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Village Council.
- F. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.
- G. Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary permit, whether it be a zoning compliance permit, sign permit, fence permit, etc. shall be subject to a late fee as determined by Village Council.
- H. The following shall apply in the issuance of any permit:
  - 1. **Permits Not To Be Issued.** No zoning permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance except in those circumstances in which the Zoning Board of Appeals has issued an approval.
  - 2. **Permits for New Use Of Land.** No land heretofore vacant shall hereafter be used unless a zoning permit is first obtained for the new use.

**Section 9.3 Fees**

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Village, the Village Council may from time to time adopt by resolution a Fee Schedule establishing basic zoning fees.
  
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
  
- C. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Village Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant’s name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

**Section 9.4 Performance Guarantee**

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Village with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Village Clerk at or before the time the Village issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Village Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Village as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.



**Section 9.5 Public Notification**

All applications for development approval requiring a public hearing shall comply with P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.), and the other provisions of this Section with regard to public notification.

**A. Published Notice.**

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning staff shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the village of Hillman and mailed or delivered as provided in this Section.

**B. Content.**

All mail, personal and newspaper notices for public hearings shall:

1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject 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 such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

**C. Personal and Mailed Notice.**

1. **General.** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within the Village of Hillman. If the name of the occupant is not known, the term “occupant” may be used in making notification. 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 individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, 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.
  - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to [subsection E below](#).
2. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. Zoning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

**D. Timing of Notice.**

Unless otherwise provided in [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.\)](#), or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or Ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

**E. Registration to Receive Notice By Mail.**

1. **General.** Any neighborhood organization, public utility company, railroad or any other person may register with the Village Clerk to receive written notice of all applications for development approval pursuant to **subsection (C)(1)(c)** above or written notice of all applications for development approval within the zoning district in which they are located. The Village Clerk shall be responsible for providing this notification, as established by the Village Council.
2. **Requirements.** The requesting party must provide the Village Clerk information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

**Section 9.6 Violations**

**A. Civil Law.**

Any building, structure or use which is constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

**B. Municipal Civil Infraction.**

Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, special land uses and violations of approved site plans, shall constitute a municipal civil infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall be guilty of a municipal civil infraction and be fined not more than five hundred dollars (\$500) for each offense and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, beyond the period stated in **subsection C.2** below, shall be considered a separate and distinct offense under the provisions of this Ordinance.

**C. Remedies.**

1. The Zoning Administrator shall inspect each alleged violation of this Ordinance and issue a notice to correct the violation. After receipt of this first notice of violation, the offender has ten (10) days to correct the violation.
2. If the violation has not been corrected within ten (10) days, the Zoning Administrator shall issue a second notice after which the offender has thirty (30) days to correct the violation.

3. All violations shall be corrected within a period of thirty (30) days after the second notice is issued or in such longer period of time, not to exceed six (6) months, as the Planning Commission shall permit. A violation not corrected within this period shall be reported to the Zoning Administrator who shall initiate municipal civil infraction violation procedures.
4. The Village Council may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

**D. Inspection.**

The Zoning Administrator or his/her deputy shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

**Section 9.7 Planning Commission**

- A. In cases where the Village of Hillman Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.
- B. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- C. Any approval given by the Planning Commission, under which premises are not used or work is not started within one (1) year or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect.
- D. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

**Section 9.8 Conditions**

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities

Village of Hillman Zoning Ordinance  Adopted 11/3/2015 Effective 11/18/2015	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 9.9 Rehearing Process**

**A. Rehearing Performed by Planning Commission or ZBA.**

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
- 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
- 3. The Village attorney, by written opinion, states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

**B. Rehearing Procedure.**

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

**Section 9.10 Action Table**

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

Village of Hillman Zoning Ordinance  Adopted 11/3/2015 Effective 11/18/2015	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days	Body to which applicant may appeal a denial
<b>Plot Plan approval, sign or fence permit</b>	Applicant	Zoning Administrator	No	----	----	Zoning Board of Appeals
<b>Site plan approval</b>	Applicant	Planning Commission	No	Not required	Not required	Zoning Board of Appeals
<b>Special use permit</b>	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Zoning Board of Appeals
<b>Planned unit development</b>	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Zoning Board of Appeals
<b>Variance</b>	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
<b>Interpretation</b>	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
<b>Appeal from decision</b>	Any aggrieved party	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
<b>Rezoning</b>	Applicant, Planning Commission	Step 1: Planning Commission recommends to Village Council	Yes	Not less than 15 days	Not less than 15 days	No action until after Village Council decision
		Step 2: Village Council	No	----	Not less than 15 days	Subject to protest petition
<b>Text change</b>	Applicant, Planning Commission	Step 1: Planning Commission recommends to Village Council	Yes	Not less than 15 days	Not required	No action until after Village Council decision
		Step 2: Village Council	No	----	Not required	Subject to protest petition
<b>Zoning Ordinance Enforcement</b>	Zoning Administrator	----	----	----	----	----

# Article 10

## Amendment & Adoption

Sec	Name	Pg	Sec	Name	Pg
10.0	<a href="#">Amendment to this Ordinance</a>	10-1	10.5	<a href="#">Interpretation and Conflicts</a>	10-9
10.1	<a href="#">Amendment Procedure</a>	10-1	10.6	<a href="#">Severance Clause</a>	10-10
10.2	<a href="#">Conditional Rezoning</a>	10-4	10.7	<a href="#">Vested Right</a>	10-10
10.3	<a href="#">Protest Petition</a>	10-9	10.8	<a href="#">Repeal and Savings Clause</a>	10-10
10.4	<a href="#">Comprehensive Review of Zoning Ordinance</a>	10-9	10.9	<a href="#">Enactment and Effective Date</a>	10-10

### Section 10.0 Amendment to this Ordinance

The Village Council is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.\)](#).

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Village of Hillman Zoning Map may be amended, supplemented or changed by action of the Village Council following a recommendation from the Planning Commission.
- B. Proposals for amendments, supplements or changes may be initiated by the Village Council on its own motion, by the Village Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- C. **Filing Fee.** Application for amendment shall be accompanied by the fee as prescribed by the Village Council. No part of such fee shall be refundable to a petitioner. No fee shall be charged when the amendment is initiated by the Hillman Planning Commission or Hillman Village Council.

### Section 10.1 Amendment Procedure

**A. Application.**

A petitioner shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the Village Clerk. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.

**B. Action of Clerk.**



The Village Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

**C. Notice of Hearing.**

After transmitting the amendment application to the Planning Commission the Clerk shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within 45 days of the date of application receipt. The Clerk shall give notice of the public hearing pursuant to §9.5.

**D. Application Information.**

When the petition involves a change in the Zoning Map, the applicant shall submit the following information to the Village Clerk:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
6. The desired change and reasons for such change.

**E. Planning Commission Consideration.**

The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.

**F. Rezoning Standards.**

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

1. Is the proposed rezoning consistent with the current Master Plan?

2. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
3. Will there be an adverse physical impact on surrounding properties?
4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
7. What is the impact on the ability of the Village and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

**G. Findings of Fact.**

The Planning Commission shall submit a final report indicating findings of fact/recommendation to the Village Council along with a summary of the comments received at the public hearing.

**H. Outside Agency Review.**

In determining the above-mentioned findings of fact the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:

1. District Health Department
2. Montmorency or Alpena County Road Commission
3. Montmorency or Alpena County Drain Commission

**I. Village Council Review.**

1. The Village Council may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in [§9.5](#). The Village Council shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified

mail, addressed to the Village Clerk. Notice of such hearing shall be published using the procedures in §9.5.

2. After receiving the recommendations of the Planning Commission, the Village Council, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the Village Council. The Village Council may refer any proposed amendments to the Planning Commission for consideration and comment. The Planning Commission shall have sixty (60) days from such referral to make further recommendations to the Village Council. In the event that an application is referred back to the Planning Commission, the Village Council shall make specific mention of their objections to the Planning Commission's findings and recommendations. In order to lessen the possibility of adverse litigation concerning the zoning district decisions of the Village Council, the Village Council shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.

**J. Publication.**

Once adopted by the Village Council, amendments to this Ordinance shall be filed with the Village Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) business days after publication or at a later date as may be specified by the Village Council at the time of adoption.

**K. Re-Submittal of Application for Rezoning.**

An owner of property, his/her authorized agent, or other person, shall not initiate action for rezoning affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, thereby justifying a repetition before twelve (12) months have elapsed from the date of the previous petition.

**Section 10.2 Conditional Rezoning**

*Amended 8/1/23; Effective 8/17/23*

**A. Intent.**

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

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with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), 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.

**B. Application and Offer of Conditions.**

1. 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.
2. 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.
3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Land Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Land Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. 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.

**C. Planning Commission Review.**

The Planning Commission, after a public hearing with notifications as set forth in [§9.5](#) of this Ordinance and consideration of the factors set forth in [§10.1.F](#) (except §10.1.F.6) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

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**D. Village Council Review.**

After receipt of the Planning Commission’s recommendation, the Village Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

**E. Approval.**

1. 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.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with the [County Register of Deeds](#), or as an 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.
  - b. Contain the legal description and tax identification number of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. 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.
  - e. 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 [County Register of Deeds](#).

- f. Contain the notarized signatures of all 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.
- 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation 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.
- 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the [County Register of Deeds](#). The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe 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.
- 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**F. Compliance with Conditions.**

- 1. 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 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 Ordinance and be punishable accordingly.
- 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

**G. Time Period for Establishing Development or Use.**

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Village Council if (1) it is demonstrated to 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

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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.

**H. Reversion of Zoning.**

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection G** 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 be the same as applies to all other rezoning requests.

**I. 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 **subsection H** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Village Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

**J. Amendment of Conditions.**

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection G** 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.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

**K. Village Right to Rezone.**

Nothing in the Statement of Conditions or 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 the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

**L. Failure to Offer Conditions.**

The Village shall not require any 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

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Ordinance.

**Section 10.3 Protest Petition**

- A. An amendment to this Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a 2/3 vote of the legislative body, unless a larger vote, not to exceed a ¾ vote, is required by ordinance or charter. The protest petition shall be presented to the Village Council before final legislative action on the amendment and shall be signed by one (1) or more of the following:
  - 1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
  - 2. The owners of at least twenty (20) percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- B. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement under subsection (A).

**Section 10.4 Comprehensive Review of Zoning Ordinance**

The Planning Commission shall, at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Village Council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

**Section 10.5 Interpretation and Conflicts**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare of Hillman. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.



**Section 10.6 Severance Clause**

Sections of this Ordinance shall be deemed to be severable, and should any section, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

**Section 10.7 Vested Right**

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

**Section 10.8 Repeal and Savings Clause**

- A. This Ordinance repeals and replaces any previous Village of Hillman Zoning Ordinance in its entirety.
- B. The repeal of any previous Village of Hillman Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

**Section 10.9 Enactment and Effective Date**

- A. This Ordinance was adopted on November 3, 2015, by the Hillman Village Council and will be effective on November 18, 2015. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Village of Hillman Planning Commission on October 29, 2015.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Hillman Village Council after publication of a notice of adoption of said amendments

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or revisions within fifteen (15) days of adoption in accordance with Section 401 of P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3401 et. seq.).

I hereby certify that the above Ordinance was adopted by the Hillman Village Council at a regular meeting held on November 3, 2015.

Brenda South  
Village Clerk  
Published: 11/11/15

Effective Date: 11/18/15

Affidavit of Publication Required.

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